

Minutes of a meeting of the Cabinet held at County Hall, Glenfield on Friday, 23 September 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

Mrs. B. Seaton CC, Mrs. M. Wright CC, Mrs. A. J. Hack CC, Mr. M. Mullaney CC and Mrs. R. Page CC

160. Minutes of the previous meeting.

The minutes of the meeting held on 24 June 2022 were taken as read, confirmed and signed.

161. Urgent items.

There were no urgent items for consideration.

162. Declarations of interest in respect of items on the agenda.

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

Mrs. P. Posnett CC declared an Other Registerable Interest in agenda item 5 (North and East Melton Mowbray Distributor Road- Approval to Submit Full Business Case) as a member of Melton Borough Council.

Mr. N. J. Rushton CC, Mr. R. J. Shepherd CC, Mrs D. Taylor CC, Mrs. C. M. Radford CC, Mrs. P. Posnett CC, Mr. L. Breckon CC, Mrs. L. Richardson CC and Mr. O. O'Shea CC each declared an Other Registerable Interest in agenda item 6 (Leicester and Leicestershire Authorities – Statement of Common Ground Relating to Housing and Employment Land Needs) as members of district councils.

Mr. R. J. Shepherd CC, Mrs D. Taylor CC and Mrs. C. M. Radford CC each declared an Other Registerable Interest in agenda item 7 (Charnwood Local Plan 2021 – 2037) as members of Charnwood Borough Council.

163. Medium Term Financial Strategy - Latest Position.

The Cabinet considered a report of the Director of Corporate Resources concerning the serious financial position faced by the County Council and sought approval for measures in order to help mitigate the position, including changes to the previously agreed 2022-26 capital programme. A copy of the report, marked 'Agenda Item 4', is filed with these minutes.

Comments of the Scrutiny Commission, which had considered a report on the matter at its meeting on 7 September, were circulated separately and a copy is filed with these minutes.

The Cabinet also noted comments submitted by the Labour Group, a copy of which is also filed with these minutes.

The Director said that the Council was expected to be overspent by £14m in the 2022/23 financial year and the planned measures to address the shortfall were detailed in the report. The following year the gap was expected to rise to £28m and up to £125m by 2025/26. He said that whilst the Council would try to find a significant amount of savings by maximising efficiencies, it was likely the Council would have to reduce services in order to produce a balanced budget. Savings proposals would be included in the 2023/24 budget presented to the Cabinet in December.

In reference to the Council's capital programme, it was noted that a review had been undertaken and minor changes were proposed for the current year. The position was expected to worsen for 2023/24 onwards as a result of inflationary pressures which could add a further £45m.

The Director added that the Council had recently received confirmation that Household Support Funding would be allocated to the Authority which would in part be used to fund the provision of free school meal vouchers during the October Half Term.

Mr Breckon CC said that in order for the Council to address the significant shortfall it would have to review all of its services, including those that affected residents' everyday lives such as road repairs, gritting schedules, the operation of waste sites as well as support services for adults and children. The Authority would continue to press MPs and the Government to highlight the Council's stark financial position and the need for fairer funding. He added that the majority of other county councils were facing similar deficits.

Mrs Taylor CC said that despite the provision delivered by Children and Family Services being demand led, cuts to the service area would be needed which was likely to restrict the numbers of children that could be supported. The Department continued to work with partners to explore ways in which its budget could be better spent. She added that decisions following the Government's review of social care and SEND, which were expected to advocate additional funding for local authorities, were needed quickly in order to address the worsening position.

Mrs Radford CC said that the Council faced significant problems in relation to adult social care funding but it would continue to do everything it could to support elderly and vulnerable residents.

The Leader said that the financial position faced by the County Council was frightening and the worse he had experienced as Leader. The Council would unfortunately have to

make service cuts and he urged residents to respond to consultations on proposals as they were developed.

RESOLVED:

- a) That the comments of the Scrutiny Commission be noted;
- b) That noting the significant financial challenges faced by the County Council, including the period 4 monitoring from the current financial year, the proposed approach outlined in the report to updating the Medium Term Financial Strategy (MTFS), be approved;
- c) That the revised Capital Programme for 2022/23 to 2025/26 as set out in Appendix C to the report be approved and that the Director of Corporate Resources be authorised:
  - I. To approve invest to save schemes for inclusion in the Capital Programme
  - II. In consultation with the relevant Chief Officer and following consultation with the relevant Lead Member, to pause capital schemes subject to further review and until additional cost information becomes available.
- d) That each Chief Officer in consultation with the Director of Corporate Resources and following consultation with the relevant Lead Member(s), be requested to:
  - I. Take action as necessary to bring forward, where possible, savings already budgeted for within the MTFS 2023/24 to 2025/26, including the current (2022/23) financial year;
  - II. Undertake work to develop a savings programme including preliminary work such as consultation, as considered appropriate to enable the Council to develop further savings for inclusion in the roll forward of the MTFS;
- e) That it be noted that no final commitments will be made on (i) and (ii) above before decisions on these matters are taken by elected members either as part of the County Council's MTFS for 2023/24-2026/27 or by the Cabinet following a report setting out full details of any proposed changes;
- f) That the position regarding the level of income received from local NHS bodies to cover social care costs, and the proposals to work with NHS colleagues to help to increase this, be noted.

(KEY DECISION)

REASONS FOR DECISION:

To develop plans to address the latest financial position.

To approve a revised capital programme for 2022-26 which required amendment as a result of the latest forecast financial position and enabled the Director of Corporate Resources to make further amendments to include invest to save schemes and to pause schemes in order to further review their costings.

Authorising officers to bring forward savings already budgeted for within the MTFS 2023/24 to 2025/26 to enable savings to be progressed and delivered as soon as possible.

The development of a savings programme would enable the Authority to identify further areas of savings to be made to address the worsening financial position.

164. North and East Melton Mowbray Distributor Road - Approval to Submit Full Business Case

The Cabinet considered a report of the Director of Environment and Transport which sought the Cabinet's approval to submit the North and East Melton Mowbray Distributor Road Full Business Case (FBC) to the Department for Transport (DfT). A copy of the report marked 'Agenda Item 5', is filed with these minutes.

In response to questions from members, the Director said that the gap between external funding received and the target price for the development of the road, which was expected to be available in October, would have to be financed by the County Council by forward funding and/or borrowing. Despite the expected significant rise in costs, the Authority had been, to date, unable to secure additional funding via the developers, DfT or other agencies.

Mr O'Shea CC said that the steep rise in inflation and its impact on material costs would have a significant impact on the cost of the development. He added that the Council would have to make a decision as to whether to proceed later in the year, being mindful of the current financial position the Authority faced.

The Leader said it was important the DfT be made aware of the Council's financial position and the difficulty it would face meeting the rising costs without additional funding. He asked that the Director write to the Local MP and the Leader of Melton Borough Council setting out the position.

The Director said that once a target price was known and the FBC , which illustrated the development continued to offer value for money, had been approved, the Authority would be in a position to re-approach the DfT to see if additional financial support would be provided.

RESOLVED:

- a) That the latest position with regard to the North and East Melton Mowbray Distributor Road (NE MMDR) timetable for the implementation for the scheme including on-going work with the prospective contractor on a target cost price be noted;
- b) That the Director of Environment and Transport in consultation with the Director of Corporate Resources and following consultation with the relevant Cabinet Lead Member be authorised to submit the Full Business Case to the Department for Transport (DfT) provided that the outcome of the target cost price exercise demonstrates the NE MMDR scheme still represents value for money;
- c) That a further report be submitted to the Cabinet in December 2022 detailing the outcome of the target price exercise and confirmation of funding from the DfT to enable the Cabinet to consider whether to move to the formal construction phase.

(KEY DECISION)

REASONS FOR DECISION:

To enable the County Council to progress the scheme in accordance with the approved programme. Whilst approval by the Cabinet to submit the Full Business Company achieved a key milestone in the programme, the final decision on progressing the scheme to construction would be sought at the Cabinet meeting in December 2022.

165. Leicester and Leicestershire Authorities - Statement of Common Ground relating to Housing and Employment Land Needs.

The Cabinet considered a report of the Chief Executive which sought the Cabinet's approval for the County Council to become a signatory to the Leicester and Leicestershire Statement of Common Ground (SoCG) on Housing and Employment Land Needs 2022, which demonstrated a Duty to Cooperate in plan making. A copy of the report marked 'Agenda Item 6', is filed with these minutes.

Comments of the Scrutiny Commission, which had considered a report on the matter at its meeting on 7 September, were circulated separately and a copy is filed with these minutes.

In response to questions from members, the Chief Executive said that should either of the two remaining Authorities which were yet to formally approve the statement fail to do so, it would cause difficulties for those individual authorities when it came to submitting their local plans.

Mrs Taylor CC said it was important all local authorities agreed to the Statement to ensure housing numbers were met across Leicester City and the County in a controlled way.

RESOLVED:

- a) That the comments of the Scrutiny Commission be noted;
- b) That the completion of associated evidence work on the Housing and Economic Needs Assessment and Sustainability Appraisal (Appendices B to E of the report), which has informed the Statement of Common Ground, be noted;
- c) That the County Council becomes a signatory to the Leicester and Leicestershire Statement of Common Ground Relating to Housing and Employment Land Needs, June 2022, (Appendix A to the report);
- d) That the increased infrastructure requirements associated with the additional 18,700 homes and 23 hectares of employment land being accommodated in the County as a consequence of Leicester's unmet need be noted;
- e) That the increased financial burden to provide key infrastructure in the County be reflected in a revised allocation of Business Rate funding pool between the City Council, the County Council and the district councils and that this is considered during current discussions.

REASONS FOR DECISION:

The Statement of Common Ground (SoCG) had been prepared jointly by the 9 local authorities in Leicester and Leicestershire. Its preparation was overseen by the Members Advisory Group, which agreed on 28 April 2022 that the SoCG should be considered by each of the Leicester and Leicestershire authorities through their respective governance procedures. The SoCG sets out the collaboration undertaken to reach agreement on strategic housing distribution and other matters in line with the Government's Duty to Cooperate, supporting progress on respective emerging local plans.

In the current financial climate, the risk to the County Council needs to be minimised. The SoCG demonstrates a reasserted commitment to joint working on long-term strategic planning matters for housing, economic growth and associated strategic infrastructure across Leicester and Leicestershire.

The additional housing and employment land needs arising from this agreement mean the County Council and district councils will be required to provide and find funding for additional infrastructure over and above that already required in response to the unprecedented level of growth in the County.

The historic distribution of the business rate pool between the City Council, County Council and the district councils does not reflect this agreement to accept the City Council's unmet need. A revision to that distribution represents an opportunity to allocate the pool to areas taking on the increased burden in respect of the cost of infrastructure.

166. Charnwood Local Plan (2021 - 2037) Latest Position.

The Cabinet considered a report of the Chief Executive concerning matters relating to Charnwood Borough Council's Local Plan (2021 – 2037). A copy of the report and Supplementary report, marked 'Agenda Item 7' is filed with these minutes.

Mrs Taylor said the County Council needed to continue to work with Charnwood Borough Council to help produce a sound Local Plan and in return the Borough Council needed to supply the evidence requested by the County Council in order to ensure the process moved forward as quickly as possible.

She added that district authorities needed to be mindful of the demand placed on the County Council to support the development of local plans and they therefore needed to work with the County Council to develop a timetable which would avoid multiple local plans being progressed at the same time.

Mr Bedford CC said that it was crucial sound Local Plans were in place as soon as possible to avoid developments being built without the necessary infrastructure.

RESOLVED:

- a) That it be noted that the position taken by Charnwood Borough Council on the first day of the Examination in Public was a change from the Local Plan it had submitted and which the County Council had agreed to support with conditions;
- b) That the evidence, clarification and information the County Council requires to enable it to support Charnwood Borough Council's proposed changed strategy for dealing with unmet need from the City of Leicester, as put to the Inspectors, as set out in paragraph 50 of this report, be noted;

- c) That the potential consequences for the County Council arising from the delay to the Examination in Public be noted;
- d) That the interim approach to dealing with planning applications in Charnwood be approved and that, as the local planning authority, Charnwood Borough Council's support for its implementation be sought;
- e) That Charnwood Borough Council be notified that it is the County Council's view that:
  - I. the Borough Council needs to establish new formal governance and joint working arrangements with the County Council to oversee the preparation for the next stage of its Local Plan and beyond.
  - II. in the event that the Borough Council is required to reconsider its housing strategy following the Examination in Public in October 2022, it should give due consideration to the inclusion of new sites to accommodate additional housing as well as the distribution of additional housing across sites identified in the Charnwood Local Plan (2012 – 2037) submitted to the Inspectorate in December 2021.
- f) That the Chief Executive, following consultation with the Leader of the County Council and the Lead Members for Children and Family Services and Highways, Transportation and Flooding, and on advice from the Director of Law and Governance, be authorised to:
  - I. keep under review the basis for the County Council's position for the purposes of the Examination in Public; and
  - II. make such changes to that position as may be required in the light of evolving circumstances, including in respect of Charnwood Borough Council's position on how it proposes to deal with the City's unmet housing need and the Examination's progress, including to update and/or to prepare new documentation as required for the Examination in Public; and
  - III. take all required steps should it be necessary for the County Council to make any formal submission on the position taken by Charnwood Borough Council when the Examination in Public resumes.

(KEY DECISION)

REASONS FOR DECISIONS:

To ensure that the information required to enable the County Council to support a changed Local Plan is communicated to Charnwood Borough Council.

To ensure that the County Council's interests are protected during the extended period of Charnwood Borough Council having no adopted Local Plan.

To reiterate the Cabinet decision of June 2022 to formalise a commitment to joint working with Charnwood Borough Council on its Local Plan which was not taken forward given the pause in the EiP.

In the event that Charnwood Borough Council's Housing Strategy is reviewed, providing that they are of an appropriate scale and location, the inclusion of new sites in any reconsidered Housing Strategy could aid the delivery of necessary supporting infrastructure and services in comparison with a strategy that may seek to scatter provision in smaller numbers over a wide geographic area.

Authorising the Chief Executive to revise the County Council's position for the purpose of the EiP and representation at the hearing sessions, in consultation with the Director of Law and Governance, would ensure it reflects the latest position in the light of evolving circumstances.

167. Adult Social Care Reform - Market Shaping and Charging Reform.

The Cabinet considered a report of the Director of Adults and Communities which detailed the work being undertaken by the County Council in preparation for the Government's planned Adult Social Care Reforms and sought approval for submission to the Department of Health and Social Care of a Market Sustainability Plan. A copy of the report, marked 'Agenda Item 8', is filed with these minutes.

Comments of the Adults and Communities Overview and Scrutiny Committee, which had considered a report on the matter at its meeting on 5 September, were circulated separately and a copy is filed with these minutes.

In response to questions from members, the Director said it was not yet clear how funding of the proposed reforms would be met following the Government's announcement of the abolition of the 1.5% National Insurance rise which had been initially allocated to fund them. He added that there were many uncertainties with regard to how the proposed changes would affect services, including care capacity.

Mrs Radford CC said the proposals would lead to considerable reform which was likely to have a significant negative impact on the Council's and care providers' finances unless there was much greater Government funding than the amount currently allocated.

Mrs Richardson CC said the report highlighted the difficult financial position the Council would face as a result of the lack of funding to support the changes and the Government had a responsibility to fund local authorities properly in order for services, which help protect and care for the most vulnerable, to be maintained.

**RESOLVED:**

- a) That the comments of the Adults and Communities Overview and Scrutiny Committee be noted;
- b) That the significant developmental work underway to prepare for the Charging Reform be noted;
- c) That the potential financial implications of implementing Adult Social Care Reforms requirements be noted;



- d) That the Director of Adults and Communities, in consultation with the Director of Corporate Resources and following consultation with Lead Members for Adults and Communities and Resources, be authorised to:
- I. submit a response to the Government consultation on the distribution of funding to support the reform of the Adult Social Care Charging System in 2023 to 2024;
  - II. submit the final version of the outcome of the Fair Cost of Care exercise for care homes and home care and the initial Market Sustainability Plan, including commissioning proposals for 2023/24 and 2024/25, to the Department of Health and Social Care before the 14 October 2022 deadline.

(KEY DECISION)

REASONS FOR DECISION:

The Adult Social Care Reforms were expected to have a significant impact on the medium term financial position of the Council.

A full programme was in place to meet all of the requirements set out in the White Paper; Charging Reform had formed a significant aspect of the Programme and required changes to processes and policies to be implemented at pace. It was important that the Cabinet was aware of the work being undertaken to ensure that the County Council met the October 2023 deadline for the systems and support to be in place for new self-funders.

Responses to the consultation on the distribution of funding to support the reform of the adult social care charging system needed to be submitted by the 23 September 2022. It was important that Leicestershire County Council responded to the consultation recommending the option to its greatest advantage.

To support local authorities to prepare their markets for the Adult Social Care Reforms, the Government established a centralised fund (Market Sustainability and FCOC Fund). To receive their share, local authorities were required to submit an MSP to the DHSC by 14 October 2022 containing information pertaining to an analysis of a FCOC for residential and nursing care for people aged 65 years and over, and for domiciliary care for people aged 18 years and over, which the Government is expected to use to inform future allocations to local authorities for adult social care.

168. Extra Care Service Review and Procurement.

The Cabinet considered a report of the Director of Adults and Communities which sought approval for proposed changes in relation to the way in which elements of the Extra Care Service would be commissioned and operated and the commencement of a procurement exercise for the provision of care and support provided in extra care housing schemes. A copy of the report, marked 'Agenda Item 9', is filed with these minutes.

Comments of the Adults and Communities Overview and Scrutiny Committee, which had considered a report on the matter at its meeting on 5 September, were circulated separately and a copy is filed with these minutes.

RESOLVED:

- a) That the comments of the Adults and Communities Overview and Scrutiny Committee be noted;
- b) That the outcome of the review of the Extra Care Service be noted;
- c) That the proposed changes to the way in which the Wellbeing Service element of the Extra Care Service is delivered be approved;
- d) That the Director of Adults and Communities be authorised to commence a procurement exercise for the care and support provided in the Leicestershire extra care housing schemes and enter into any contractual arrangements necessary to bring into effect the provision from 1 April 2023.

(KEY DECISION)

REASONS FOR DECISION:

The new contract for the Extra Care Service was required to be in place by 1 April 2023 and the procurement exercise was anticipated to commence in October 2022.

As part of the re-procurement of the Service there was opportunity for the County Council to adjust the way it operated the Service and the way it worked in partnership with the housing and care providers through a more formal partnership arrangement between stakeholders to further develop social opportunities onsite and to provide a more efficient and cost-effective service.

169. Leicestershire and Rutland Safeguarding Adult Board Annual Report 2021/22.

The Cabinet considered a report of the Director of Adults and Communities which presented the Leicestershire and Rutland Safeguarding Adults Board (SAB) draft Annual Report 2021-22. A copy of the report, marked 'Agenda Item 10', is filed with these minutes.

Comments of the Adults and Communities Overview and Scrutiny Committee, which had considered a report on the matter at its meeting on 5 September, were circulated separately and a copy is filed with these minutes.

Mrs Radford CC thanked Fran Pearson, former Independent Chair of the SAB for all the work she had undertaken during her time as Chair and the support she had given to her as the Lead Member.

RESOLVED:

- a) That the comments of the Adults and Communities Overview and Scrutiny Committee be noted;
- b) That the Leicestershire and Rutland Safeguarding Adult Board Annual Report for 2021/22 be noted.

REASONS FOR DECISION:

The LRSAB is a statutory body and local authorities have a duty to ensure that the Board is enabled to operate effectively.

It is a requirement of the Care Act 2014 that the LRSAB Annual Report be reported to the Leader of the Council together with the Chief Executive of the local authority, the Chairman of the Health and Wellbeing Board, the Police and Crime Commissioner and local Healthwatch.

In Leicestershire and Rutland the Annual Report has traditionally also been presented to the Cabinet and the Adults and Communities Overview and Scrutiny Committee.

Presenting the Annual Report enabled the Cabinet to comment on the content of the Annual Report and consider whether the report identified matters that it wished to address in relation to the effectiveness of safeguarding within the work of the Authority.

170. Leicestershire and Rutland Safeguarding Children Partnership Annual Report 2021/22.

The Cabinet considered a report of the Director of Children and Family Services concerning the Annual Report 2021-22 for the Leicestershire and Rutland Safeguarding Children Board Partnership. A copy of the report, marked 'Agenda Item 11', is filed with these minutes.

Comments of the Children and Families Overview and Scrutiny Committee, which had considered a report on the matter at its meeting on 6 September, were circulated separately and a copy is filed with these minutes.

Mrs Taylor CC said the report highlighted the good joint working being undertaken by partners to keep children within Leicestershire safe.

RESOLVED:

- a) That the comments of the Children and Families Overview and Scrutiny Committee be noted;
- b) That the Leicestershire and Rutland Safeguarding Children Partnership Annual Report for 2021/22 be noted.

REASONS FOR DECISION:

Leicestershire County Council is one of the statutory Safeguarding Partners who have a shared and equal statutory duty with the local Integrated Care Board and Chief of Leicestershire Police to agree and make arrangements to work together to safeguard and promote the welfare of all children in Leicestershire.

It is a statutory requirement, as set out in Working Together 2018, that the Safeguarding Partners publish a report at least once every twelve months on the arrangements and their effectiveness.

The multi-agency safeguarding arrangements locally are managed through a partnership – the Leicestershire and Rutland Safeguarding Children Partnership that covers the counties of Leicestershire and Rutland.

In Leicestershire and Rutland, the Annual Report had traditionally been presented to the Cabinet and the Children and Families Overview and Scrutiny Committee.

Presenting the Annual Report enabled the Cabinet to comment on the content of this document and consider whether it identified matters that it wished to address in relation to the effectiveness of safeguarding within the work of the Authority.

171. Leicestershire County Council Community Safety Strategy 2022 - 2026.

The Cabinet considered a report of the Director of Children and Family Services which advised the Cabinet of the outcome of consultation on the draft Community Safety Strategy and sought approval for the final Strategy to be submitted to the County Council for approval. A copy of the report, marked 'Agenda Item 12', is filed with these minutes.

Comments of the Scrutiny Commission, which had considered a report on the matter at its meeting on 7 September, were circulated separately and a copy is filed with these minutes.

The Director said that following consultation on the draft Strategy, the Community Safety Agreement, which complemented the Strategy, would be amended to detail the Community Safety work being undertaken which aligned to the priorities set out in the recently approved Joint Health and Wellbeing Strategy.

RESOLVED:

- a) That the comments of the Scrutiny Commission be noted;
- b) That the response to the consultation exercise on the County Council's draft Community Safety Strategy 2022 - 2026 be noted;
- c) That the Strategy be submitted to the Council for approval on 7 December 2022.

(KEY DECISION)

REASON FOR DECISION:

To note the feedback received from consultees and how this had informed the final draft of the Strategy. The final Strategy must be submitted to the County Council for approval as it formed part of the Plans Framework in the Council's Constitution (Part 2, Schedule 2).

172. Exception to Contract Procedure Rules to Provide Adoption Support Fund - Therapeutic Services

The Cabinet considered a report of the Director of Children and Family Services which sought approval for an exception to the Council's Contract Procedure Rules to directly award contracts to therapeutic service suppliers to supply therapy to eligible adoptive and special guardianship order families under the Adoption Support Fund. A copy of the report, marked 'Agenda Item 13', is filed with these minutes.

RESOLVED:

That an exception to the Contract Procedure Rules be approved to enable the Director of Children and Family Services to agree the direct award of contracts to therapeutic service suppliers referred to in paragraph 18 of the report for the provision of therapy to eligible adopted children, up to a maximum date of 30 June 2023 with a maximum combined spend of up to £865,000.

#### 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 £177,897, formal tenders must be invited. Based on the level of spend by the Council in relation to the provision of therapeutic services to eligible adopted children, the need for the Council to undertake a compliant procurement process had been identified.

The approval of an exception to the Contract Procedure Rules enabled service provision to be maintained to eligible adoptive children up until 30 June 2023 whilst the Council undertook a compliant procurement process in order to establish a framework agreement for therapeutic services by 1 July 2023.

#### 173. Corporate Asset Investment Fund Annual Performance Report 2021-22.

The Cabinet considered a report of the Director of Corporate Resources concerning the performance of the Corporate Asset Investment Fund for the 2021-22 financial year. A copy of the report, marked 'Agenda Item 14', is filed with these minutes.

Comments of the Scrutiny Commission, which had considered a report on the matter at its meeting on 7 September, were circulated separately and a copy is filed with these minutes.

Mr Breckon said the CAIF not only generated much needed income for the County Council but also through its investments made Leicestershire a better place to work and live, including the creation of jobs and green energy.

#### RESOLVED:

- a) That the comments of the Scrutiny Commission be noted;
- b) That the performance of the Corporate Asset Investment Fund for the period April 2021 to March 2022 as set out in the Annual Report, be noted.

#### REASON FOR DECISION:

In accordance with the Cabinet's decision in September 2017, this report fulfilled the requirement to report annually on the performance of the CAIF to both the Cabinet and the Scrutiny Commission, to demonstrate that the Fund was being managed professionally and prudently and in line with the Strategy approved by the County Council in February 2021.

#### 174. Corporate Asset Management Plan 2022 - 2026.

The Cabinet considered a report of the Director of Corporate Resources which sought approval of the draft Corporate Asset Management Plan (CAMP) 2022 - 2026 which set out the strategic direction for the use, management and development of the County

Council's corporate property resources over the next four years. A copy of the report, marked 'Agenda Item 15, is filed with these minutes.

Comments of the Scrutiny Commission, which had considered a report on the matter at its meeting on 7 September, were circulated separately and a copy is filed with these minutes.

In response to questions from members, the Director said that once a property asset had been identified as no longer being required by a service, an internal review was undertaken to consider whether it could be used elsewhere within the Council as opposed to being sold. An example of this approach was the re-purposing of Council owned property for use as part of the social care investment programme.

RESOLVED:

That the draft Corporate Asset Management Plan 2022 – 2026 be approved.

REASON FOR DECISION:

To enable the implementation of the CAMP 2022 – 2026.

175. Corporate Complaints and Compliments Annual Report 2021/22.

The Cabinet considered a report of the Director of Corporate Resources regarding the Corporate Complaints and Compliments Annual Report which covered the period from 1 April 2021 to 31 March 2022. A copy of the report, marked 'Agenda Item 16, is filed with these minutes.

Mrs Taylor CC said that she understood the concerns raised by parents and carers of children with special educational needs and she was worried that potential service cuts as a result of the Council's poor financial situation would lead to an increase in complaints.

The Director said that additional resilience was in place to help manage complaints and it was hoped that this along with the work being undertaken with an external partner to improve how complaints were administered would help the Authority manage the inevitable rise.

RESOLVED:

That the Corporate Complaints and Compliments Annual Report, covering the period 1 April 2021 to 31 March 2022, be noted.

REASON FOR DECISION:

To note the increase in volume of corporate complaints received and the key themes emerging.

176. Items referred from Overview and Scrutiny.

There were no items referred from Overview and Scrutiny.

177. Exclusion of the press and public.

That under Section 100A of the Local Government Act 1972, the public be excluded for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act and that, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information –

- East Midlands Development Company Limited.

178. East Midlands Development Company Limited.

The Cabinet considered an exempt joint report of the Chief Executive, Director of Corporate Resources and Director of Law and Governance regarding the County Council's membership of the East Midlands Development Company in light of concerns about the Company's management and governance. A copy of the report, marked 'Agenda Item 20', 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 in respect of the County Council's membership of the East Midlands Development Company:

- a) The ongoing lack of clarity from the Company about its role is an obstacle to the County Council considering its future membership;
- b) The responses from the Managing Director of the Company to the County Council's concerns about the Company's management and governance are inadequate and those concerns remain;
- c) The Managing Director be invited to meet members of the Cabinet to explain the Company's role and to discuss the County Council's concerns;
- d) Other factors to be taken into account in consideration of the County Council's future membership include the potential for the Company, which has interests in land in Leicestershire over which it seeks powers, to become a mayoral development corporation under the proposed combined authority for the D2N2 area of the East Midlands;
- e) Given uncertainties about the Company's role and future, decision-making responsibilities at Board level for the local authority owners should be in the hands of elected members, not officers as currently, and arrangements be made as soon as possible for that to happen, including a necessary review of the Company's Members' Agreement;
- f) The other four local authority owners of the Company be informed of the Cabinet decision and their support sought for the proposed change in decision-making responsibilities in (e);
- g) The Chief Executive, following consultation with the Leader of the Council, be authorised to review, following the planned meeting between Cabinet members and the Managing Director, the County Council's pause in its engagement with the

Company as determined by the Cabinet on 27th May 2022 and also to respond to the Company's 'Funding Notice'.

**REASON FOR DECISION:**

It was necessary to consider the County Council's membership of the Company in light of the circumstances described in this report and the report to the Cabinet on 27 May 2022.

11.00 am - 12.20 pm  
23 September 2022

CHAIRMAN