

Minutes of a meeting of the Cabinet held at County Hall, Glenfield on Friday, 11 February 2022.

PRESENT

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

Mrs D. Taylor CC  
Mrs. C. M. Radford CC  
Mr. O. O'Shea JP CC  
Mr. L. Breckon JP CC

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

Apologies

Mr. B. L. Pain CC

In attendance

Mr. R. Ashman CC, Mrs. B. Seaton CC, Mr. M. Mullaney CC, Mr. M. Hunt CC

93. Minutes of the previous meeting.

The minutes of the meeting held on 14 December 2021 were taken as read, confirmed and signed.

94. Urgent items.

There were no urgent items for consideration.

95. 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.

With regard to agenda item 4 – Provisional Medium Term Financial Strategy - Cabinet members who were also members of district councils declared an Other Registerable Interest (namely, Mr. N. J. Rushton CC, Mr. L. Breckon CC, Mr. O. O'Shea CC, Mrs. P. Posnett CC, Mrs. C. M. Radford CC, Mrs L. Richardson CC, Mr. R. Shepherd CC and Mrs D. Taylor CC).

Mr O'Shea declared an Other Registerable Interest in agenda item 5: Hinckley and Bosworth Borough Council's New Local Plan – Response to Regulation 19 Consultation, as a member of Hinckley and Bosworth Borough Council.

96. Provisional Medium Term Financial Strategy 2022/23 to 2025/26.

The Cabinet considered a report of the Director of Corporate Resources concerning the Council's proposed 2022/23 to 2025/26 Medium Term Financial Strategy (MTFS), following consideration of the draft MTFS by the Overview and Scrutiny bodies and

receipt of the Local Government Finance Settlement. A copy of the report, marked 'Agenda Item 4', is filed with these minutes.

The Director reported that the Council was in a slightly improved position following the Local Government Finance Settlement announced in December, which had reduced the shortfall in 2023/24 from £11.5m to £7.9m.

Mr. Breckon CC said that the Council would continue to work hard to close the funding gap and deliver the required savings which would have been far greater had the 3% Council Tax rise not been proposed. He added that responses to the budget consultation indicated a good level of support for the proposals which committed the Authority to continue to protect the most vulnerable whilst supporting important initiatives such as the SHIRE Community Grants Scheme and a Tree Nursery to help the Authority deliver upon its pledge to plant 700,000 trees in the County. He concluded that the Council would continue to work with Leicestershire MPs to push for fair funding.

Mr Shepherd CC said that whilst he welcomed the reduction in the projected shortfall as a result of the improved Government Settlement, it was clear from the report that difficult decisions would still need to be made in order for the Council to be able to continue to deliver its statutory services.

Mr Bedford CC welcomed the success of the Council's Corporate Asset Investment Fund which had provided a regular income stream to offset some of the additional costs faced by the Authority. He welcomed the comments of the external auditors, Grant Thornton, which recognised the sound management of the Council's finances.

Mrs Taylor CC said that the high needs block element of the school funding budget had a deficit of £9.1m for 2021/22 which added to existing deficits would total over £26m in the current financial year, rising to over £62m by the end of the four year MTFS. This was a position that could not continue and the Government needed to consider quickly how this national issue could be addressed.

The Leader welcomed the allocation of funding to support the SHIRE Community Grants scheme, the closure of roads to facilitate street parties to celebrate the Queens Jubilee and a new Tree Nursery. He added that the significant increase in inflation and fuel costs, which was impacting the County's residents, was also affecting the Council and therefore the proposed rise in Council tax was needed in order for it to help manage the gap in funding.

#### RESOLVED:

- I. That the comments of the Overview and Scrutiny Committees and the Scrutiny Commission as set out in Appendix Q 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 (MTFS) which incorporates the recommended revenue budget for 2022/23 totalling £471.7m 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 2023/24, 2024/25 and 2025/26, 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 set out in Appendix D;
- 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 the general fund and earmarked funds as set out in Appendix K 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 2022/23 be as set out in Appendix M (including 1% 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 the 2022/23 to 2025/26 capital programme as set out in Appendix F be approved;
- h) That the Director of Corporate Resources, following consultation with the Cabinet 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 N, Annex 2 be noted and that the following limits be approved:

	2022/23 £m	2023/24 £m	2024/25 £m	2025/26 £m
Operational boundary for external debt				
i) Borrowing	263	263	311	340
ii) Other long term liabilities	1	1	1	1
<b>TOTAL</b>	<b>264</b>	<b>264</b>	<b>312</b>	<b>341</b>
Authorised limit for external debt				
i) Borrowing	273	273	321	350
ii) Other long term liabilities	1	1	1	1
<b>TOTAL</b>	<b>274</b>	<b>274</b>	<b>322</b>	<b>351</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 2022/23 to 2025/26:
- (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

(iv) An upper limit for principal sums invested for periods longer than 364 days is 10% of the portfolio.

- 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 2022/23, subject to the prudential limits in Appendix N;
- m) That the Treasury Management Strategy Statement and the Annual Investment Strategy for 2022/23, as set out in Appendix N, be approved including:
- I. The Treasury Management Policy Statement, Appendix N; Annex 4;
  - II. The Annual Statement of the Annual Minimum Revenue Provision as set out in Appendix N, Annex 1;
- n) That the Capital Strategy (Appendix G), Corporate Asset Investment Fund Strategy (Appendix H), Risk Management Policy and Strategy (Appendix I), Earmarked Funds Policy (Appendix J) and Insurance Policy (Appendix L) be approved;
- o) That it be noted that the Leicester and Leicestershire Business Rate Pool will continue for 2022/23;
- p) 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 changes arising between

the Cabinet and County Council meetings, noting that any changes will be reported to the County Council on 23rd February 2022;

- q) That the Leicestershire School Funding Formula remains unchanged, reflecting the National Funding Formula for 2022/23.

(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 2022/23, to allow efficient financial administration during 2022/23 and to provide a basis for the planning of services over the next four years.

Continuing an unchanged Leicestershire School Funding Formula for 2022/23 will ensure that it fully reflects the National Funding Formula (NFF).

97. Hinckley and Bosworth Borough Council's New Local Plan - Response to Regulation 19 Consultation.

The Cabinet considered a report of the Chief Executive concerning Hinckley and Bosworth Borough Council's emerging Local Plan, and to seek approval for the formal response to the latest (Regulation 19) consultation to be submitted by the Chief Executive. A copy of the report, marked 'Agenda Item 5', is filed with these minutes.

The Chief Executive said that whilst the consultation period had been delayed, a delegation to enable the Chief Executive to submit the County Council's response was still required as the County Council's Cabinet was not due to meet again until after the new submission deadline of the 23 March.

Mr O'Shea CC said that there remained significant concern with regards to the infrastructure, school and highways provision outlined in the draft Local Plan.

Mr Bedford CC said it was vital for the residents of the district and wider County that there was a robust Local Plan in place.

The Leader said that a sound Local Plan would ensure that developments in the Borough were accompanied by the necessary infrastructure.

RESOLVED:

- a) That the Chief Executive, following consultation with the Cabinet Lead Member, be authorised to submit the County Council's formal response to Hinckley and Bosworth Borough Council's consultation on its Local Plan 2020 to 2039 Submission version;
- b) That it be noted that at this stage insufficient evidence has been provided to demonstrate that the Local Plan meets the tests of soundness as set out in Paragraph 35 of the National Planning Policy Framework and as a result, this is likely to form the basis of the County Council's response.

REASON FOR DECISION:

HBBC's consultation exercise runs from the 9 February to 23 March 2022. As the Cabinet is not due to meet again until 29 March 2022, authorising the Chief Executive to submit comments on behalf of the County Council will enable a response to be prepared within the statutory timeframe.

The planning system requires that a local planning authority may only submit its Local Plan for examination if it is confident that it will meet the tests of soundness. The HBBC Local Plan has been presented as a submission version without properly considering the transport impacts of the intended growth strategy and without setting out how the impacts of the strategy will be mitigated. The County Council is therefore concerned that if the Local Plan is submitted for examination at this stage, it will not be possible to demonstrate that the Plan is capable of being found sound and may be rejected.

98. Becoming an Anti-Racist Organisation.

The Cabinet considered a report of the Chief Executive concerning the County Council's proposal to make a formal commitment to becoming an anti-racist organisation. A copy of the report, marked 'Agenda Item 6', is filed with these minutes.

Mrs Posnett CC said that the Council was proud of its record with regards to race relations and its commitment to promoting equality. The formal pledge for the Council to become an anti-racist organisation would emphasise its duty to ensure that any concerns of unfairness or discrimination were properly addressed and resolved.

RESOLVED:

- a) That the comments of the Employment Committee be noted;
- b) That at its meeting on 23 February the County Council is recommended to make a clear commitment to becoming an anti-racist organisation.

REASON FOR DECISION:

Whilst the County Council is rightly proud of its record on race relations and complies with the Public Sector Equality Duties enshrined in the Equality Act 2010, the formal commitment for the Council to become an anti-racist organisation will emphasise its commitment to taking a positive and proactive approach to ensure that any concerns or perceptions of unfairness or discrimination with employment and service delivery are systematically addressed and resolved. The Council will demonstrate leadership and transparency in making this commitment, which will be backed by a systematic Action Plan and dedicated resources to drive implementation.

99. Leicestershire Rural Framework 2022-2030.

The Cabinet considered a report of the Chief Executive which sought approval for a revised Leicestershire Rural Framework. A copy of the report, marked 'Agenda Item 7', is filed with these minutes.

RESOLVED:

That the Leicestershire Rural Framework 2022-2030 be approved.

## REASON FOR DECISION:

To provide a revised framework which outlines the key priorities for rural Leicestershire. The Framework does not seek to duplicate existing countywide strategies, but instead complements and supports their delivery from a rural perspective.

100. Development of a Family Hubs Model in Leicestershire

The Cabinet considered a report of the Director of Children and Family Services concerning the proposed implementation of a Family Hubs Model for Leicestershire. A copy of the report, marked 'Agenda Item 8', is filed with these minutes.

Mrs Taylor CC said that the proposed Model would support a system wide approach to delivering sustainable support for families across the County. She added that the outcome of the bid to the Department for Education to assist with the initial implementation of the Model was still awaited.

## RESOLVED:

- a) That the principle of a Family Hubs Model of service delivery for services provided by the Children and Family Wellbeing Service, be approved;
- b) That it be noted that a feasibility study, which will include engagement with families and other stakeholders, will be undertaken in order to inform the new Family Hubs Model;
- c) That the Director of Children and Family Services, following consultation with the Cabinet Lead Member, be authorised to finalise the new Family Hubs Model and take the necessary action in order to enable its implementation.

## REASONS FOR DECISION:

The Family Hubs Model brings together key elements of government policy including the Supporting Families Programme (previously known as Troubled Families), Best Start in Life Vision for 1001 Critical Days, and the Department for Health's Start for Life Programme for maternity services.

As per the requirements set out by the Department for Education (DfE) (which is the Government Department leading on the development of Family Hubs), Cabinet agreement was sought for the County Council to move to a Family Hubs Model of service delivery. A Feasibility Study would undertaken prior to its implementation (also a DfE requirement) to map existing services which may fall within the model and to identify relevant data which will support the setting of priorities.

101. 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 Leicestershire's School Admissions Policy and associated coordinated admissions schemes. A copy of the report, marked 'Agenda Item 9', is filed with these minutes.

## RESOLVED:

That the Leicestershire School Admissions Policy for entry from September 2023 and associated coordinated admissions arrangements for first-time admissions, secondary transfers and mid-term transfers, as set out in the Appendix to the report, be approved.

**REASON 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 an admitting authority the County Council is required to determine the admission arrangements for such schools in Leicestershire from September 2023 by 28 February 2022 and make them available on the Council's website no later than 15 March 2022. This will then provide all parents and carers over a year's notice to allow them to make informed preferences when applying for a school place from 2023.

102. Items referred from Overview and Scrutiny.

There were no items referred from Overview and Scrutiny.

103. Exclusion of the Press and Public.

That under Section 100A of the Local Government Act 1972, the public be excluded for the remaining item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 3 and 10 of Part 1 of Schedule 12A of the Act and that, in all circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

104. Exception to Contract Procedure Rules to Provide Agency Cover.

The Cabinet considered an exempt report of the Director of Children and Family Services which sought the Cabinet's approval for an exception to the Council's Contract Procedure Rules to enable the direct award of contracts for the temporary provision of qualified social workers. A copy of the report, marked 'Agenda Item 13', is filed with these minutes. The report was not for publication by virtue of paragraphs 3 and 10 of Schedule 12A of the Local Government Act 1972.

**RESOLVED:**

That an exception to the Contract Procedure Rules be approved to enable the Director of Children and Family Services to approve the direct award of contracts to the five suppliers identified in paragraph 21 of the report for the temporary provision of qualified social workers, with the contracts running until 31 March 2023 with a maximum combined spend of £1.6m.

**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) provides that Cabinet approval be obtained to the exception where this is justified on its merits. The contracts with the five agencies are expected to have a combined value not exceeding £1.6m up to 31 March 2023, each of which is likely to be over the £181,302 threshold.

The circumstances and financial considerations surrounding the proposal, explained in Part B of this report, mean that other procurement processes were not possible in order to ensure business continuity.

The Department had been unable to source all of the necessary staff required via the Council's existing agency arrangements and needs to ensure there are sufficient qualified social workers available.

Work with the Council's existing corporate contractor for agency staff was ongoing to source more qualified social workers. If necessary, a procurement exercise (compliant with Contract Procedure Rules) would be undertaken for the provision of qualified social worker agency staff from 1 April 2023.

In attendance

Apologies

11.00 - 11.37 am  
11 February 2022

CHAIRMAN