

Minutes of a meeting of the Cabinet held at County Hall, Glenfield on Monday, 24 April 2023.

PRESENT

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

Mr. B. L. Pain CC	Mrs H. L. Richardson CC
Mrs D. Taylor CC	Mrs. P. Posnett MBE CC
Mrs. C. M. Radford CC	Mr. R. J. Shepherd CC
Mr. O. O'Shea JP CC	Mr. P. Bedford CC
Mr. L. Breckon JP CC	

Also in attendance (including via MS Teams).

Mr. Max Hunt CC, Mrs A. J. Hack CC, Mr. J. Poland CC, Mrs B. Seaton CC, Mrs M. Wright CC, Mr. R. Ashman CC

219. Minutes of the previous meeting.

The minutes of the meeting held on 10 February 2023 were taken as read, confirmed and signed.

220. Urgent items.

The Chairman advised that there was one urgent item for consideration, a joint report of the Director of Law and Governance and Director of Environment and Transport titled "Local Government and Social Care Ombudsman Report Regarding Post-16 Special Education Transport". The report was urgent as the LGSCO Report had been published after the agenda for the meeting was circulated and in light of action required to be taken by the Council it was considered that the report should be submitted to the Cabinet at the earliest opportunity.

221. 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.

Mr. B. L. Pain CC declared a non-registerable interest in the urgent item (Local Government and Social Care Ombudsman Report Regarding Post-16 Special Education Transport) as his family operated a taxi business.

222. Environment and Transport 2023/24 Highways and Transportation Capital Programme and Works Programme.

The Cabinet considered a report of the Director of Environment and Transport regarding the Environment and Transport Department's 2023/24 Highways and Transportation Capital Programme and Works Programme, which had been developed in accordance with the overall budget envelopes included in the Medium-Term Financial Strategy 2023/24 to 2026/27. A copy of the report, marked 'Agenda Item 4', is filed with these minutes.

With the permission of the Chairman Mr. Max Hunt CC and Mrs. A. J. Hack CC each spoke on this item.

Mr. Hunt referred to his written representations (filed with these minutes) and suggested that greater prominence should have been given in the report to the Council's carbon reduction obligations.

Mrs Hack referred to a road junction cited at paragraph 70 (vii) of the report. She said that she had been assured by the Director that incorporation of extra safety measures would be considered during resurfacing work.

Mr. O'Shea CC said the proposals would enhance the County's road network but agreed with Mr. Hunt regarding the need for more Government funding.

RESOLVED:

- a) That the evermore acute financial context in which the Highways and Transportation Capital Programme and Works Programme have been developed and will be delivered, as set out in Part B of this report be noted;
- b) That the Environment and Transport 2023/24 Highways and Transportation Capital Programme and Works Programme be approved;
- c) That the Director of Environment and Transport be authorised,
 - i. following consultation with the Director of Corporate Resources and the Cabinet Lead Members for Highways and Transportation and Corporate Resources, to prepare and submit bids, as appropriate, to secure external funding for delivery of schemes identified in the Highways and Transportation Capital Programme and Works Programme;
 - ii. following consultation with the Director of Corporate Resources, the Director of Law and Governance and the Cabinet Lead Member for Corporate Resources, to enter into such contracts as is necessary to progress schemes in the approved Highways and Transportation Capital Programme and Works Programme to allow early contractor involvement to take place in advance of all external funding required to deliver the scheme being secured, subject to the key principles set out in paragraph 18 of the report; and
 - iii. following consultation with the Director of Corporate Resources, the Director of Law and Governance and the Cabinet Lead Member for Corporate Resources, to undertake preparatory work as considered appropriate to develop savings as set out in the Medium Term Financial Strategy and to consider further savings and implemented in a timely manner.

REASONS FOR DECISION:

To highlight evermore challenging financial context in which the two Programmes are being developed and will be delivered.

To approve the Environment and Transport Department's Highways and Transportation Capital Programme and Works Programme for the 2023/24 financial year.

To enable the delivery of large capital schemes using a collaborative approach, to work with contractors to reduce risk and increase cost certainty. Working in this way will also provide necessary assurance to partners and third-party funders contributing to the cost of delivering the Highways and Transportation Capital Programme.

To enable early work to be undertaken on the development of new savings to address the worsening financial position.

223. Leicestershire Resources and Waste Strategy 2022-2050.

The Cabinet considered a report of the Director of Environment and Transport regarding the outcome of consultation on the Leicestershire Resources and Waste Strategy, a joint strategy for the County Council and the seven District Councils in Leicestershire which collectively comprised the Leicestershire Waste Partnership. A copy of the report, marked 'Agenda Item 5', is filed with these minutes.

Mr. Pain CC commended the Strategy which was the result of good joint working between the councils involved.

RESOLVED:

- a) That the findings of the public consultation on the draft Leicestershire Resources and Waste Strategy be noted;
- b) That the adoption of the Leicestershire Resources and Waste Strategy be approved.

REASONS FOR DECISION:

The consultation exercise has informed the final Strategy.

The Strategy provides a policy framework to enable a sustainable system of waste management to be implemented.

The Strategy includes objectives and pledges which provide guiding principles and commitments to deliver the waste management service as a whole to meet the overall vision.

224. Leicester, Leicestershire and Rutland Health and Wellbeing Partnership Draft Integrated Care Strategy.

The Cabinet considered a report of the Director of Public Health regarding proposed feedback to the Leicester, Leicestershire and Rutland Health and Wellbeing Partnership on its draft Integrated Care Strategy. A copy of the report, marked 'Agenda Item 6', is filed with these minutes.

RESOLVED:

That the comments set out in paragraphs 15 to 23 of the report be approved as the views of the County Council on the draft Integrated Care Strategy, to be submitted to the Leicester, Leicestershire and Rutland Health and Wellbeing Partnership.

REASONS FOR DECISION:

The LLR HWP has approached the County Council as a key stakeholder/ member of the LLR HWP in order to gain feedback on an early draft of the Integrated Care Strategy.

225. Leicestershire Youth Justice Strategic Plan 2023-2026.

The Cabinet considered a report of the Director of Children and Family Services regarding the updated Leicestershire Youth Justice Strategic Plan for the period 2023 to 2026. A copy of the report, marked 'Agenda Item 7', is filed with these minutes.

Mrs Taylor CC commended the Strategy which had benefitted from the voice and participation of children and young people throughout.

RESOLVED:

- a) That the comments of the Scrutiny Commission on the Youth Justice Strategic Plan 2023-2026 be noted;
- b) That the County Council at its meeting in May be recommended to approve the Youth Justice Strategic Plan 2023-2026.

REASONS FOR DECISION:

The County Council has a statutory duty under Section 40 of the Crime and Disorder Act 1998 to produce a Youth Justice Plan. In 2015 the Youth Justice Board (YJB) enabled Youth Justice Services to submit three-year plans; these are updated annually prior to re-submission to the YJB and are primarily focused on reflecting changes in priorities and budget position.

226. Exception to Contract Procedure Rules - Urgent Action Taken by the Chief Executive Regarding Mental Health Assessors.

The Cabinet considered a report of the Director of Adults and Communities regarding urgent action taken by the Chief Executive to agree an exception to the Council's Contract Procedure Rules, to enable arrangements to be made for qualified Mental Health Assessors to complete assessments relevant to Deprivation of Liberty Safeguards authorisations. A copy of the report, marked 'Agenda Item 8', is filed with these minutes.

RESOLVED:

That the urgent action taken by the Chief Executive to directly award by exception in accordance with the Contract Procedure Rules to allow the current 'Standing List' arrangement for Mental Health Assessors to be maintained from 1 January 2023 until 31 December 2024, or until the Deprivation of Liberty Safeguards legislation is updated, be noted.

REASONS FOR DECISION:

The Council's Constitution (Contract Procedure Rule 6 (b) (ii)) provides that exceptions to the Contract Procedure Rules may be made by the Cabinet where it is satisfied that an exception is justified on its merits and that in urgent cases the Chief Executive (after

consultation with the Leader or Deputy Leader save where this is not practicable) may direct that an exception be made subject to it being reported to the Cabinet.

The exception was necessary to fulfil the Council's primary responsibility as the Supervisory Body under Deprivation of Liberty Safeguards regulations, as it is required to organise, complete, and respond to requests for authorisations within mandated deadlines.

An appropriately qualified doctor is required to complete a Mental Capacity Assessment which is used to inform the Best Interest Assessor's Deprivation of Liberty Safeguards report relating to an individual. This process is currently arranged via an approved Standing List of such qualified assessors.

227. Exception to Contract Procedure Rules - Urgent Action Taken by the Chief Executive in Relation to Adult Social Care Winter Discharge Fund.

The Cabinet considered a report of the Director of Adults and Communities regarding urgent action taken by the Chief Executive to agree an exception to the Council's Contract Procedure Rules to distribute the Adult Social Care Discharge Fund, which was used to help enable the discharge of patients from hospital to the most appropriate location for their ongoing care. A copy of the report, marked 'Agenda Item 9', is filed with these minutes.

RESOLVED:

That the urgent action taken by the Chief Executive to agree an exception to the Contract Procedure Rules to approve the direct award of a contract on behalf of the Integrated Care Board to Voluntary Action South Leicestershire (VASL) running until the 31 March 2023 with a maximum value of £310,000, be noted.

REASONS FOR DECISION:

The Council's Constitution (Contract Procedure Rule 6 (b) (ii)) provides that exceptions to the Contract Procedure Rules may be made by the Cabinet where it is satisfied that an exception is justified on its merits and that in urgent cases the Chief Executive (after consultation with the Leader or Deputy Leader save where this is not practicable) may direct that an exception be made subject to it being reported to the Cabinet.

The exception was necessary in order to ensure that the available funds were allocated and spent within the eligible time period.

Where an exception to the Contract Procedure Rules is required for contracts over £177,897, Rule 6 (b)(ii) provides that Cabinet approval be obtained to the exception where this is justified on its merits.

The majority of the funding was allocated via increasing capacity within existing County Council contracts. All the Local Authority allocation has been issued in line with the procurement regulations internal Contract Procedure Rules, through modifications to existing contracts or through the use of corporate contracts.

The Integrated Care Board allocation amounts to £2.7m. £2m of this was issued compliantly through existing contracts or on internal staff. £310,000 was issued via a direct award to VASL.

228. Dates of County Council Meetings 2023/24 to 2024/25.

The Cabinet considered a report of the Chief Executive regarding proposed dates for Council meetings for the next two municipal years. A copy of the report, marked 'Agenda Item 10', is filed with these minutes.

RESOLVED:

That the County Council be recommended to hold meetings on the following dates during the next two municipal years:-

Wednesday 5 July 2023

Wednesday 27 September 2023

Wednesday 6 December 2023

Wednesday 21 February 2024 (to consider the budget)

Wednesday 15 May 2024 (Annual meeting)

Wednesday 3 July 2024

Wednesday 25 September 2024

Wednesday 4 December 2024

Wednesday 19 February 2025 (to consider the budget)

Wednesday 14 May 2025 (Annual meeting).

REASONS FOR DECISION:

To comply with the Local Government Act 1972 and the County Council's Standing Orders.

229. Items referred from Overview and Scrutiny.

There were no items referred from the Overview and Scrutiny bodies.

230. Local Government and Social Care Ombudsman Report Regarding Post-16 Special Education Transport

The Cabinet considered a joint report of the Director of Law and Governance and the Director of Environment and Transport regarding a report of the Local Government and Social Care Ombudsman (LGSCO) in relation to the investigation of a complaint against the Council in connection with the Council's duties to provide home to school travel assistance for eligible students under Education Act 1996. The LGSCO had found fault with the Council which caused injustice to the complainant in the case. A copy of the report, marked 'Agenda Item 12', is filed with these minutes. The report was urgent as the LGSCO Report had been published after the agenda for the meeting was circulated and in light of action required to be taken by the Council it was considered that the report should be submitted to the Cabinet at the earliest opportunity.

Mr. O'Shea CC said that the Council fully accepted the findings of the LGSCO and offered his sincere apologies to the complainant.

RESOLVED:

- a) That the public report of the LGSCO be noted;

- b) That the Director of Environment and Transport be required to implement the recommendations of the LGSCO as set out in paragraphs 52 to 53 of the LGSCO Report.

REASONS FOR DECISION:

To bring to the attention of the Cabinet the facts of the case and to explain the various actions which the Council is taking in light of the Ombudsman's findings.

When a public report is issued by the LGSCO there is a statutory requirement that it is 'laid before the authority concerned' and there is an obligation for the Council to report back to the LGSCO to confirm this action has been taken.

2.00 - 2.38 pm
24 April 2023

CHAIRMAN