



DATE: 2 July 2024
MY REF: RW/CCouncil
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Dear Sir/Madam

I summon you to the MEETING of the LEICESTERSHIRE COUNTY COUNCIL to be held at COUNTY HALL, GLENFIELD on WEDNESDAY, 10 JULY 2024 at 2.00 p.m. for the transaction of the business set out in the agenda below.

Yours faithfully

Chief Executive

AGENDA

1. Chairman's Announcements.
2. To confirm the minutes of the meeting of the Council held on 15 May 2024. (Pages 3 - 18)A
3. To receive declarations by members of interests in respect of items on this agenda.
4. To answer questions asked under Standing Order 7(1)(2) and (5).
5. To receive position statements under Standing Order 8.

To consider reports of the Cabinet, Scrutiny Commission, Scrutiny Committees and other bodies:

6. Report of the Corporate Governance Committee.
 - (a) Annual Report of the Corporate Governance Committee (Pages 19 - 40) 2023/24.



- (b) Revised Members' Planning Code of Good Practice. (Pages 41 - 60)
- 7. Report of the Scrutiny Commission.
 - (a) Overview and Scrutiny Annual Report 2023/24. (Pages 61 - 86)
- 8. To note the members which the Leader proposes to appoint to the Cabinet.

**MINUTES OF THE MEETING OF THE LEICESTERSHIRE COUNTY COUNCIL
HELD AT COUNTY HALL, GLENFIELD ON WEDNESDAY, 15 MAY 2024**

PRESENT

Dr. R. K. A. Feltham CC (in the Chair)

Mr. R. G. Allen CC, Mr. R. Ashman CC, Mr. N. D. Bannister CC, Mr. T. Barkley CC, Mr. P. Bedford CC, Mr. D. C. Bill MBE CC, Mr. G. A. Boulter CC, Mr. S. L. Bray CC, Mr. L. Breckon JP CC, Mrs. L. Broadley CC, Mr. B. Champion CC, Mr. N. Chapman CC, Mr. M. H. Charlesworth CC, Mr. J. G. Coxon CC, Mr. M. Frisby CC, Mrs. H. J. Fryer CC, Mr. S. J. Galton CC, Mr. K. Ghattoraya CC, Mr. T. Gillard CC, Mr. D. J. Grimley CC, Mrs. A. J. Hack CC, Mr. L. Hadji-Nikolaou CC, Mr. B. Harrison-Rushton CC, Mr. D. Harrison CC, Mr. R. Hills CC, Mr. M. Hunt CC, Mrs. S. Jordan CC, Mr. P. King CC, Mr. B. Lovegrove CC, Mr. K. Merrie MBE CC, Mr. J. Miah CC, Mr. J. Morgan CC, Mr. M. T. Mullaney CC, Ms. Betty Newton CC, Mr. O. O'Shea JP CC, Mr. J. T. Orson CC, Mrs. R. Page CC, Mr. B. L. Pain CC, Mr. T. J. Pendleton CC, Mr. L. Phillimore CC, Mr J. Poland CC, Mrs. P. Posnett MBE CC, Mrs. C. M. Radford CC, Mr. T. J. Richardson CC, Mrs H. L. Richardson CC, Mr. N. J. Rushton CC, Mrs B. Seaton CC, Mr. R. J. Shepherd CC, Mr. C. A. Smith CC, Mrs D. Taylor CC, Mr. B. Walker CC and Mrs. M. Wright CC

1. ELECTION OF CHAIRMAN.

It was moved by Mr Rushton, seconded by Mrs Taylor and carried:

“That Mr Joe Orson be elected Chairman for the period until the next Annual Meeting of the Council.”

Mr Orson read out and signed his Declaration of Acceptance of Office which was witnessed and signed by the Chief Executive.

Mr Orson thanked his proposer and seconder for their generous remarks and members of the Council for appointing him as Chairman.

2. ELECTION OF VICE CHAIRMAN.

It was moved by Mr Rushton, seconded by Mr Mullaney and carried:

“That Mr Richard Shepherd be elected Vice-Chairman for the period until the next Annual Meeting of the Council.”

Mr Shepherd read out and signed his Declaration of Acceptance of Office which was witnessed and signed by the Chief Executive.

Mr Shepherd thanked his proposer and seconder for their generous remarks and members of the Council for appointing him as Vice-Chairman.

3. CHAIRMAN'S ANNOUNCEMENTS.

D-Day 80

Thursday 6th June would mark the 80th Anniversary of the D-day landings. To commemorate the occasion, the Chairman, along with Mrs. Posnett, Armed Forces Lead, would be raising a specially commissioned flag at County Hall. The small ceremony would be at 10.30 a.m. An invitation would be sent to all Members.

Later that day a special Evensong Service, led by the Dean of Leicester Cathedral, Karen Rooms, would be held at Leicester Cathedral to mark the anniversary. Members had already received their invitation.

The Chairman hoped that members would be able to join him at either one or both events to remember all those who fought in honour of our country during World War Two.

Armed Forces Day

As a prelude to Armed Forces Day, there would be an Armed Forces Day Flag-Raising ceremony at the Stand Easy Memorial, on Monday 24th June at 10.30 a.m. Unfortunately, the Chairman would not be able to attend but the Vice Chairman, Richard Shepherd, would be hosting on his behalf. All members would be invited, and the Chairman hoped that they would be able to join the Vice Chairman.

On Saturday 29th June, together with the Lord-Lieutenant and Lord Mayor of Leicester, the Chairman would be attending Armed Forces Day Parade in Leicester City. The parade would include service personnel, veterans, and cadets who would march through the streets of Leicester. Following the parade there would be an outside 'Drumhead Service' in Jubilee Square. The Chairman invited members to come into the City and watch this fitting tribute to the Armed Forces and veterans

County Service

The Chairman would be hosting a County Service later in the year and all Members would receive an invitation in due course.

4. REPORT OF THE RETURNING OFFICER.

The Chief Executive presented the report of the Returning Officer on the election of the County Councillor for the Burbage Electoral Division on 2 May 2024.

The Chairman welcomed Mr Barry Richard Walker CC to the Council.

5. MINUTES.

It was moved by the Chairman, seconded by Mr Shepherd and carried:-

“That the minutes of the meeting of the Council held on 21 February 2024,

copies of which have been circulated to members, be taken as read, confirmed and signed.”

6. DECLARATIONS OF INTEREST.

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

Mr Bedford declared a Disclosable Pecuniary Interest in the Leader’s Position Statement as he was an employee of one of the organisations referred to and, although the item did not directly affect his financial interests, it related in part to his employer so he would leave the room whilst it was debated.

7. QUESTIONS ASKED UNDER STANDING ORDER 7(1)(2) AND (5).

(A) Mr Hunt asked the following question of the Leader or his nominee:

- “1. At the last Council Meeting the Cabinet proposed and Council duly accepted, in light of the Council’s financial position, the proposal to revise the Council’s net zero targets for its own operations, from 2030 to 2035. How has this affected the budget and how will it affect the actions that Council recently agreed?”
2. At the last Council Meeting the Cabinet proposed and Council duly accepted, in light of the Council’s financial position, the proposal to revise the Council’s net zero targets for the wider County, from 2045 to 2050. How has this affected the budget and how will it affect the actions that Council recently agreed?”

Mr Pain replied as follows:

- “1. During the preparation of the Medium Term Financial Strategy (MTFS) for 2024-2028, it was established that additional funding would be required each year to progress the Council’s ambitions in relation to net zero and the wider environment. The Council’s financial position however, meant this additional funding was not available and it was, therefore, agreed by the County Council that the net zero target for the Council’s own operations would be revised from 2030 to 2035 to reflect the existing budget. The published MTFS, as approved by the County Council on 21 February 2024, has not been affected by this decision.

Officers are currently reviewing the 2030 Net Zero Council Action Plan to take into account the revised target and consider what actions can be prioritised for delivery within the staff and financial resources available.

2. During the preparation of the Medium Term Financial Strategy (MTFS) for 2024-2028, it was established that additional funding would be required each year to progress the Council’s ambitions in relation to net zero and the wider environment. The Council’s financial position however, meant this additional funding was not available and it was,

therefore, agreed by the County Council that the net zero target for the wider county would be revised from 2045 to 2050 to reflect the existing budget. The published MTFs, as approved by the County Council on 21 February 2024, has not been affected by this decision.

Officers are currently reviewing the Net Zero Leicestershire Action Plan to take into account the revised target and consider what actions can be prioritised for delivery within the staff and financial resources available.”

Mr Hunt asked the following supplementary question:

- “1. On the County Council's own operations for climate change, which have been remarkably successful, saving millions of pounds on street lighting and saving energy on this building, why are we delaying it without even knowing how we're going to achieve the target we've set?
2. On the second part, we really do not have an answer on this, simply saying that officers may come up with something. If I could just summarise where we are: we responded to an emergency, we set about 150 or more actions, then we decided to delay them for five years. But you're not sure how to do it, are you?”

Mr Pain replied as follows:

- “1. I don't believe we're delaying anything. We've set out to achieve our Net Zero targets by 2045 and 2050 respectively.”
2. Yes, the Council did declare a climate emergency but, I must say, we have answered the initial question. There is no change to the budget that we set in February. I have to say that the Labour group did not come forward with an amendment to that budget proposing £475,000 worth of additional funding to meet the initial targets, so we had to make decisions which has meant that we have altered our budgets and been pragmatic and proportionate with not only the monies that we have available but the time as well to meet those targets. Finally, can I just say that when we set out to draw up a plan to achieve our Net Zero targets, it's a bit like a Premiership football team in a league. They set out to win the league but if something happens to their star striker or their midfielder during the course of that season, they have to alter their plan. We have significant financial pressures here at Leicestershire County Council and, in accordance with those pressures, we have had to alter our plan. We are still seeking to meet our objectives by the mandatory dates that the Government has set, and I believe we've still answered the question that you put.”

8. POSITION STATEMENTS UNDER STANDING ORDER 8.

[Mr Bedford, having declared a Disclosable Pecuniary Interest, left the room during consideration of this item.]

The Leader gave a position statement on the following matters:

- Local Elections 2024;
- Performance and Efficiency Update;
- Gas Outage – Ratby and Kirby Muxloe;
- Tree for Every Person;
- Rural Broadband.

The Cabinet Lead Member for Children, Families, Safer Communities and Regulatory Services gave a position statement on the following matters:

- Family Hubs;
- School Admissions;
- Young Volunteer of the Year – Charlie Tripp;
- Protecting Leicestershire consumers and businesses;
- Rutland and North Leicestershire Coroner’s Service.

A copy of the position statements is filed with these minutes.

9. REPORT OF THE CABINET.

10. DATES OF COUNCIL MEETINGS 2024/25 AND 2025/26.

It was moved by Mr Rushton, seconded by Mr Breckon and carried unanimously:

“That Council meetings in 2024/25 and 2025/26 be held on the following dates: -

- 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)
- Wednesday 2 July 2025
- Wednesday 24 September 2025
- Wednesday 3 December 2025
- Wednesday 18 February 2026 (to consider the budget)
- Wednesday 13 May 2026 (Annual Meeting).”

11. REPORT OF THE CONSTITUTION COMMITTEE.

12. REPORT OF THE INDEPENDENT REMUNERATION PANEL ON MEMBERS’ ALLOWANCES.

It was moved by Mr Rushton, seconded by Mrs Taylor and carried:

- “(a) That the Basic and Special Responsibility Allowances be increased by the equivalent percentage increase awarded to Spinal Column Point 43 of Grade 15, for the period 1st April 2024 to 31st March 2025. The increase be implemented as soon as practicable after the employee pay award is agreed and be back dated to 1st April;
- (b) That the arrangement for indexation of Basic and Special Responsibility Allowances continue until 31st March 2028 based upon the equivalent

percentage increase on SCP 43, Grade 15, of the County Council's pay spine. The increase will be implemented when the employee pay award is agreed for each year and backdated to 1st April of that year;

- (c) That the current levels of Travel and Subsistence allowances remain unchanged;
- (d) That those Members who submitted an Annual Report be thanked for doing so;
- (e) That the submission of Annual Reports continues for the next four years;
- (f) That those Members who did not submit a report in 2022/23 submit one for the municipal year 2023/24."

13. APPOINTMENTS IN ACCORDANCE WITH ITEMS 11 AND 12 OF STANDING ORDER 4:

14. TO APPOINT THE LEADER (AND TO NOTE THE MEMBERS WHICH THE LEADER PROPOSES TO APPOINT TO THE CABINET):

It was moved by Mrs Taylor, seconded by Mr Poland and carried:

"That Mr N J Rushton be appointed Leader of the Council for the period until the next Annual Meeting of the Council."

It was moved by Mr Rushton, seconded by Mrs Taylor and carried:

"That it be noted that the Leader proposes to appoint the members named on List '1' attached to the Order Paper as members of the Cabinet."

A copy of List 1 is filed with these minutes.

15. TO APPOINT SUCH CABINET SUPPORT MEMBERS AS THE COUNCIL CONSIDERS APPROPRIATE;

It was moved by Mr Rushton, seconded by Mrs Taylor and carried:

"That the following members be appointed as Cabinet Support Members until the next Annual Meeting of the County Council, as provided for in Article 7 of the Council's Constitution: -

Mr. R. Ashman CC
 Mr. T. Parton CC
 Mr. C. Smith CC
 Mrs. M. Wright CC."

40 members voted for the motion.

16. TO APPOINT MEMBERS OF THE SCRUTINY COMMISSION, BOARDS AND COMMITTEES (INCLUDING THE NAMING OF SPOKESMEN/SPOKESPERSONS).

It was moved by Mr Poland, seconded by Mr Bray and carried:

Membership

“That the membership of the Scrutiny Commission, Boards and Committees as set out in List ‘2’ and the Chairmen Elect and Spokespersons named in List ‘3’ attached to the Order Paper be approved.”

Substitutes

“That the Chief Executive be authorised to make and terminate appointments to the Commission, committees, boards and other County Council bodies (not including the Cabinet) in accordance with the wishes of the Political Groups to whom the seat in question has been allocated, subject in the case of those bodies set out in List ‘2’ to the Group giving one day’s notice to the Chief Executive of its wishes.”

A copy of List ‘2’ and List ‘3’ is filed with these minutes.

2.00 pm – 3.26 pm
15 May 2024

CHAIRMAN

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COUNTY COUNCIL MEETING – 15TH MAY 2024

POSITION STATEMENT FROM THE LEADER OF THE COUNCIL

Local Elections 2024

May I take this opportunity to extend my congratulations to Rupert Matthews on his re-election as the Police and Crime Commissioner for Leicester, Leicestershire and Rutland.

The role of the Police and Crime Commissioner, to ensure the policing needs of our communities are met as effectively as possible, bringing communities closer to the Police, building confidence in the system, and restoring trust is a role that Rupert takes very seriously, and he has my full support in delivering it.

Through the Police and Crime Panel, ably chaired by Mrs Taylor, he is held to account for his actions and I'm sure Mrs Taylor will agree with me that she has established a strong working relationship with Rupert which can only benefit Leicestershire.

I would also like to congratulate Claire Ward on her election as mayor of the so-called East Midlands Combined County Authority, which encompasses Nottinghamshire, Nottingham, Derbyshire and Derby. The mayor has said that extending the boundaries of the Combined Authority is not a priority for her but I'm happy to work with her in any way in the interests of the real East Midlands.

Performance and Efficiency Update

Members will have seen the furore created by the Times publishing a league table of council performance. There is an obvious gap in good comparative data to measure council performance. So, with the public increasingly aware of the impact of failing councils it is no surprise that someone has tried to fill the gap. Unfortunately, it wasn't done in a particularly useful way.

The Times only used 21 measures, which was never going to be particularly informative and ignoring relative funding is a fatal flaw. This is why I prefer the rounded approach to performance benchmarking that the County Council takes. Members will have seen this reported to Cabinet in March. Using 257 measures, all from nationally published data, is a far superior approach.

Amongst counties Leicestershire ranks third for core performance and we move to top of the chart when our low funding is considered. I believe that is the definition of delivering value of money for our residents.

Whilst we should take immense pride from this it is vital that this Council continues to challenge itself on our performance compared to other authorities. Only by doing this can we keep on the path of increasing efficiency and productivity. For the funding that we receive I am confident that the residents of Leicestershire receive better outcomes than anywhere else in the country.

Gas Outage – Ratby and Kirby Muxloe

In February, the Cabinet, as well as recognising the tremendous community response, resolved formally to ask Cadent Gas and Severn Trent Water for their full explanation of exactly what happened within their responsibilities and what gave rise to the serious inconvenience and danger faced by local residents during the winter. Suffice it to say that correspondence is still ongoing and the Council will continue to press for those full explanations.

In the meantime, it remains a concern that several residents are still waiting for the replacement of gas equipment which was damaged beyond repair.

Tree for Every Person

Our ambitious plans to plant 700,000 trees across Leicestershire have passed the halfway mark - with the total reaching more than 356,000. The landmark is another leap forward in our pledge to plant one tree for every person in the county and to help secure a greener future for all. We support the initiative by planting trees directly, applying for funding to support initiatives and giving away tree packs. Last year, in partnership with the Woodland Trust we gave away 50,000 trees and hedgerows to farmers, landowners, community groups, parish councils and schools in a bid to encourage more planting across Leicestershire, and we're hoping to exceed that number this year. The free tree packs are designed to help renew and restore existing woodland and vegetation, as well as replacing trees which have been affected by diseases such as ash dieback.

Rural Broadband

For many years I have been committed to ensuring that our residents and businesses have access to the fastest, most reliable internet connections available and I pay tribute to the Lead Member, Pam Posnett, who has overseen the Council's excellent work in this area.

The past year has seen the Council work with the Department for Science, Innovation and Technology on Project Gigahub. This project was designed to boost the connectivity of schools, libraries, recycling centres and other public sector buildings in hard-to-reach areas which wouldn't have received an upgrade commercially due to their rural location.

BT completed delivery of Project Gigahub in March 2024. The project has brought lightning-fast, reliable broadband to 43 rural public sector buildings opening up digital resources for pupils and enabling libraries to offer more activities, as well as make the area more attractive for potential future investment from commercial broadband suppliers.

The digital team have been working with Openreach to encourage a number of Fibre Community Partnerships in rural areas. A Fibre Community Partnership offers Ultrafast Full Fibre broadband to areas which are not part of any commercial providers current rollout plans and is jointly funded by government and Openreach.

Eight exchanges in Leicestershire have gone ahead with builds including Wymondham, Somerby, Waltham on the Wolds, Thurlaston and Rearsby. In total these schemes will bring gigabit capable fibre to the premise connections to over 4,500 premises in our most rural areas.

In February 2024 the Government announced that homes and businesses across Leicestershire are set to get improved broadband connectivity as part of a different initiative; the [Government's](#) national Project Gigabit scheme.

Around 14,500 properties in the county will benefit from the scheme which is designed to help hard-to-reach, rural communities access more reliable broadband. The latest rollout comes after the Government signed a new £70 million contract with independent broadband provider Cityfibre, who will deliver the connections across Leicestershire and Warwickshire.

Premises across Leicestershire are included in the plans and more details will become available as the build starts later in the Summer. Project Gigabit will run until 2030.

Mr N. J. Rushton
Leader of the Council

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COUNTY COUNCIL MEETING – 15TH MAY 2024

POSITION STATEMENT FROM THE CABINET LEAD MEMBER FOR CHILDREN, FAMILIES, SAFER COMMUNITIES AND REGULATORY SERVICES

Family Hubs

There has been a huge amount of activity to develop and promote Leicestershire's Family Hubs over the last 12 months. There are now 20 Family Hubs open and 16 Family Hubs in libraries across the County. Following the award of just under £1million in grant funding from the Department for Education, activity has taken place across the Council to develop three key elements of Family Hub programme delivery.

This has included development of a website, <https://www.familyhubsleicestershire.org.uk/> for use by parents and carers, young people, professionals and volunteers. The website has been developed working in partnership with parents and carers, community groups and partner organisations, and young people. Work continues to enhance content.

The second area of focus has been improvements to the Family Hubs buildings and promotion of these as community venues at which all families can seek information and advice, and building on the range of services which are co-delivered from these important community buildings. Public events have taken place throughout the year, launching the buildings under the Family Hubs banner to promote awareness amongst families.

Through partnership working, Family Hubs can now offer a range of services from a number of agencies including DWP benefits advice, Health Visiting and Midwifery, Housing Support, Domestic Abuse Services, adult mental health services, community paediatric clinics, and many others. An additional Community Fridge is opening in Lutterworth, adding to Fridges in Loughborough, Wigston, Coalville and Hinckley. Volunteers continue to support regular Stay and Play sessions in the Hubs for families alongside other open access sessions such as Wellbeing Café and support groups for parents of SEND children.

Finally, through our partnership arrangements, the Family Hubs team have supported the production of Leicestershire's first Maternity and Early Years Strategy, published a Start for Life offer and an updated Early Help Strategy.

Admissions

I am pleased to share that on National Offer Day for First Time Admissions in April 2024, 99.1% of children were allocated places at one of their top three preference schools, including 94.8% who obtained their first preference. Both figures are an improvement on last year, leaving just 60 children for whom the nearest school with

places was allocated. This is really positive news for those children starting school in September who have secured a school place in Leicestershire at one of their preferred schools.

Young Volunteer of the Year – Charlie Tripp (aged 15)

Charlie is a young carer, and a member of the County Youth Council of Leicestershire (CYCLe). Over the last 2 years Charlie has been involved in updating a number of Leicestershire County Council policy documents and creating and delivering a school-based curriculum pack on physical and mental health. He has chaired meetings and interview panels, worked with professionals from health services, and made a video for a charity that enabled children in care to move placements with duffle bags which enabled the council to request 50 of the bags for children in care in the county.

Charlie spends over four hours volunteering each week, as well as being the sole carer for his mum who is disabled due to a car accident when he was just four years old. Charlie has championed the voices of children and young people, especially young carers, and has been part of working groups looking at the impact of being a young carer. He wrote a speech which he shared with Dame Rachel De Souza about being a young carer and has spoken to the press about the importance of identifying and supporting young carers.

The Youth and Justice Service nominated Charlie for the Lord Lieutenant's Award for Young People 2024. On Thursday 25th April 2024, finalists from the four award categories were invited to a special awards ceremony at County Hall where they were presented with certificates and prizes and Charlie was awarded Young Volunteer of the Year.

Protecting Leicestershire consumers and businesses.

Trading Standards East Midlands (TSEM) is a voluntary partnership of the eight local authority trading standards services in the East Midlands all working together to maximise resources to ensure we deliver effective consumer protection to 4.8 million people. Leicestershire Trading Standards utilises this partnership to access enforcement resources made available through National Trading Standards (NTS) where the identified fraudulent practice of concern to Leicestershire is also perpetrated across the region. The TSEM Regional Investigation Team is hosted by Nottinghamshire County Council with all TSEM trading standards services providing additional support to the regional investigation process.

A fraudster conned residents out of £1.5m promising significant energy savings and effective home security through its products and services. Robin MacDonald's company representatives told householders fitting solar panels and heat pumps would save money and falsely claimed that the installations would be funded by the government. However, systems were often fitted badly and did not deliver the savings promised. Another trading arm of the business misled vulnerable customers

into believing an alarm product was directly linked to the emergency services. Following a lengthy 5-month trial at Nottingham Crown Court, MacDonald was found guilty of conspiracy to commit fraud by false representation. Thirty-two of the victims were Leicestershire residents and between them they lost more than £285,000 to the fraud. Sales representatives would use bullying tactics to secure contracts, often staying in the homes of victims for many hours to pressure them into signing contracts for work they did not want or need at significantly inflated prices. Macdonald and two other co- defendants will be sentenced in June.

I am pleased to report that Leicestershire Trading Standards has recently successfully prosecuted a franchise fraud which received significant media attention, with the defendant receiving a three and half year custodial sentence. However, the work for our trading standards officers continues post-conviction with enquiries to ensure assets held by the defendant were traced and recovered to compensate the victims of the fraud. The total amount of compensation paid to victims exceeded £130,000, with the County Council also recovering £30,000 in prosecution costs.

Rutland and North Leicestershire Coroner's Service

In November 2021, following the retirement of the Senior Coroner, the Rutland and North Leicestershire Coroner's Service relocated from Loughborough to Leicester Town Hall as part of an interim arrangement, pending the outcome of a proposal to merge this service with the Leicester and South Leicestershire jurisdiction which is operationally delivered by the City Council. In 2023, the County Council made final submissions to the Ministry of Justice (MOJ) that, in the interests of service users and effective financial governance, the two jurisdictions should be retained, with the Rutland and North Leicestershire Coroner's Service relocating to County Hall. The MOJ has now announced its decision to retain the two jurisdictions, leaving little time from a business continuity perspective for officers to ensure a seamless transfer. A combined court and offices facility is now in operation at County Hall, providing a space conducive to supporting bereaved families and the formalities of the inquest process. All inquests remain listed and a recruitment process for a permanent Senior Coroner appointment is underway.

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REPORT OF THE CORPORATE GOVERNANCE COMMITTEE

A. ANNUAL REPORT OF THE CORPORATE GOVERNANCE COMMITTEE 2023-24

Introduction

1. The purpose of this report is to present the annual report of the Corporate Governance Committee for 2023-24.

Background

2. The Corporate Governance Committee plays an important role in providing assurance of the Council's arrangements for corporate governance, internal and external audit, managing risk, maintaining an effective control environment and reporting on financial and other performance.
3. Guidance issued by the Chartered Institute of Public Finance and Accountancy (CIPFA) recommends that all local authority audit committees report annually on how they have discharged their responsibilities to help ensure that audit committees are operating effectively, to promote their role and purpose and to account for their performance in discharging their duties. The draft annual report for 2023-24 fulfilling these requirements is set out in the Appendix attached to this report.
4. In summary the report sets out the role of the Committee, its membership and the responsibilities delegated to it by the County Council. It also provides an overview of some of the sources of assurance the Committee has received during 2023-24 and highlights some of the key issues facing the Council from a governance and risk perspective.

Resource Implications

5. None arising from this report.

Equality Implications

6. There are no equality implications arising from this report.

Consideration by the Corporate Governance Committee

7. The Corporate Governance Committee at its meeting on 20 May considered the Annual Report of the Corporate Governance Committee 2023-24. The decision of the Corporate Governance Committee is reflected in the motion below.

(Motion to be moved:

That the information contained in the Corporate Governance Committee Annual Report 2023-24, attached as Appendix A to this report, be noted.)

20 May 2024

Mr. T. Barkley CC

**Chairman of the Corporate
Governance Committee**

Background Papers

[Report to the Corporate Governance Committee at its meeting on 20 May 2024 – Annual Report of the Corporate Governance Committee 2023-24](#)

Appendix

Appendix A – Corporate Governance Committee Annual Report 2023-24.

Corporate Governance Committee
Annual Report

2023 - 2024

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Foreword

By Mr T. Barkley CC
Chairman of the Corporate Governance Committee

I am pleased to present the Annual Report of the Council's Corporate Governance Committee (the Committee) covering the period January 2023 to January 2024. Its purpose is to highlight the role and work of the Committee and to set out what it has focused on during the year, to ensure the Council has adequate and effective governance, risk management and internal control frameworks in place.

The importance of the Committee remains vital in the context of current and future financial pressures, and the need to reshape services to reduce costs in the face of growing demand. The Committee's role is to ensure public confidence in the running of the Council – providing independent assurance and challenge to the Cabinet over governance risk management and control processes. The Committee has been enhanced by the appointment of two independent members who bring an additional perspective to the Committee's assurance role and I record my thanks to these members on behalf of the Committee and the Council.

The report draws attention to some of the governance issues the Committee has considered and challenged and highlights key themes that all Members of the Council should be sighted on. Over the past twelve months the Committee has sought assurances on several issues and requested additional information and further reports from officers on specific matters where it felt this was necessary. This report provides a summary of those activities.

The Committee acknowledges the work undertaken by officers to produce reports and thanks them for their attendance and transparent approach to governance reporting.



Mr T. Barkley CC
Chairman of the Corporate Governance Committee

Introduction

What and who is responsible for good governance?

The Chartered Institute of Public Finance and Accountancy (CIPFA) describes the overall aim of good governance as:

“To align the authority’s processes and structures with the attainment of sustainable outcomes. In practice, this means ensuring that:

- resources are directed in accordance with agreed policy and according to priorities;
- there is sound and inclusive decision making;
- there is appropriate stewardship of public assets and resources;
- there is transparency and clear accountability for the use of resources in order to achieve desired outcomes for service users and communities.”

(CIPFA Audit Committees: Practical guidance for local authorities and police 2022 Edition)

Good governance is ultimately the responsibility of the Full Council as the governing body of Leicestershire County Council. It is responsible for ensuring that its business is conducted lawfully and to proper standards.

The Corporate Governance Committee is appointed by Full Council to support the discharge of its functions in relation to good governance. This report sets out how the Committee has discharged its role and demonstrates how it has:

- Fulfilled its responsibilities as delegated to it by Full Council (as set out in its Terms of Reference contained within the Council’s Constitution);
- Complied with national guidance and best practice;
- Contributed to the strengthening of the Council’s risk management, internal control and overall governance arrangements.

This report underpins the Council’s Local Code of Corporate Governance and reinforces the Council’s Annual Governance Statement.

The Corporate Governance Committee

Role and Responsibilities

CIPFA's position statement on audit committees and related guidance (Audit Committees – Practical Guidance for Local Authorities 2022) sets out what audit committee practices and principles a local authority should adopt. It specifically sets out the purpose, model, core functions and membership of what a local authority's governance and audit committee should look like. The Council's Corporate Governance Committee is established in accordance with this Statement and Guidance.

The core functions of the Committee are set out in its terms of reference which are contained in the [Council's Constitution \(Part 3\)](#). In summary these are to:

- Promote and maintain high standards within the Authority in relation to the operation of the Council's Local Code of Governance.
- Ensure that an adequate risk management framework and associated control environment is in place, and to monitor the arrangements for the identification, monitoring and management of strategic and operational risks.
- Ensure that the Authority's financial and non-financial performance is properly monitored and to ensure proper oversight of the Council's financial reporting processes.
- Ensure the Council's Treasury Management arrangements are appropriate and regularly monitored.
- Monitor the adequacy and effectiveness of the Council's Internal Audit Service and the external audit of the Council's services and functions.
- Monitor the effectiveness of the Council's arrangements for combating fraud and corruption.
- Promote and maintain high standards of conduct by members and co-opted members, including advising Full Council on the adoption or revision of its Code of Conduct and monitoring and advising on the operation of its Code in light of best practice and change in the law.

The Committee also reviews the Council's Local Code of Governance, making recommendations to Full Council to ensure this remains relevant to the Council's work and practices. It also considers the external audit of the Statement of Accounts (including the Annual Governance Statement) and those relating to the Leicestershire Pension Fund to ensure these have been prepared in accordance with best practice. The Committee also makes recommendations to Full Council on any amendments needed to the Council's Financial and Contract Procedure Rules and approves the Council's procedure for handling member conduct complaints.

It reports directly to Full Council and the Committee is able to liaise with and refer matters to the Council's Cabinet and other bodies, including relevant Overview and Scrutiny Committees.

Membership



[Mr Tom Barkley](#)
(Chair)



[Mr Terry Richardson](#)
(Vice Chair)



[Mr Bill Boulter](#)



[Mr Neil Bannister](#)



[Mr David Bill](#)



[Mr Barry Champion](#)



[Mr Joe Orson](#)

Independence

As a Council-appointed Committee, the Corporate Governance Committee is appointed in accordance with the requirement for political proportionality but, in line with CIPFA guidance and best practice, it strives for political neutrality.

In July 2023, Full Council appointed two non-voting Independent Members to the Committee – Mr Gordon Grimes and Mr Alec Maxfield. The introduction of independent members to the Committee enhances its independence and provides added expertise to support the Committee in the discharge of its functions.



Mr Gordon Grimes



Mr Alec Maxfield

“The breadth and scope of the Committee is extremely wide covering the whole range of Local Authority activities. We have been impressed by the knowledge and experience of the Committee Members and their ability to work together without any partisan views, but with a desire to get best value for the council tax payers and ensure that governance is effective and risk management is robust.”

Mr Grimes and Mr Maxfield

Training

All Committee Members receive induction training before their first meeting. The Committee also then receives training on specific areas as necessary. Training was provided in May 2023 on Treasury Management and CIPFA’s Revised Guidance on Audit Committees. Further training will be undertaken during 2024/25 aligned to the Committee’s work programme for the next municipal year.

Self-Assessment outcome

The Committee undertook a self-assessment of good practice against the revised guidance. A copy of the self-assessment form completed and agreed by Members of the Committee is attached as Appendix A. The self-assessment provides a high-level review that incorporates the key principles set out in CIPFA's Position Statement: Audit Committees in Local Authorities and Police 2022. The results show a high level of performance against the good practice principles and is an indicator that the Committee is soundly based and has in place a knowledgeable membership. These are essential factors in developing an effective audit function. The self-assessment will be used to support the planning of the Committee's work plan and training plans.

The Committee's Activities 2023 - 24

Since January 2023 the Committee has met 6 times and considered **39 reports**.

Leicestershire County Council continues to be committed to allowing residents full insight into its decision-making processes. **All meetings of the Corporate Governance Committee are held in public, allowing people to attend in person to view the debate.** Meetings are also publicly broadcast live, and the recordings can be found on the Council's website where they are available to view in perpetuity. See the Council's [YouTube channel](#).

Financial Management

Following concerns around the financial resilience and management of local authorities, CIPFA developed the Financial Management (FM) Code. This is designed to support good practice in financial management and help local authorities demonstrate financial sustainability. The Standards build upon the underlying principles of leadership, accountability, transparency, professional standards, assurance and sustainability, and address those aspects of an authority's operations and activities that must function effectively if financial management is to be undertaken robustly and financial sustainability is to be achieved.

The Code does not eliminate financial pressure or risk, but compliance with the Code validates an organisation's ability to identify and manage risk and plan for long term financial sustainability. Demonstrating compliance with the Code is the collective responsibility of elected members, the section 151 officer and their colleagues in the leadership team.

The Committee considered the outcome of the assessment of the Council's compliance with the Code for the financial year 2021/22 and 2022/23 and were pleased to see that the required standards had been met. Both exercises identified a few areas that required improvement such as the need for an external assessment of the role of the Internal Audit Service, and the need to consistently undertake post-implementation reviews of significant capital projects to demonstrate value for money. However, overall confirmation was provided that there were no underlying problems of which the Council had not been aware. The Internal Audit Service also undertook a high-level review of the assessments and concluded that there were no other issues to report.

Risk Management

A key role of the Committee is to oversee arrangements for the identification, monitoring and management of strategic and operational risk within the Council. To do this it receives a regular update setting out all the corporate risks which have been identified centrally and across departments. Through robust consideration of these reports the Committee:

- Has monitored the overall risk profile of the Council on a quarterly basis, considered emerging risks and issues and noted those risks which have been added and removed from the Register and the reasons for this.
- Tested and challenged the scores applied to each risk and their expected direction of travel.
- Sought assurances around how risks are being managed and mitigated.
- Asked the Scrutiny Commission to consider the frequency of inspections carried out by the Council in respect of its farm estate when it next receives its annual report on the Investing in Leicestershire Programme.
- Received reassurance regarding the Council's charging policy following the legal decision made against Norfolk County Council whose policy was found to be discriminatory.
- Asked the Director of Children and Family Services to consider separating service delivery and budget related risks arising from increasing SEND demand pressures so that the different risks could be better quantified. The Committee has requested a presentation on SEND risks which will be provided later in the year.
- Considered lessons learned from Birmingham City Council's Section 114 Notice.
- Requested and received a presentation on Property and Occupancy Risk Management which resulted in a corporate group being established after the tragic events of both the Grenfell Tower fire and high-profile terrorism attacks.
- Received a presentation and questioned the Director of Adults and Communities regarding management of the risk of a poor CQC inspection outcome if the Department failed to provide robust evidence of good practice.

The Committee is responsible for advising the Cabinet and Full Council on its Risk Management Policy Statement and Strategy and its Insurance Policy which it reviews each year. These are then submitted as appendices to the Council's Medium Term Financial Strategy for approval. The Committee considered the 2023 and 2024 Policy Statement and Strategy and the Insurance Policy and recommended these be approved without amendment.

Overall, the Committee has received a high level of assurance that the risks identified reflect the complex environment in which the Council operates. It is acknowledged that some risks will remain high (red) indefinitely, as whilst unlikely, the impact if they occurred would be substantial irrespective of the mitigation put in place. The Committee has been satisfied that risk management processes are well established within departments; departments having demonstrated when challenged the positive actions being taken to address those that affect their service area. This has also been demonstrated in the regular reviewing and changing of the register to include or remove risks on a regular basis. This view was supported by the External Auditors in their Annual Report for 2022/23 which included a section on governance arrangements including those for risk management. The Committee was pleased to hear in January 2024 that the External Auditor's findings in relation to 2022/23 were positive and no gaps in risk management had been identified, the Council having been found to have a robust approach.

Fraud and Corruption

The Committee oversees changes to the Council's Anti-Fraud and Corruption Strategy, Anti-Bribery Policy, Anti-Money Laundering Policy and the Policy for the Prevention of Facilitation of Tax Evasion. These have been reviewed this year and have not required substantial amendment.

In line with the CIPFA Code of Practice – Managing the Risk of Fraud and Corruption, the Internal Audit Service reviewed the Council's Fraud Risk. The Committee considered the outcome of this assessment and the corresponding risk gradings for each area identified based on the Council's overall level of exposure and national fraud intelligence received. The Committee has also received assurance regarding the controls in place to mitigate the identified risks from occurring. The highest scoring areas of fraud risk facing the Council mirror those typically reported nationally by other councils.

The Committee has been assured that raising fraud awareness remains a priority, especially regarding common frauds or emerging frauds which are highlighted through several channels including mandatory e-learning and information shared on the Council's intranet through targeted messages. Fraud intelligence tells us that the common fraud risks at present include mandate fraud, senior officer impersonation fraud, QR-code fraud, frauds associated with the current cost of living crisis (e.g. energy refunds), cybercrime (e.g. malware, e-mail hacking, ransomware), financial grant support schemes, procurement fraud and Adult Social Care (e.g. concealment of assets). The Committee emphasises that the Council must not become complacent regarding the risks of insider fraud and where the risk is typically greater in times of economic downturn and rising costs of living.

Internal Audit

The Committee works closely with the Council's Internal Audit Service, both overseeing its independence and effectiveness, and receiving assurance from the Service as to the adequacy and effectiveness of the Council's internal control environment.

The Committee has received regular reports from the Head of Internal Audit Service (HoIAS) which have provided updates on progress against the 2022/23 and 2023/24 Internal Audit Plan. The HoIAS has attended all Committee meetings to answer the Committee's questions, and this has enabled the Committee to discuss key findings and seek assurances where appropriate, particularly in relation to the implementation of high importance recommendations by departments following a specific audit.

The internal audit function for East Midlands Shared Services (EMSS) is provided by Nottingham City Council. During the period of this report, the Committee received information on the internal audit plan for 2023-24 for EMSS. However, the Head of Internal Audit Annual Report for 2022-23 (including their opinion on the adequacy and effectiveness of EMSS control environment) was delayed due to the

postholder's long term absence. Members raised concerns and were provided with assurance that individual audit reports were being received and presented to the EMSS Joint Committee. The HoIAS and Risk at Nottingham City Council will present the Annual Report and opinion for 2022-23 and a progress update on 2023-24 audits to the Committee at its meeting in May 2024.

The Committee has recently approved an amended Audit Charter which establishes the Internal Audit Service's position within the Council and the reporting relationship with the Committee.

In May 2023, the Committee received the HoIAS's Annual Report for 2022/23 which sets out their opinion on the overall adequacy and effectiveness of the Council's control environment. This year, the HoIAS's opinion was that *"reasonable assurance had been given that the Council's control environment has remained adequate and effective."* The Committee was pleased to hear that assurance had been supplemented by good relationships with the Corporate Management Team and senior management across departments and transparency in their reporting of significant governance issues as detailed in the Annual Governance Statement, as well as by providing detailed updates to risk positions in the Corporate Risk Register.

The Committee has considered and supported proposals to undertake an external assessment of the Council's Internal Audit Service which is required to be undertaken every 5 years in line with Public Sector Internal Audit Standards (PSIAS) and as was identified as outstanding in the Financial Management Code assessment (detailed above). This will be conducted by an independent assessor from outside the organisation and will look at the overall conformance of the Council's internal audit service with the standards. The outcome of this review will be considered by the Committee later in the year.

External Audit

The Committee plays a significant role in overseeing the Council's relationship with its external auditors (Grant Thornton LLP) and takes an active role in reviewing the external audit plan, progress reports, the annual audit findings report and the Auditor's Annual Report setting out the findings of the value for money review.

External auditors are required to be satisfied about the Council's arrangements to secure value for money and as part of their work consider:

- Financial Sustainability – How the Council plans and manages its resources to ensure it can continue to deliver its services.
- Governance – How the Council ensures that it makes informed decisions and properly manages its risks.
- Improving economy, efficiency and effectiveness – How the Council uses information about its costs and performance to improve how it manages and delivers its services.

During the year the Committee has received regular reports and verbal updates from its External Auditors setting out progress against the 2022/23 external audit plan.

Representatives from Grant Thornton attended the Committee meeting in January 2024 to present their Annual Report for 2022/23. The risks identified for testing in the audit plan were:

- Valuation of Land and Buildings – review of the valuation of assets valued on a cyclical basis.
- Valuation of the pension fund net liability – review of assumptions, methodology and data provided to the Actuary.
- Pension Fund – valuation of hard to price investments – review of estimates used.
- Special Educational Needs expenditure and the dedicated school grant deficit.
- East Midlands Freeport.

Grant Thornton concluded that these risks were being well managed but did include some recommendations for further improvements in their report.

The External Auditors have not yet completed their audit of the 2022/23 financial statements, but this will be considered by the Committee later in the year once completed.

For 2021/22 the auditors issued an unqualified opinion in respect of its audit of the Council's financial statements and identified no significant weaknesses, concluding that the Council has a good track record of sound financial management, had appropriate arrangements in place to manage the financial resilience risks, has a clear and documented governance framework in place and a well-developed performance management framework.

Some recommendations for improvement were identified, and the Committee highlights that the Council has been recommended to take appropriate actions to reduce its cumulative SEND deficit. The Committee is aware that the Council has engaged a strategic partner, Newton Europe, to help deliver the Council's ambitious programme of SEND reform through its Transforming Special Needs and Inclusion in Leicestershire (TSIL) Programme, progress against which is being monitored regularly through the Council's scrutiny process. The Committee will also oversee that progress throughout next year through the internal, external and risk management reports received. It has also requested a specific presentation on this risk area which will be provided later in the year.

The Committee has heard about the significant capacity issues in the audit market which arises from a combination of staff recruitment and retention issues, combined with changes in Regulations which have increased the volume of work required to be undertaken as part of the annual audit. The Committee has sought assurance from

the external auditors about work taking place to stabilise its audit team and adjust to the increased work required. It is expected that delays might continue for some time until the market can recover. The Committee will continue to work with Grant Thornton during this difficult period to ensure the Council's operations continue to be adequately assessed and challenged.

Treasury Management

It is the responsibility of this Committee to ensure that the Council's Treasury Management arrangements are appropriate and regularly monitored. The Committee therefore considered and recommended for approval to Full Council the Annual Treasury Management Strategy Statement 2024-25 which forms part of the Council's Medium Term Financial Strategy. It has also received quarterly progress reports which advise of significant events both locally and nationally which affect the Council's treasury management activities. The Committee also seeks assurances that those with responsibility for treasury management operate within the approved policies when executing transactions.

The Committee is pleased to report that throughout the year it has *not* been advised of any incidents whereby the Council has operated outside the treasury and prudential indicators set out in the Council's Strategy during 2022/23, or that any loans have breached the authorised lending counterparty list. The Committee considered the annual report which set out the performance achieved in 2022/23 and was pleased to see that the investment loan portfolio had produced a strong level of over performance. This has added significant value in a period of extremely low interest rates.

Internal Controls

The Committee has responsibility for monitoring the effectiveness of the Council's internal control systems and receives annual assurance reports in relation to a wide range of Council operations. This year the Committee has:

- Considered the operation of the **Contract Procedure Rules (CPRs)** as set out within Part 4 of the Council's Constitution and challenged the number of exceptions approved during the year. The Committee has raised concerns about the level of detail included within reports to enable it to assure itself that proper processes have been followed and so received an additional report in January 2023. Reporting in January 2024 was much improved, and the Committee recommended changes be made to the CPRs to tighten up processes around contract exceptions, extensions and modifications.
- Received assurance regarding the use by the Council of the **Regulation of Investigatory Powers Act 2016**. The Committee welcomed the outcome of the Inspection by the Investigatory Powers Commissioner's Office which stated that the Council's RIPA policy was 'informative and well formed'. The Inspector was also pleased with the training undertaken thus far, which had benefited staff, and led to well-formed applications and authorisations. Whilst

some minor advisory points were noted, the Inspector was said to be 'impressed by the standard of the documentation presented to him' and the Council was found to be in a good place. The Committee sought and received assurance that there had been no significant legal challenges to the Council's exercise of these powers through the Magistrates Court and that robust internal systems were in place before legal approval was obtained.

- Heard about the Council's **Resilience and Business Continuity** activities during the year. The Committee received assurance that business continuity plans had been reviewed and refreshed to check that these continued to be robust and that contractors had been contacted as part of that process given the increased risk of critical supply failure. The Committee also secured the adoption of new processes to notify local members of incidents in real time and to keep them informed of lessons learnt following an incident. The Committee will also shortly be receiving an update on the Council's response to flooding events earlier in 2024.
- Reviewed the number of complaints received during the last year under the **Members' Code of Conduct** and how these had been dealt with either by the Monitoring Officer or the Member Conduct Panel.
- Recommended that Full Council adopt a revised **Members' Protocol on Member/Officer Relations** noting the commitment of Members and officers in complying with the Code to date.
- Received assurance regarding the Council's **Clinical Governance Arrangements** as part of its Public Health function which commissions several clinical services previously provided by the NHS. The Committee sought assurance that exception reports and lessons learnt regarding clinical governance matters were also being properly reported to the Council's Health Overview and Scrutiny Committee.
- Received the **Local Government and Social Care Ombudsman (LGSCO) annual review** letter for the Authority for 2022/23 which provided valuable insight into the Council's approach to complaints and considered changes to the Council's processes. There has been a further rise in the number of complaints and enquiries received by the LGSCO and the Committee was concerned to hear that a number of these had been escalated solely due to delays in responding to complaints. Whilst the number of complaints investigated by the LGSCO increased this year (two of which resulted in Public Reports), the number of complaints upheld fell compared to the previous year by 10%, ranking the Council as having the 2nd lowest number of complaints upheld when rated against 16 of its statistical neighbours. It is not surprising that the largest number of complaints received related to SEN Assessments and SEN Transport and the Committee therefore highlighted the report to the relevant Overview and Scrutiny Committees.

Looking Ahead for 2024/25

For the coming year the Committee will continue to receive regular updates and annual assurance reports. It will continue to provide the usual level of robust challenge to corporate governance and audit practices and procedures to ensure the Council's arrangements are up to date and fit for purpose and that these are communicated and properly complied with. It will also continue to liaise with the Council's external auditors on areas for improvement.

In addition to routine business the Committee has requested more information on risks relating to the delivery of, and funding for, Special Educational Need.

Rising demand for Council services at a time of reduced resources continue to give rise to significant challenges. The Committee will therefore be vigilant in monitoring the risks arising from these challenges and the mitigations put in place to address them. The Committee will also seek to take forward the remaining actions from the review of the Committee's self-assessment of good practice against the revised CIPFA Guidance on Audit Committees. Additionally, revised Global internal Audit Standards have recently been introduced, which place increased emphasis on 'Governing the Internal Audit Function', and the implications of this will need to be addressed.

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Self-assessment of good practice

This appendix provides a high-level review that incorporates the key principles set out in CIPFA's Position Statement and this publication. Where an audit committee has a high degree of performance against the good practice principles, it is an indicator that the committee is soundly based and has in place a knowledgeable membership. These are the essential factors in developing an effective audit committee.

A regular self-assessment should be used to support the planning of the audit committee work programme and training plans. It will also inform the annual report.

Good practice questions	Does not comply	Partially complies and extent of improvement needed*			Fully complies
	Major improvement	Significant improvement	Moderate improvement	Minor improvement	No further improvement
Weighting of answers	0	1	2	3	5

Audit committee purpose and governance

- 1 Does the authority have a dedicated audit committee that is not combined with other functions (eg standards, ethics, scrutiny)?
- 2 Does the audit committee report directly to the governing body (PCC and chief constable/full council/full fire authority, etc)?
- 3 Has the committee maintained its advisory role by not taking on any decision-making powers?
- 4 Do the terms of reference clearly set out the purpose of the committee in accordance with CIPFA's 2022 Position Statement?
- 5 Do all those charged with governance and in leadership roles have a good understanding of the role and purpose of the committee?
- 6 Does the audit committee escalate issues and concerns promptly to those in governance and leadership roles?
- 7 Does the governing body hold the audit committee to account for its performance at least annually?

* Where the committee does not fully comply with an element, three options are available to allow distinctions between aspects that require significant improvement and those only requiring minor changes.

Good practice questions	Does not comply					Partially complies and extent of improvement needed					Fully complies														
	Major improvement					Significant improvement					Moderate improvement					Minor improvement					No further improvement				
Weighting of answers	0					1					2					3					5				
8 Does the committee publish an annual report in accordance with the 2022 guidance, including:																									
<ul style="list-style-type: none"> compliance with the CIPFA Position Statement 2022 																									
<ul style="list-style-type: none"> results of the annual evaluation, development work undertaken and planned improvements 																									
<ul style="list-style-type: none"> how it has fulfilled its terms of reference and the key issues escalated in the year? 																									
Functions of the committee																									
9 Do the committee's terms of reference explicitly address all the core areas identified in CIPFA's Position Statement as follows?																									
Governance arrangements																									
Risk management arrangements																									
Internal control arrangements, including:																									
<ul style="list-style-type: none"> financial management value for money ethics and standards counter fraud and corruption 																									
Annual governance statement																									
Financial reporting																									
Assurance framework																									
Internal audit																									
External audit																									
10 Over the last year, has adequate consideration been given to all core areas?																									
11 Over the last year, has the committee only considered agenda items that align with its core functions or selected wider functions, as set out in the 2022 guidance?																									
12 Has the committee met privately with the external auditors and head of internal audit in the last year?																									

Good practice questions	Does not comply					Partially complies and extent of improvement needed					Fully complies														
	Major improvement					Significant improvement					Moderate improvement					Minor improvement					No further improvement				
Weighting of answers	0					1					2					3					5				

Membership and support

13 Has the committee been established in accordance with the 2022 guidance as follows?

- Separation from executive
- A size that is not unwieldy and avoids use of substitutes
- Inclusion of lay/co-opted independent members in accordance with legislation or CIPFA's recommendation

14 Have all committee members been appointed or selected to ensure a committee membership that is knowledgeable and skilled?

15 Has an evaluation of knowledge, skills and the training needs of the chair and committee members been carried out within the last two years?

16 Have regular training and support arrangements been put in place covering the areas set out in the 2022 guidance?

17 Across the committee membership, is there a satisfactory level of knowledge, as set out in the 2022 guidance?

18 Is adequate secretariat and administrative support provided to the committee?

19 Does the committee have good working relations with key people and organisations, including external audit, internal audit and the CFO?

Effectiveness of the committee

20 Has the committee obtained positive feedback on its performance from those interacting with the committee or relying on its work?

21 Are meetings well chaired, ensuring key agenda items are addressed with a focus on improvement?

22 Are meetings effective with a good level of discussion and engagement from all the members?

23 Has the committee maintained a non-political approach to discussions throughout?

Good practice questions	Does not comply					Fully complies
	Partially complies and extent of improvement needed					
	Major improvement	Significant improvement	Moderate improvement	Minor improvement	No further improvement	
Weighting of answers	0	1	2	3	5	
24 Does the committee engage with a wide range of leaders and managers, including discussion of audit findings, risks and action plans with the responsible officers?						
25 Does the committee make recommendations for the improvement of governance, risk and control arrangements?						
26 Do audit committee recommendations have traction with those in leadership roles?						
27 Has the committee evaluated whether and how it is adding value to the organisation?						
28 Does the committee have an action plan to improve any areas of weakness?						
29 Has this assessment been undertaken collaboratively with the audit committee members?						
Subtotal score						
Total score						
Maximum possible score						200**

** 40 questions/sub-questions multiplied by five.

REPORT OF THE CORPORATE GOVERNANCE COMMITTEE

B. REVISED MEMBERS' PLANNING CODE OF GOOD PRACTICE

Introduction

1. The purpose of this report is to present a revised Members' Planning Code of Good Practice (the Planning Code) for approval.

Background

2. In 2010 the Council adopted a Planning Code. It was based on a model originally produced by the Association of Council Secretaries and Solicitors (now the LLG (Lawyers in Local Government)) which was prepared following the introduction of the new ethical framework and consultation with the Local Government Association (LGA), the Local Government Ombudsman, and firms of solicitors and Counsel acting on their behalf.
3. In 2017 the Planning Code was reviewed to take account of changes in legislation and guidance including changes introduced by the Localism Act 2011 relating to declarations of interest and changes in approach to issues such as predetermination. The updated Planning Code was considered by the Corporate Governance Committee and the Development Control and Regulatory Board in February and March 2017 respectively. It was subsequently approved by the County Council on 22 March 2017.
4. At the County Council meeting on 1 December 2021 a revised Members' Code of Conduct was approved. This was based on a new draft model Code of Conduct which had been produced by the LGA following a report by the Committee on Standards in Public Life which made various recommendations to strengthen the code. Minor revisions were made to the LGA Model Code to reflect local issues, creating a locally amended Model Code. The most significant changes to the Code related to declaring interests and the categories of interest were renamed as:
 - Registrable interests:
 - Disclosable Pecuniary Interests;
 - Other registrable interests;
 - Non-registrable interests.
5. On 13 October 2022 the Development Control and Regulatory Board considered proposed amendments to The Members' Planning Code of Good Practice in line with the Members' Code of Conduct and particularly the changes with regards to registering interests. Those amendments were also considered by the Corporate Governance Committee before being approved by County Council on 7 December 2022.

Revision of the Members' Planning Code of Good Practice

6. In January 2024 LLG in conjunction with the LGA produced a new model Council Planning Code and Protocol. The main changes related to the use of social media by members on planning committees.
7. It is proposed to retain the existing Leicestershire County Council Members' Planning Code of Good Practice but insert the sections on social media from the model Code into the Leicestershire County Council Code (See Appendix A).

Comments of the Development Control and Regulatory Board

8. The revised Planning Code was considered, and the proposed changes supported, by the Development Control and Regulatory Board at its meeting on 4th April 2024.

Resource Implications

9. There are no resource implications arising from this report.

Equality Implications

10. There are no equality implications arising from the recommendations in this report.

Consideration by the Corporate Governance Committee

11. The Corporate Governance Committee at its meeting on 20 May considered the Revised Planning Code of Good Practice, together with the comments made by the Development Control and Regulatory Board. The decision of the Corporate Governance Committee is reflected in the motion below.

(Motion to be moved: -

That the revised Planning Code of Good Practice, attached as Appendix A to this report, be adopted.)

20 May 2024

**Mr. T. Barkley CC
Chairman of the Corporate
Governance Committee**

Background Papers

[Report to the Corporate Governance Committee at its meeting on 20 May 2024 – Revised Members' Planning Code of Good Practice](#)

Appendix

Appendix A – Revised Members' Planning Code of Good Practice 2024

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Part 5A(1)

Members' Planning Code of Good Practice

Part 5A(1) – Members’ Planning Code of Good Practice

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Part 5A (1) - Members' Planning Code of Good Practice

Background

This Planning Code of Good Practice reflects the requirements of the Localism Act 2011 and the County Council's Members' Code of Conduct which is set out in the Constitution.

This Code sets out how councillors can get involved in planning in a fair, impartial, and transparent way.

Definitions of interests referred to below are given in the Members' Code of Conduct, Part 5 of the Constitution.

Introduction

The aim of this Code of Good Practice is to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial, or not well founded in any way.

This Code of Good Practice applies to Members at all times when involving themselves in the planning process. This includes both decision-making meetings of the Council when exercising the functions of the Planning Authority (usually at the Development Control and Regulatory Board for development management, referred to here as 'the Board', and at the Cabinet and County Council for development plans) and involvement on less formal occasions, such as at meetings with officers or the public and at consultative meetings. It applies to planning applications, enforcement matters, and policy issues (such as the Minerals and Waste Local Plan).

The key purpose of Planning is to contribute to the achievement of sustainable development, not development at any cost. Planning should ensure that the right development happens in the right place at the right time, benefitting communities and the economy. It plays a critical role in identifying what development is needed and where, what areas need to be protected or enhanced, and in assessing whether proposed development is suitable. It does this by regulating the development and use of land in the public interest.

Your role as a Member of a Planning Authority is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.

If you have any doubts about the application of this Code to your own circumstances you should seek advice early from the Director of Law and Governance as the County Council's Monitoring Officer or one of their staff, and preferably well before any meeting takes place.

1. Relationship to the Members' Code of Conduct

- **Do** apply the rules in the Members' Code of Conduct first. This must always be complied with.
- **Do** then apply the rules in this Planning Code of Good Practice, which seek to explain and supplement the Members' Code of Conduct for the purposes of your involvement in planning matters. If you do not abide by this Code of Good Practice, you may put:
 - the Council at risk of proceedings on the legality or maladministration of the related decision; and
 - yourself at risk of being in breach of the Members' Code of Conduct and, if the failure is also likely to be a breach of the interest provisions of the Localism Act 2011, a complaint being made to the police to consider criminal proceedings.

2. Development Proposals and Interests under the Members' Code of Conduct

- **Do** disclose the existence and nature of your interest at any relevant juncture, including informal meetings or discussions with officers and other Members.
- **Do** disclose your interest at the beginning of the meeting, or as soon as it becomes apparent. It is good practice to declare your interest again at the start of the relevant item, particularly because members of the public may only be attending for that issue and will not have heard the declaration at the beginning.
- **Do** consider the type of interest you may have and act accordingly.

A. Registerable Interests (those you have included in your register of interests in accordance with the Code of Conduct)

If the matter *directly relates* to one of your Registerable Interests you should declare the existence and the nature of the interest before the item is considered, and

- **don't** get involved in the processing of the application;
- **don't** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the Planning Authority;
- **don't** try to represent local views, get another Member to do so instead;

- **do** withdraw from any meeting prior to consideration of the matter.

If the matter does not *directly relate* to one of your Registerable Interests, then

- **do** consider whether the matter may nonetheless affect your financial interest or wellbeing or that of a friend/relative/close associate;
- **do** carefully consider the extent to which you or your friend/relative/close associate, is affected and whether it might lead to, or could be perceived to lead to, bias on your part;
- **do** be aware that you may attend a Board meeting to make representations, answer questions, or give evidence on the matter provided that public speaking rights also apply;
- **do** ensure that if you decided to make representations on this basis you do not then take part in any discussion or voting on the matter and withdraw from the meeting after you have spoken.

B. Non-Registerable Interests (those not in your register of interests but that may arise with a particular matter)

If the matter directly relates to or affects a financial interest or the wellbeing of yourself or of a friend/relative/close associate (and is not a Registerable Interest) then

- **do** carefully consider the extent to which you or your friend/relative/close associate, is affected and whether it might lead to, or could be perceived to lead to, bias on your part;
- **do** be aware that you may attend a Board meeting to make representations, answer questions, or give evidence on the matter provided that public speaking rights also apply.
- **Do** ask yourself when considering the nature of your interest, whether Registerable or Non-Registerable -

“Is the financial interest or wellbeing of myself or my friend relative/close associate affect to a greater extent than the financial interest or wellbeing of the majority of inhabitants of the ward affected by the decision?”

“Would a reasonable member of the public knowing all the facts believe that this would affect my view of the wider public interest?”

If your answer to either of these questions is “yes” then you must disclose the interest, not take part in discussion or voting on the matter, and leave the meeting during its consideration. As explained above, you may still make representations at the Board meeting provided that public speaking rights apply.

- **Don't** in any event ever seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment because of your role as a Member. This would include discussing the matter with officers or Members when the public would not have the same opportunity to do so.
- **Do** be aware that whilst you are not prevented from seeking to explain and justify a proposal in which you have an interest to an appropriate officer, you must always declare your interest and the Code places greater limitations on you in representing that proposal than would apply to a member of the public.

3. Predetermination in the Planning Process

Predetermination is also referred to as ‘fettering discretion’. It is not the same as *predisposition*, as explained below.

Predetermination occurs when you are deemed to have made your mind up and will not consider any subsequent information presented. However, you can be *predisposed*, that is, have an initial view on the matter.

As an elected Member you are entitled, and are often expected, to have expressed views on planning issues (*predisposition*). Some Councillors may be elected in part because of their views on such matters. However, if you become involved in the decision making as a member of the Development Control and Regulatory Board then you must be clear that you are prepared to reconsider your position in the light of all the evidence and arguments.

As an elected Member involved in a planning matter:-

- **Don't** predetermine (fetter your discretion) by approaching the decision with a closed mind.
- **Do** keep at the front of your mind that, particularly if you are predisposed as to how you might decide a particular application, you
 - must keep an open mind at the meeting;
 - must make it clear that you are still willing to listen to all of the evidence and material considerations presented, both the officers' presentation of the facts and their advice, as well as the arguments from all sides, before deciding how to exercise your vote;

- are not required to cast aside views on planning policy you held when seeking election or otherwise acting as a Member, in giving fair consideration to points raised;
- are only entitled to take account material considerations and must disregard considerations that are irrelevant to the question and legal context at hand; and
- are to come to a decision after giving what you feel is the right weight to those material considerations.

If you have predetermined the application:

- **Don't** participate in the determination of the matter at the Board because if you did take part in the discussion or vote it would put the County Council at risk, because

Firstly, it would probably constitute maladministration in the opinion of the Local Government Ombudsman.

Secondly, the Council could be at risk of a legal challenge, including Judicial Review, on a number of possible grounds:

- that there was a danger of bias on your part; or
 - you had predetermined the issue; or
 - there was a failure to take into account all of the factors enabling the proposal to be considered on its merits.
- **Don't** speak or vote on the proposal.
 - **Do** consider whether you should also withdraw from the meeting during the Board's consideration of that application. Although you are not required to, you may prefer to leave to avoid any complaint that your presence may have influenced the decision.
 - **Do**, if you decide to stay in the meeting, explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having predetermined the matter, so that this may be recorded in the minutes.

If you have not predetermined a matter but are predisposed as to how you might decide an application,

- **Do** consider yourself able, for example, to:
 - make public statements on an issue, and
 - campaign on a particular issue;

provided you make it clear when you do this that you do not have a closed mind and are amenable to changing your mind in the light of all the information, advice and evidence which will be presented to you at the time of making a decision.

County Council Proposals

- **Do** be aware that if you have been involved in the preparation, submission or advocacy of a planning proposal on behalf of the County Council (i.e. where it is the landowner, developer or applicant) you should avoid participating in the decision-making process as you could be considered to be biased or have predetermined the matter.

Local Members whose electoral division is directly affected by the application

- **Do** consider whether you should take the opportunity to exercise your separate speaking rights as a Local Member (subject to the consent of the Chairman of the Board under Meeting Procedure Rule 33(2)) where you have represented your views or those of local electors to such an extent that you have, or are likely to be seen as having, predetermined the application. Where you do:
 - advise the proper officer and the Chairman that you wish to speak in this capacity before commencement of the meeting;
 - after you have spoken, remove yourself from the member seating area for the duration of that item, or you may prefer to leave the room entirely as suggested above so as to avoid any complaint that your presence may have influenced the decision; and
 - ensure that your actions are recorded.

Members of another body involved in an application

- **Do** be aware that, although the provisions in the Members' Code of Conduct are applied in such a manner as to recognise that the Code should not obstruct a member's service on:
 - another local or public authority; or
 - a body to which you have been appointed or nominated by the Council as its representative;

you must decide in relation to any planning proposal, whether you have been involved to such an extent in the preparation, submission or advocacy of a planning proposal on behalf of such a body as to make your participation in the decision-making process inappropriate. If you have then you should always disclose this Other Registerable Interest and withdraw from the meeting.

Participation in the discussions of consultee bodies by Members of the decision-making body

- **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (i.e. where you are also a member of the district council as well as being a County Member), provided that:
 - the proposal does not substantially affect the wellbeing or financial standing of the consultee body;
 - you make it clear during the discussion at the consultee body that:
 - (i) you will reserve judgement and the independence to make up your own mind on each separate proposal when it comes before the decision-making body (e.g. the Board) and you hear all of the relevant information;
 - (ii) you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Board for consideration; and
 - (iii) you disclose the personal interest regarding your membership of the consultee body or role when the Board comes to consider the proposal.

4. Contact with Applicants, Developers and Members of the Public

- **Do** exercise caution if approached about a planning application by an applicant, developer or member of the public and refer them to Council Officers for planning, procedural or technical advice.
- **Don't** agree to any meeting with applicants, developers or groups of objectors/supporters where it can be avoided. Where you feel that a formal meeting would be useful in clarifying the issues, it is advisable that you do not seek to arrange that meeting yourself as this may be seen as your promoting one point of view or the other. Instead, you may request the Chief Executive (Head of Planning) to organise it. Officers will then ensure that those present at the meeting are advised from the start that the discussions will not bind the Authority to any particular course of action, that the meeting is properly recorded on the application file, and that the record of the meeting is disclosed when the application is considered by the Board.
- **Do** make it clear that you will only be in a position to make a final decision on the application after having heard all the relevant evidence and arguments at the Board.
- **Do** remember to:
 - follow the rules on lobbying (below);

- consider whether it would be prudent in the circumstances to make notes when contacted and whenever an officer is not present; and
- report to the Chief Executive (Head of Planning) any significant contact with the applicant or other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

Presentations by Applicants/Developers

- **Do** feel able to attend public exhibitions or information events held by applicants/developers, but remember -
 - to ask questions only for the purposes of clarifying your understanding of the proposals;
 - that the presentation is not part of the formal process of debate and determination of any subsequent planning application; this will be carried out by the Board;
 - that a presentation can be a form of lobbying and you must not state how you or other members might vote.
- **Don't** attend private presentations from applicants/developers without requesting an officer to be present.

5. Lobbying

Special attention is needed with regard to lobbying in the planning decision-making process. Lobbying in respect of other aspects of members' work is commonplace and it is an accepted part of the democratic process. However, if such lobbying of members of the Development Control and Regulatory Board oversteps the mark (see examples below) it can lead to the impartiality and integrity of members being called into question and decisions taken being referred to the Local Government Ombudsman and/or being subject to legal challenge.

This can be especially difficult for the Local Member who is also a member of the Board. Therefore, care is required when lobbying of and by a member occurs during consideration of a planning application.

A. Lobbying of Members

- **Do** remember that your overriding duty is to the whole community in Leicestershire, not just the people in your electoral division. You need to make decisions impartially and ensure that you do not favour, or appear to favour, any person, company, group or locality.
- **Don't** declare the way you intend to vote.

- **Do** feel able to express an opinion on the merits prior to your formal consideration of the matter at the Board *but only* if you are very clear that you will only make your mind up at the meeting after hearing the officers' presentation and evidence and arguments on both sides.
- **Do** explain to those attempting to lobby you that, whilst you can listen to what is said, you may be open to accusations of predetermination if you express a firm point of view or an intention to vote one way or another, and you would not then be able to participate in the Board's decision-making.
- **Do** pass on any representations you receive and copy or pass on any lobbying correspondence you receive to the Chief Executive (Head of Planning) at the earliest opportunity.
- **Do** refer any offers made to you of planning gain or to restrict the development through a proposed Section 106 planning obligation or otherwise to the Chief Executive (Head of Planning).
- **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum and its acceptance is registered in accordance with the Members' Code of Conduct.
- **Do** indicate that you will pass on that person's views to the Chief Executive and, if necessary, to the Board when it considers the matter, but that you cannot commit yourself to vote in any particular way. If you intend to speak at the Board in this way make it clear at the start of the meeting that this is what you are doing so that this can be recorded.
- **Do** remember that, subject to the advice on interests in Part 2 above you may:
 - Listen/receive viewpoints from residents or other interested parties;
 - Make comments to residents, interested parties, other members or appropriate officers, provided they do not consist of or amount to predetermining the issue and you make it clear that you are keeping an open mind;
 - Seek information through appropriate channels; or
 - Be a vehicle for the expression of opinion or speak at the meeting as a Local Member, provided that, if you are also a member of the Board, you explain your actions at the start of the meeting/item and make it clear that, having expressed the opinion or local view, you will make up your own mind having heard all the facts and listened to the debate.

B. Lobbying by Members

- **Don't** lobby fellow members excessively regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of a meeting of the Board. In this context:

Lobbying is asking fellow members to hear or share one's thoughts and concerns on an issue.

Excessive lobbying is applying such pressure on a fellow member that it amounts to an attempt to obtain a commitment as to how they will vote, whether spoken or unspoken. Pressure of this sort is an attempt to predetermine the outcome of the issue (making the decision potentially unlawful) and may also amount to the Member using their position improperly to confer an advantage or disadvantage (breaching paragraph 2.19 of the Members' Code of Conduct).

If you approach a fellow Member regarding a planning application (or indeed any other issue):

- **Do** be mindful that they may feel under undue pressure more readily in the following situations:
 - a senior member lobbying a less senior colleague;
 - a number of members lobbying an individual;
 - persistent lobbying of a member.
- **Do** always be clear that your lobbying is to solicit interest only and you are not seeking a voting commitment.
- **Do** cease to lobby a member if it appears there is a risk that they will feel subject to pressure as to how he/she votes.
- **Don't** discuss how to vote on a planning proposal at a political group meeting or lobby other members to do so. The Local Government Ombudsman has made it clear that the use of political whips to determine planning applications could amount to maladministration.

Membership of Lobby Groups

- **Don't** lead or act as spokesperson of an organisation or group whose *primary purpose* is to lobby or promote or oppose a planning application.
- **Do** feel able to join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning applications, e.g. The Victorian Society, The Ramblers, CPRE, or a local civic society. However, if you are a member of such an organisation and this is relevant to a particular application, you should make sure that you declare that interest and consider whether it might lead to, or could be perceived to lead to bias on your part.

Undue or Excessive Lobbying

- **Do** inform the Director of Law and Governance if you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality). The Director will ensure that the

appropriate action is taken.

6. Site Visits

- **Do** attend site visits organised by the County Council.
- **Do** ensure that any information which you gained from the site visit is reported back to the Board, so that all members and officers involved in the decision-making have the same information.
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- **Do** ask the officers at the site visit questions or seek clarification from them on factual matters which are relevant to the site inspection.
- **Do** have regard to the Council's Site Visit Protocol, in particular noting that all discussion during visits should be conducted through the Chairman and limited to the drawing of attention to facts/features associated with the site.
- **Don't** get involved in discussion with the applicant/developer or any members of the public who may be present during the visit. If you are approached advise them that representations should be made in writing, and direct them to or inform the County Council officer accompanying you.
- **Don't** express firm opinions or views or declare the way you intend to vote.
- **Don't** enter a site which is subject to a planning proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
 - you feel it is essential for you to visit the site other than through attending the official site visit;
 - you have first spoken to the Chief Executive (Head of Planning) about your intention to do so and why (which will be recorded on the planning file); and
 - you can ensure you will comply with these good practice rules on site visits.

7. Pre-Meetings

Briefing meetings for the Chairman and Spokesmen of the Board are held to facilitate the smooth running of the Board meetings. Discussion will be limited to procedural issues such as the organisation of site visits, arrangements for members of the public to exercise their speaking rights at the meeting, and to ensure that all the relevant paperwork and information is available for the meeting.

- **Do** use pre-meetings to resolve procedural issues to facilitate the smooth running of the formal meeting.
- **Don't** discuss the determination of applications at either Board briefing meetings or political group meetings.
- **Don't ever** use the political whip on a planning matter. This would leave the decision open to challenge and could give rise to a finding of maladministration by the Local Government Ombudsman.

8. Public Speaking at Meetings

The County Council has a procedure to allow members of the public to make representations at meetings of the Development Control and Regulatory Board. As an elected Member -

- **Do**, if contacted by the public before the meeting, explain that whilst you may express a view you must be seen to be keeping an open mind on the matter, and that you will determine the application on its merits, having regard to material considerations.
- **Don't** allow applicants or members of the public to communicate with you at all during the Board's proceedings ([orally, in writing, or by social media](#)) as this may give the appearance of bias.
- **Do** ensure that you comply with the Council's procedures in respect of public speaking.

9. [Social Media](#)

- [Do be aware of the power of social media posts or re-posting and be careful to not to give the impression that you will definitively vote in a certain way or act with a closed mind if you intend to participate in the decision making on behalf of the authority.](#)
- [Don't participate in social media or exchanges by texting as a member of the committee during the committee's proceedings as this may give the impression of undue external influence and may give the appearance of bias.](#)

10. County Council Officers

- **Don't** put pressure on officers to put forward a particular recommendation as this may be seen as prejudicing their professional integrity and impartiality. This does not prevent you from asking questions or submitting views to the Chief Executive (Head of Planning) which may be incorporated into any Board report.

- **Do** recognise that officers are part of a management structure and you should only discuss a development proposal, outside of any arranged meeting, with a Head of Service or those officers who are authorised by their Head of Service to deal with the proposal at a member level.
- **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with any appropriate officer and professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions, or decisions of elected Members.

10. Decision Making

- **Do** come to Board meetings with an open mind and demonstrate that you are open-minded.
- **Do** make decisions in accordance with the relevant Development Plan unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, the Board may defer or refuse the application.
- **Don't** vote or take part in the decision on a proposal unless you have been present to hear everything that has been said at that meeting, including the officers' introduction to the matter.
- **Do** make sure that if you are proposing, seconding, or supporting a decision that you clearly identify and understand the planning reasons leading to this conclusion/decision. Where a decision is being taken contrary to officer recommendations, reasons for this must be given prior to the vote and these must be recorded. Be aware that the Council may have to justify the resulting decision by giving evidence in the event of any legal challenge.

11. Member Awareness

The planning system involves complex legal and technical issues which require the application of sound judgement in the assessment of planning proposals. A failure to follow proper practice and procedures can lead to serious consequences for the County Council as the Planning Authority.

The County Council has determined that all elected Members must attend a planning training session prior to being involved in the determination of planning decisions. You are strongly encouraged to participate in any further

training on planning matters and this Code of Good Practice to assist you in carrying out your role properly and effectively.

REPORT OF THE SCRUTINY COMMISSION

A. OVERVIEW AND SCRUTINY ANNUAL REPORT 2023/24

Introduction

1. The Constitution requires that the Scrutiny Commission and Overview and Scrutiny Committees submit an Annual Report to the Council (or the Scrutiny Commission in a single report on their behalf) on their workings. The report may make recommendations about future work programmes and changes in working methods.

Annual Report

2. Attached as Appendix A to this report is a copy of the Overview and Scrutiny Annual Report for 2023/24. It is intended as a public facing summary of the key highlights of scrutiny activity undertaken during the year and serves to draw out the work undertaken at committee level and how this has had an impact.
3. The Annual Report reflects on the range of specific topics that have been reviewed, including adult social care support and funding for nursing care provision, the delivery of the Council's Transforming Special Education Needs and Disabilities (SEND) and Inclusion Programme and SEND Transport, flooding, particularly following Storm Henk, and focused work to look at proposals to deliver savings through the closure of some recycling and household waste sites and SHIRE community and environment grants.

Conclusions and Looking Forward

4. The work of Overview and Scrutiny remains important in holding decision makers such as the Cabinet to account, in ensuring that the Council's budget and performance is closely monitored, and in making certain that outcomes are delivered for the benefit of the residents of Leicestershire.
5. Looking forward to the coming year the Overview and Scrutiny Committees will continue to monitor the financial performance of the Council and the impact of demand and cost pressures on budgets. There will continue to be focus on the SEND and Inclusion system and SEND Transport. The revised Environmental Net Zero priorities will be the subject of further scrutiny, alongside strategic documents such as the Nature Recovery Strategy, Highway Design Guide and Local Transport Plan (LTP 4).

(Motion to be moved:

That the information contained in the Overview and Scrutiny Annual Report 2023/24, attached as Appendix A to this report, be noted.)

10 June 2024

**Mr. M. T. Mullaney CC
Chairman of the Scrutiny Commission**

Background Papers

[Report to the Scrutiny Commission at its meeting on 10 June 2024 – Draft Overview and Scrutiny Annual Report 2022/23.](#)

Appendix

Appendix A - Overview and Scrutiny Annual Report 2023/24

Overview and Scrutiny

Annual Report 2023/24



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Foreword

By the Scrutiny Commissioners

Once again, we are pleased to present this annual report which sets out the extensive work undertaken, and outcomes achieved by the County Council's overview and scrutiny committees for the 2023/24 municipal year. It also provides a general overview of how scrutiny operates and how you, as a member of the public, can get involved.

We continue to be impressed with the volume and quality of scrutiny undertaken by each committee and the number of recommendations made to the Cabinet and key partners, to help drive improvement in services for the benefit of residents. Each committee has scrutinised and questioned relevant Cabinet Lead Members on their areas of responsibility and reviewed a range of specific topics, including adult social care support and funding for nursing care provision, the delivery of the Councils Transforming SEND and Inclusion programme and SEND Transport, flooding, particularly following Storm Henk, and we have undertaken some focussed work to look at proposals to deliver savings through the closure of some recycling and household waste sites and SHIRE community and environment grants.

At the County Council we take great pride in our scrutiny function, and we would like to pay tribute to officers for supporting and facilitating the Overview and Scrutiny process, staff working within partner organisations that have sent representatives to share information and their experiences, and Cabinet Members that have attended meetings to answer our questions.

Finally, we would like to thank all Scrutiny Members for their commitment and contribution to the process, with special thanks to the Chairs and Spokespersons who have continued to drive each Committee's work programme to address areas of concern and interest.

The four Scrutiny Commissioners are responsible for leading the Overview and Scrutiny process, deciding on priority issues for Scrutiny and areas that merit more detailed review.



Michael Mullaney CC
Chairman of the
Scrutiny Commission



Rosita Page CC
Vice Chairman of the
Scrutiny Commission



James Poland CC
Scrutiny
Commissioner



Amanda Hack CC
Scrutiny
Commissioner

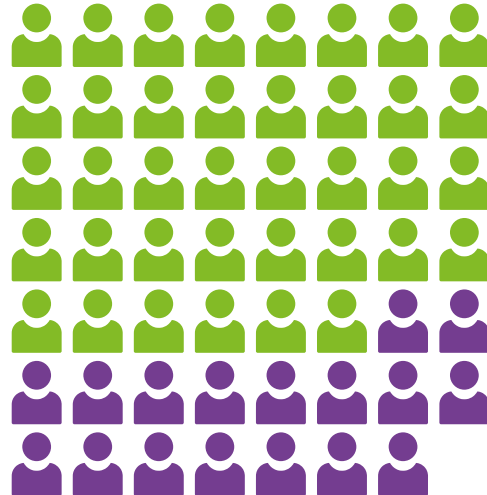


What is Overview and Scrutiny?

Overview and Scrutiny (scrutiny) is an important part of local democracy and provides the legal power for Members who are not Cabinet members to look into issues of concern and make sure decisions taken are for the benefit of Leicestershire residents.

Although scrutiny cannot make decisions, it can make recommendations for improvement to those that do (i.e. the Cabinet). Scrutiny can also look at services provided by other organisations, such as health, and make recommendations for partners too.

There are currently 55 Councillors elected to Leicestershire County Council to represent the residents of Leicestershire. **Of those, 38 (non-Cabinet members) are appointed to the Scrutiny Commission and five other Overview and Scrutiny Committees** which are politically balanced committees and provide challenge to the Cabinet.



Principles of good scrutiny and how it makes a difference.

The four key principles of scrutiny as established by the Centre for Governance and Scrutiny are:

1. To provide critical friend challenge to executive policy and decision makers
2. To enable the voice and concerns of the public to be heard
3. To be carried out by independent minded councillors
4. To drive improvement in public services

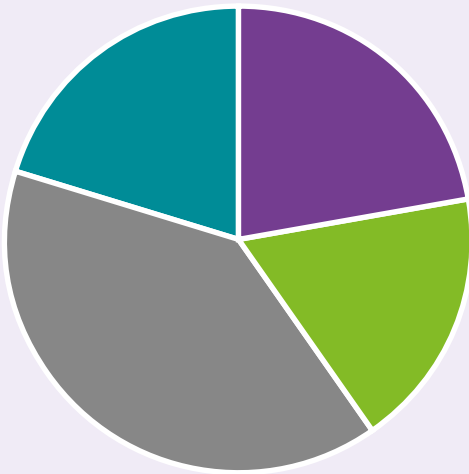
Scrutiny committees hold the Cabinet to account for the decisions it has taken or intends to take, and acts as a critical friend, helping to ensure the Council delivers its services efficiently and effectively. They do this by:

- Reviewing and commenting on the County Council's budget and strategic policies.
- Undertaking pre-decision scrutiny of key matters, making recommendations for improvement wherever possible.
- Monitoring and challenging the performance of services and the outcomes delivered for those living and working in Leicestershire.
- Providing transparency by holding meetings in public and taking questions from residents.

Types of Scrutiny Undertaken

Well over a quarter of reports considered by the Council's Scrutiny Committees resulted in their comments being presented to and considered as part of the Cabinet's decision making process.

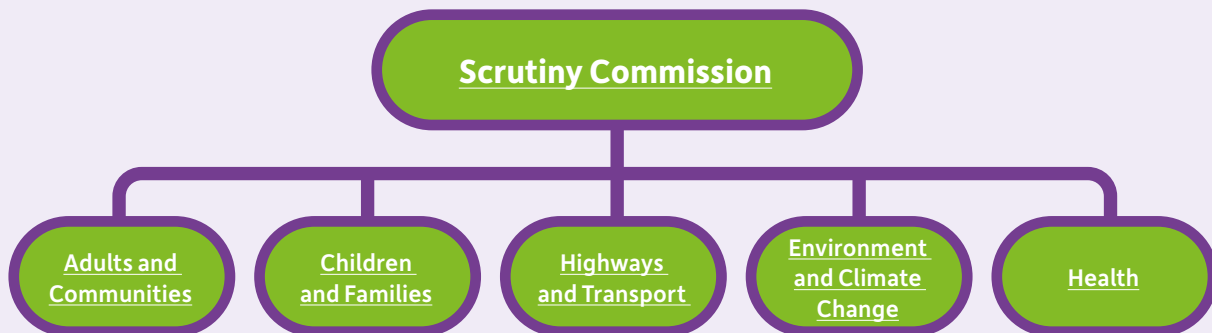
Scrutiny Committees have sought to keep abreast of issues, receiving information updates on a range of issues affecting residents, but have focused substantially on monitoring the Council's performance and seeking assurance around service and project delivery.



■ Pre-Cabinet Scrutiny
 ■ Policy Development
 ■ Performance and Assurance
 ■ Information

Leicestershire's scrutiny structure

In Leicestershire all scrutiny work is carried out by the Scrutiny Commission and five Overview and Scrutiny Committees which each look at a particular service area of the Council. These are outlined in the table below.



Scrutiny Committees can also initiate a workshop to look at a particular issue in detail. These can provide for short sharp scrutiny.

Alternatively, a formal Scrutiny Review Panel can be established. Whilst time limited, these can run for several months and their recommendations, which may suggest a change in policy or service provision, are submitted to the relevant parent scrutiny committee prior to consideration by the Cabinet.

Reports of previous Scrutiny Review Panels and Task and Finish Groups can be viewed on the Council's [website](#). Details of two carried out this year are set out below.

You can also find out more about how Overview and Scrutiny works in Leicestershire by accessing our [Overview and Scrutiny Guide](#) on the Council's website.

Stakeholder and Public Involvement

Our committees work to ensure the Council and its partners are delivering the right policies and services that will benefit Leicestershire residents and service users. They do this by:

- Inviting partners, stakeholder representatives and external experts to contribute evidence to broaden Members' understanding and inform their discussions.
- Having co-opted members on the Children and Family Services Overview and Scrutiny Committee, representing parent governors and Church of England maintained schools.
- Using Scrutiny Members' local knowledge from within their communities to question decision makers (i.e. Cabinet Lead Members) and officers.
- Ensuring transparency by holding meetings in public and webcasting these live via the Council's [YouTube channel](#).

Attendance and involvement by the public is also actively encouraged, and this can be done by:

- Attending a meeting – Members of the public are welcome to attend any public meeting of a Scrutiny Committee, details of which are listed on the [online meeting calendar](#).
- Asking a question – all Scrutiny Committees allow for public questions at the beginning of each meeting. If you wish to ask a question, please see our [online guidance on how to submit a question](#).
- Submitting a petition – all Scrutiny Committees can receive petitions relating to an area that the council has authority over. It can be submitted by anyone who lives, works, or studies in Leicestershire and can be submitted in writing or as an e-petition. For further details, see our [online guidance on how to submit a petition](#).
- Identifying issues which a Scrutiny Committee might look at (particularly through a specific review).
- Providing evidence to inform Scrutiny (either in writing or in person).
- Contributing to consultations, surveys, workshops and/or focus groups.

Leicestershire County Council continues to be committed to allowing residents full insight into its decision making and so, as set out above, **all Scrutiny Committees are held in public, allowing people to attend in person to view the debate and ask questions**. Here is a summary of the level of public scrutiny undertaken over the last year.

Committee Meetings held:	31
Reports Considered:	128
Hours of public debate:	56
Questions submitted by Members and the Public:	18
Webcast views:	2920
Comments submitted to Cabinet:	28
Recommendations made and additional information and assurance sought	97



Scrutiny Activity during 2023/24

Scrutiny Commission

The Scrutiny Commission reviews the overall strategic direction and corporate policies and priorities of the Cabinet and Council, including the budget and its four-year Medium Term Financial Strategy (MTFS). Full details of the Commission's work can be found on the Council's [website](#).

The Budget and Finance Monitoring

The central role of the Scrutiny Commission is to monitor the financial health of the Council. It has been an exceptionally demanding year with rising costs and inflation and continued growth in demand for services. In addition to regularly reviewing the Council's overall financial performance, the Commission has specifically looked at those projects and services which pose the biggest risk to the Authority. The Commission has:

- Submitted its views to the Cabinet on the Council's budget proposals for the next four years.
- Raised concerns regarding the Council's worsening financial position and expressed frustration at the lack of adequate Government funding particularly in areas such as adult and children's social care. The Commission continued to press the Lead Member for Resources regarding progress being made to secure fair funding for Leicestershire and provided its support to his discussions with Government officials on this issue.
- Supported the recommendations of the SHIRE Grants Scrutiny Review Panel and submitted these to the Cabinet for consideration. The Cabinet has subsequently approved the approach put forward and these have been included in the current MTFS.
- Raised concerns about the level of slippage in delivery of the capital programme and the impact this had on overall costs incurred. The Committee has closely monitored the position through receipt of quarterly budget monitoring reports.
- Commented on the need for more to be done by the NHS locally as Leicestershire had the fewest number of nursing places funded within the community. The Committee asked that the Adults and Communities Overview and Scrutiny Committee look at this in more detail.
- Referred its concerns regarding risks relating to the use of costly agency staff across the authority to the Council's Corporate Governance Committee for consideration. This Committee is to receive a detailed presentation on this risk later in 2024.

Commercial Strategy Performance

The Commission has continued to monitor the performance of Leicestershire Traded Services (LTS) which has struggled to recover in some areas following the Covid-19 pandemic. The Commission:

- Noted that whilst all traded services had recovered well over the last 12 months, rising costs and inflation had eroded any improvement resulting in performance continuing to be below target.
- Submitted a number of concerns regarding the performance of the Service to the Cabinet for consideration, particularly regarding Beaumanor Hall, the school meal service and country parks and cafes.
- Agreed to hold a workshop to look at each traded services performance in detail and the income being generated against capital costs invested.

Investing in Leicestershire Programme

The Commission looked at the performance of the Investing in Leicestershire Programme (previously the Corporate Asset Investment Fund (CAIF)) and considered performance against the Council's Corporate Asset Management Plan 2022 – 2025. The Commission:

- Welcomed the change in approach to prioritise investments that would support the local economy and local growth, as well as generate an income for the Council.
- Recommended that the Programme specifically incorporate targets for the delivery of wider economic benefits and asked that future reports include details of how these were being achieved.
- Considered proposals for the final phase of development at Airfield Business Park in Market Harborough.
- In light of public concern, raised questions regarding RAAC (reinforced autoclaved aerated concrete) and was pleased to hear none had been found in any Leicestershire maintained schools. For academies, the Commission sought and received more information regarding the maintenance obligations imposed on academies under their lease agreements and the Council's ability to take action if these provisions were not being complied with.

Customer Programme and Automation

The Commission looked at progress being made in the delivery of the Council's Customer Programme and considered the proposed approach to automation as an enabler for improving the efficiency and effectiveness of Council services. The Commission:

- Highlighted that 28% of people were not digitally enabled therefore some residents would continue to require access through traditional channels. This needed to be balanced against an increase in demand for digital options, although members raised concerns that too many options risked adding complexity and causing confusion.
- Raised concerns that digital options could alienate some residents, particularly those most vulnerable and in need of support. The Commission was reassured that all non-digital channels that worked well and continued to be utilised would remain for the those that needed them.
- Suggested a change in terminology when describing the Programme, as introducing self-service options was not to reduce customer contact but to provide an alternative form of contact for those able and wanting to use this option.
- Commented on the need to improve departmental responses times when these were passed on by the Customer Service Centre.

- Suggested that all members be updated on the Programme as soon as possible given they were key points of contact for residents. The Commission also requested that updates be provided to all departmental overview and scrutiny committees as the Programme was rolled out so that progress and risks could be monitored.

Crime and Disorder

In its capacity as the Council's designated Crime and Disorder Committee the Commission considered the Council's progress to deliver its Community Safety Strategy and Domestic Abuse Reduction Strategy in partnership with other agencies. The Commission:

- Commended the valuable work of the service and the excellent partnership arrangements in place with district councils, particularly in addressing homelessness in cases of domestic violence.
- Requested more information on the costs of domestic abuse services commissioned compared to Government funding received.
- Welcomed work undertaken to educate and support young people affected by domestic violence.

Place Marketing and the LLEP (Leicester and Leicestershire Enterprise Partnership)

Representatives from the Place Marketing Organisation (PMO) attended to answer the Commission's questions regarding delivery of its priorities for 2023/24. The Commission also received an update on the Government's transition of responsibilities from the LLEP to the County and City Councils. The Commission:

- Challenged what direct outcomes were achieved by the PMO, noting that this provided a centralised point of contact for businesses and agents seeking to locate or expand in the area.
- Questioned the benefit of attending MIPIIM (the international market for real estate professionals) events, suggesting that a presence at UK based events such as REiif was a more appropriate use of Council resources and more likely to attract investment.
- Sought more information regarding the governance and decision making arrangements that would be implemented by the County and City Councils following the cessation of the LLEP and challenged how this would continue to involve partners (such as district councils) and the business community.

Next Year...

The Commission will continue to monitor the Council's financial performance and the performance of its commercial traded services. It will also look again at the Council Customer Programme and consider proposals for future Investing in Leicestershire Programme investments.





Adults and Communities

This Committee exercises the Scrutiny function in relation to services provided by the Adults and Communities Department. Full details of the Committee's work can be found on the Council's [website](#).

CQC Assurance of Adult Social Care

The Committee considered a number of reports on the expected Care Quality Commission (CQC) Assurance visit. The Committee:

- Welcomed Dr. Carol Tozer's independent review during the Annual Conversation visit to the Council on 9 and 10 August 2023, which had focussed on the four CQC Assurance Framework themes - working with people, providing support, ensuring safety and leadership.
- Requested that action be taken to improve the Adult Social Care section of the Council's website to address issues raised through the review, including the ongoing curation of the website to ensure long term quality assurance of contents.
- Asked that consideration be given to the introduction of a standard process to contact more regularly those in receipt of care (by email) to provide assurance that the Council was keeping in touch in between the annual review process.
- Supported the key priorities for improvement identified through the Department's own self-assessment in preparation for its CQC inspection. The Committee has requested a further report on how these will be incorporated into the Plan and thereafter regular six-monthly updates on progress.

Collections Development Policy and Access Policy for the Records Office for Leicestershire, Leicester and Rutland (ROLLR)

The Committee has continued to receive reports on the Collections and Development Policy and Access Policy for the ROLLR, which are a requirement for archive accreditation and it has considered changes to plans for a new Archive, Collection and Learning Centre. The Committee:

- Raised concerns about limited storage availability at the current Records Office in Wigston, particularly for documents that needed to be stored in specific conditions and raised particular concerns about the risk to the Authority losing its accreditation.
- Was unanimous in its view that the preservation of records in an acceptable storage space with access for members of the public was essential.
- Challenged the merit of investing in maintaining the Wigston Records Office given the cost of this would be more than the capital value of the building itself.
- Requested that a scrutiny workshop be arranged to consider in more depth the Archives, Collection and Learning Centre and future delivery options. This Workshop is to be held in May, the outcomes of which will be reported to the Committee for further discussion.

Nursing Care Provision in Leicestershire

The Committee requested a report on nursing care provision in Leicestershire, work undertaken with Leicester, Leicestershire and Rutland Integrated Care Board and funding levels in Leicestershire for people with complex care needs. The Committee:

- Considered the impact the lack of nursing home beds had both on the NHS and people waiting to leave hospital, as well as those waiting for treatment, and questioned how the situation could be improved. The Committee noted that funding was a critical factor and supported the Council's ongoing discussions with NHS colleagues to address this.
- Questioned how the Department was seeking to bring five nursing homes rated as 'Requires Improvement' up to 'Good' standard, noting the support provided by the Quality and Improvement Team to providers to get the rating levels uplifted.
- Supported the Director and the Cabinet in their approach to secure appropriate funding for nursing care services, in particular to redress the low level of funding for end-of-life care which severely disadvantaged residents living in Leicestershire.

Budget and Demand Pressures

The Adults and Communities Department has worked through another challenging year due to rising costs, inflation, and demand pressures. The Committee:

- Raised concerns about the forecasted increase in the cost of social care over the next few years and challenged what was being done to seek additional money from Central Government. The Committee was disappointed to hear that despite discussions with the Department for Health and Social Care, additional funding was not considered likely.
- Heard about the impact the increase in the National Living Wage (NLW) would have on the Department's budget due to the majority of social care services being delivered by in excess of 17,000 care staff who were paid the NLW.
- Requested more information about unspent direct payments claimed back by the Council, the Committee being concerned that this might mean some were going without the care they needed. A report on this is planned for later this year.

Social Care Investment Programme

The Committee considered the outcome of a review of the Council's Social Care Investment Programme. The Committee:

- Questioned the feasibility of the Council being able to deliver the Programme in the current economic climate.
- Noted with concern that Leicestershire had fewer extra care beds than other areas and that this was not seen as a real alternative to long-term care in the area.
- Recommended that the Council work in partnership with district councils as the local planning authorities, to ensure appropriate housing was being delivered in the right locations, and section 106 developer contributions secured to support delivery.

Performance

The Committee has continued to monitor the performance of services across the Adults and Communities Department as well as look at complaints received. The Committee:

- Welcomed the continued reduction in the number of people waiting for social care assessment.
- Received assurance that the treatment pathway across Health and Social Care was being looked at and improvements made, through collaborative working with the NHS.
- Requested the Department investigate whether the low percentage of people who felt they had much social contact was as a result of keeping people in their own homes rather than in the care environment.

Next Year...

The Committee will continue to monitor the impact of demand and cost pressures on the Departments budget, the preparations for the CQC inspection, and continued increase in inflation and cost of living pressures.





Children and Families

This Committee scrutinises the services provided by the Children and Family Services Department to children, young people and families as well as education, special needs and safeguarding matters. Full details of the Committee's work can be found on the Council's [website](#).

SEND and Inclusion

The Committee has continued to scrutinise the provision of SEND and Inclusion services and has:

- Monitored performance against delivery of the Transforming SEND and Inclusion in Leicestershire (TSIL) programme and challenged how this was addressing the budget deficit within the High Needs Block (HNB) of the Dedicated Schools Grant, acknowledging the significant challenges faced in meeting growing demand for support, rising costs, and a cumulative budget deficit within the HNB of the Dedicated Schools Grant.
- Heard from and questioned representatives of Newton Europe, specialist consultants appointed by the Council to aid its delivery of the TSIL programme.
- Raised concerns about the exceptionally high number of children and young people requiring an Education, Health and Care Plan (EHCP) in Leicestershire compared with other areas.
- Sought reassurance that data on Electively Home Educated (EHE) children was being analysed in order to understand the reasons behind the growing number of parents choosing to EHE.

Admissions

The Committee requested and received an update on the Service challenges experienced during the 2022/23 admissions cycle. The Committee:

- Received a full performance breakdown of the year's outcomes, details of service and process improvements, and an overview of a consultation on the Council's Admissions Policy.
- Raised questions on the number of children who had not been allocated with a school place within appropriate time before the beginning of the academic year.
- Welcomed the proposal to increase the number of school preferences from three to five on the Leicestershire school application form.
- Raised concern that some children had been placed in schools which were a significant distance from their home, noting that this usually occurred due to lack of availability within the closest school if late or mid-term applications were received.

Children's Innovation Partnership

The Committee requested an update on the progress of the Children's Innovation Partnership (with Barnardo's) with particular focus on the residential design brief element of the programme. The Committee:

- Welcomed confirmation that the first of the residential homes had opened but raised concerns about the time it took to set up such homes. The Committee received some reassurance that the remaining homes would be created over the next five years, which it was anticipated would reduce reliance on the private sector and reduce costs.

- Questioned but were assured that the financial business case for the programme was still viable, given the rise in costs to buy, adapt and thereafter maintain properties.
- Received assurance that the programme would address demand for Children and Family Services arising from demographic growth and an increased need for social care.

Unaccompanied Asylum-Seeking Children

The Committee received reports on the budgetary and sufficiency challenges faced by the Department in supporting an increasing number of Unaccompanied Asylum-Seeking Children (UASC). The Committee:

- Received data on the number of UASC entering Leicestershire through the National Transfer Scheme, within Adult Asylum System Dispersal hotels, and as spontaneous arrivals.
- Raised concerns about the financial pressure faced and the resource required to meet the needs of UASC, and supported plans to continue to raise the issue of funding with Government to reduce the gap within the wider social care budget.
- Sought reassurance that UASC were placed in appropriate settings as soon as the Council became responsible for their care.

Recruitment and Retention

The Committee requested an update on recruitment and retention pressures, including the Department's long-term strategy for addressing the challenges posed by agencies and the expected impact which national reviews into social care would have on delivering support to children and families. The Committee:

- Received assurance that exit interviews were conducted when staff were leaving the Service, in an attempt to understand their reasons for leaving so that any themes could be identified and issues addressed where possible.
- Was pleased to note that the Department would continue to ensure all newly qualified and agency staff would work alongside a qualified and experienced delivery mentor, would receive additional supervision and training days and would work with a reduced number of cases.
- Received assurance that internationally recruited social workers had or obtained relevant knowledge on UK social work practice and legislation before commencing employment.

Performance

The Committee continued to monitor the performance of all services provided by the Children and Family Services Department throughout the year. In response, the Committee:

- Raised concern at the increase in children receiving at least one fixed term suspension but were assured that affected children and families would continue to be supported.
- Requested that a decrease in the number of eligible two-year-olds took up their Funded Early Education Entitlement (FEEE) be monitored.
- Was pleased to note that there had been an increase in the number of primary and secondary schools rated Good or Outstanding.

Next year...

The Committee will continue to monitor the performance within SEND and Inclusion provision as a key priority and receive regular updates on the progress of the Transforming SEND and Inclusion in Leicestershire programme. The Committee will also receive an update on work being done to tackle sexual and criminal exploitation amongst children.



Highways and Transport

This Committee scrutinises the Council's highways and transportation services. Full details of the Committee's work can be found on the Council's [website](#).

The Budget and the Highways and Transportation Capital and Works Programme for 2024/25

The Committee commented on the Department's budget proposals taking account of the increased cost and growth pressures being faced. The Committee:

- Expressed concern at the level of growth forecasted, despite no growth being provided in areas such as highways maintenance. Members were concerned that growth was being dominated by increased demand in SEN Transport and so requested a specific update on this service area.
- Supported the change in strategy regarding future funding bids for Capital Programme projects, acknowledging that the Council could no longer bid for funding unless it could be demonstrated that the costs and match funding would be met without the need for additional Council resources.
- Supported changes to require inflation rates within planning agreements for developer contributions to increase in line with inflation.

SEND Transport Services

The Committee has continued to monitor the performance of the Special Educational Needs Transport Service and looked at proposed actions to be taken over the next 12 months. The Committee:

- Emphasised that, as this was a national crisis, Government action was needed and endorsed the recommendations made by Council officers through the Association of Directors of Children's Services (ADCS) and the Association of Directors of Environment, Economy, Planning and Transport (ADEPT) to Government regarding the changes and improvements needed to both the SEN and SEND Transport system.
- Received assurance that rising demand was not forecast to flow through into Adult Social Care Transport, as there were different eligibility criteria for adults and they also had less need (not requiring transport to school each day).
- Highlighted the need for a joint strategic approach with the Children and Family Services Department which undertook Education and Health Care Plan (EHCP) assessments. The Committee were pleased to hear about the new approach to consider transport needs earlier in the EHCP process.
- Supported the continued delivery of a mixed inhouse and outsourced operation transport approach.

Flooding

The Committee submitted its comments to the Cabinet on the Draft Leicestershire Local Flood Risk Management Strategy (LLFRMS) and also requested and received an update on the disruption caused to many parts of the County by Storm Henk. The Committee:

- Welcomed the new Strategy, which was timely, in light of recent flooding events in the County.
- Supported the proposed partnership approach with communities, commenting that helping residents to be flood aware would be an effective way of managing future events.
- Welcomed the online platform being developed by the Council which would provide a useful, single point of information and guidance for residents to access. However, in light of storm Henk, the Committee suggested that communication via leaflet dropping would also be helpful as many homes were without electricity for some time and so did not have access to digital means of communication.
- Encouraged the Department to consider flood warnings on mobile phones to help divert people living in the surrounding areas away from flooded roads which exacerbated problems.
- Was pleased to see that the Strategy addressed the issues and areas of concern raised by the Scrutiny Review Panel on flooding which had made 26 recommendations in total.
- Questioned how the impacts of new residential and commercial developments were managed to minimise future flooding, noting that the County Council was only a consultee and so could only make recommendations regarding flood risk management, such decisions resting with the district local planning authorities.
- Commended the staff involved in the aftermath of the storm for the excellent support provided to residents.

Street Lighting

The Committee considered the outcome of the Council's consultation on dimming all streetlights to 30% from 8pm across the County, noting the concerns that had been raised by some members of the public regarding the proposals. The Committee:

- In light of public concerns about the prospect of increased crime, requested that officers develop a heat map to identify those locations where people reported feeling vulnerable as a result of the reduced lighting to enable this to be compared with data held by the office of the Police and Crime Commissioner.
- Recommended that officers consider the impact of tree coverage which might further reduce lighting in some areas. The Committee asked officers to liaise with colleagues responsible for tree maintenance so that if any issues were raised as part of the planned pilot, works could be considered to make improvements.
- Raised concerns regarding the possible impact of the proposals on vulnerable groups such as women and disabled people and requested sight of the Equalities Impact Assessment that had been carried out to ensure any areas identified were being addressed.

Next year...

The Committee will continue to monitor performance, particularly regarding SEN Transport. It has requested a report on the Members Highway Fund and will consider the Leicestershire Highway Design Guide and Local Transport Plan (LTP4) before these are considered by the Cabinet.

The Committee will also look at the Leicestershire Electric Vehicle Charging Infrastructure Strategy and the next two Local Cycling and Walking Infrastructure Plans.



Environment and Climate Change

This Committee scrutinises Waste Management Services and the Councils green agenda. Full details of the Committee's work can be found on the Council's [website](#).

Local Nature Recovery Strategy and Responsible Authority Status

The Committee learnt about the new statutory duty that had been placed on local authorities in relation to Local Nature Recovery Strategies (LNRS), and of the appointment of the County Council as the 'responsible authority' for Leicestershire, Leicester and Rutland. The Committee:

- Was concerned to hear that government funding had only been provided for the first two years for the development of the LNRS and that further details regarding future funding were still awaited.
- Was pleased to hear that, whilst enhancing biodiversity was the main aim of the LNRS, there would be other environmental benefits such as tackling climate change, reduction of carbon emissions and improving air and river quality.
- Received assurance that improving the biodiversity of Country Parks would be an important part of the LNRS.
- Welcomed consultation with stakeholders to develop an Action Plan to underpin the LNRS, which would give further detail about the work to be undertaken and that farmers were being encouraged to move towards more sustainable farming practices.

Air Quality

The Committee reviewed the progress made against actions within the Air Quality and Health Partnership Action Plan 2020-24 and the initial proposals for an updated plan for 2024-28. The Committee:

- Raised concerns that as of 2020, 14 Air Quality Management Areas in Leicestershire exceeded the Government's national air quality thresholds. The committee was also concerned about the high prevalence of asthma and viral wheeze cases in the under 15s in the South Wigston area. The Committee welcomed work being undertaken by the Council's Public Health service with University Hospitals of Leicester NHS Trust to explore if there was any correlation between areas with poor air quality and the prevalence of breathing issues.
- Reassured by proposals to design and invest in road schemes that would improve air quality by reducing congestion and pollution, and that health considerations would be included in the Local Highway Design Guide.
- Supported the decarbonisation of the Council's own fleet of vehicles where appropriate and welcomed the award of government funding to install more Electric Vehicle charging points in Leicestershire.
- Requested an update at a future meeting on the Air Quality Action Plan 2024-28.

Tree Management

The Committee reviewed the work taking place under the Tree Management Strategy to manage the County Council's trees and woodlands. The Committee:

- Commended officers for their efforts in delivering the Tree Management Strategy, especially as targets for tree planting would be achieved two years ahead of schedule.
- Was pleased to hear that the County Council had been successful in attracting funding and planting trees by working in partnership with others, (local authorities, developers, and the National Forest), but raised concerns regarding the long term financial sustainability of the ambitious targets set considering the increased financial pressures faced.
- Raised concerns regarding the lack of clarity in the Strategy on timelines for maintenance and management of the trees but was reassured to hear that a financially sustainable risk-based approach would be adopted for scheduling tree inspections.

Net Zero

The Committee reviewed progress made in delivering the Council's commitments to net zero and progress in delivering the aims and objectives of the Council's Environmental Strategy 2018-2030. The Committee:

- Commended officers for their achievements to date in working towards the Council's net zero targets.
- Expressed concern that an extension to the target dates by five years was proposed but understood the need to do so in light of the financial challenges faced by the Council.
- Requested a future report on the reprioritisation of activity under the revised net zero targets and welcomed a simplified and more accessible action plan being developed.
- Requested that Members' questions on the significant decline in the number of rivers of good chemical status be submitted to the Environment Agency and water companies to explore the reasons for this and proposed actions for remedy.
- Visited Croft Highways Depot with Members of the Highways and Transport Overview and Scrutiny Committee to view the new environmental scheme to clean oils, diesel and chemicals in water, as well as solid remnant waste, collected from Leicestershire's gullies.

Performance

The Committee has continued to monitor the Council's performance in the delivery of its environmental and climate change targets. The Committee:

- Requested further detail on the process for monitoring key performance indicators, which were statutory or locally developed, who held responsibility for specific indicators and the frequency of monitoring noting that the annual compendium would detail the overall picture.
- Requested further details on the indicators that were performing in the third and fourth quartiles and how improvements would be made.
- Clarified the process for the collection of food waste and requested a report on Collection and Packing Reforms be presented to a future meeting.

Next Year...

The Committee intends to receive further updates on the revised Environmental Net Zero priorities, collection and packaging reforms, disposal of domestic seating that contain persistent organic pollutants, Local Nature Recovery Strategy and continue its regular performance monitoring.



Health

This Committee reviews and scrutinises matters relating to the planning, provision, and operation of health services in the County of Leicestershire. Full details of the Committee's work can be found on the Council's [website](#).

Elective Care

The Committee has looked at the waiting lists for elective care procedures for Leicestershire patients and the actions being taken to reduce waiting lists. The Committee:

- Noted how much the waiting lists had grown during the Covid-19 pandemic but also that significant progress had been made in reducing the waiting lists since then.
- Sought further information regarding which specialties made up the majority of the waiting lists and the number of patients that had been waiting between 18 and 24 weeks.
- Gained reassurances that resources would continue to be invested in elective care waiting times and that recruitment was taking place for the East Midlands Planned Care Centre.

Homeless Support Service

The Committee has scrutinised the County Council's proposals to cease funding a dedicated homeless support service and instead to provide support via the Council's existing public health services. The Committee:

- Welcomed the proposed use of Local Area Co-ordinators in the new model for homeless support.
- Heard from the Chief Executive of Falcon Support Services (who provided the dedicated homeless support service) regarding the impact of the decision to cease funding.
- Noted that the new model would support many more people than were currently supported through the Falcon Centre.
- Raised concerns that the £300,000 saving could be negated by an increase in demand for the service, and gained reassurances that capacity in the First Contact Plus team and Local Area Co-ordinators had been increased and therefore there was confidence that the demand could be managed.
- Gained assurances regarding how the County Council audited the provision of the services it commissioned.

Winter pressures 2023/24

The Committee reviewed the plans of the health system to manage winter pressures across Leicestershire in 2023/ 2024. The Committee:

- Requested more data and evidence to help provide reassurance that targets would be reached.
- Welcomed the improvement in Ambulance handover times at Leicester Royal Infirmary Emergency Department.
- Learnt about the use of virtual wards which allowed people to be safely monitored from the comfort of their own home.
- Considered the discharge from hospital processes and the partnership working which was taking place to improve discharges and welcomed that County Council Social care staff were working on wards assessing people for discharge.

Vaping

The Committee considered the work that was being carried out relating to vaping and young people in Leicestershire. The Committee:

- Raised serious concerns about the numbers of young people vaping in Leicestershire, particularly those that had started vaping without any previous smoking history, that selling vapes to children was illegal but giving them out for free was not.
- Emphasised that there needed to be a more strategic approach to tackle the problem of vaping supported by legislation and so wrote to all Leicestershire MPs asking for support in ensuring that the smokefree generation plans and legislation targeted equally, not just the smoking of tobacco, but vaping as well.
- Welcomed the Government's Smokefree Generation Programme and the funding that came with it, but noted that more needed to be done to reduce the appeal of vaping to young people and prevent children accessing vapes.

Joint Heath Scrutiny

Health Overview and Scrutiny members have also taken part in meetings of the Leicestershire, Leicester and Rutland Joint Heath Scrutiny Committee and considered agenda items relating to Primary Care access, mental health services run by Leicestershire Partnership NHS Trust, maternity services, University Hospitals of Leicester NHS Trust's 'Our future hospitals programme' and the approach being taken to address workforce challenges across the health and care system.

Next year

The Committee plans to look at the use of apprenticeships in the health system, the Non-Emergency Patient Transport Service, and return to the issue of Elective Care.

In Depth Scrutiny Reviews

During the year, in light of proposed savings within the Medium Term Financial Strategy for 2023/24 – 2026/27 (MTFS) the Scrutiny Commissioners established two five member scrutiny review panels. One to look at the possible closure of some Recycling and Household Waste Sites and the other to look at the cessation of the SHIRE Community and Environment Grants. A summary of these reviews is set out below.

Scrutiny Review Panel on Recycling and Household Waste Sites

The County Council's MTFS proposed a saving of £580,000 from the Recycling and Household Waste Sites (RHWS). The Scrutiny Commissioners appointed the Panel to test the assessment criteria applied to identify the sites for closure and to consider how the closures would impact residents for the future.

As well as the assessment criteria, the Panel reviewed the legislative background and national guidance relating to RHWS, the County Council's current service offer and budget for RHWS, and the savings that could be delivered through site closures.

The Panel made several recommendations but overall supported the criteria to be applied to prioritise sites for closure and the proposal to consult on the possible closure of sites at Shepshed, Somerby, and Market Harborough. The Panel recommended that the proposed closures of the Lutterworth and Bottesford RHWS be reconsidered.

Scrutiny Review Panel on SHIRE Community and SHIRE Environment Grant Programmes

The MTFS proposed a saving by ceasing delivery of the SHIRE Community and Environment Grant programmes. The Scrutiny Commission established the Panel to consider the impacts and value for money achieved through the grants programmes, examine the profile of past and current recipients and key metrics, and the potential impact of the discontinuation of both grant programmes.

The Panel heard from departmental officers regarding the impact and value for money of the grants programmes and investment into the local Voluntary, Community and Social Enterprise (VCSE) sector, and how the grant schemes supported the achievement of departmental strategic objectives. It welcomed feedback from VCSE organisations (including SHIRE Grant beneficiaries) regarding the impact of SHIRE Grants, how grant investment supported delivery of community-based projects, services and activities and examined Case Studies which helped to demonstrate the impacts and outcomes achieved via SHIRE Grant funding.

The Panel raised concerns regarding the costs of administering the schemes, the allocation of grant funding to certain organisations, the use of funding and the number of repeat grants awarded in some cases.

By majority the Panel recommended that the operation of the grant programmes be supported to continue during the 2023/24 financial year with reduced budgets but that the grants thereafter be ceased, the County Council, however, continuing to provide advice, guidance and signposting to VCSE organisations requiring funding. It also recommended a change in the criteria for awarding SHIRE Community Grants during the 2023/24 financial year to provide grants only to small voluntary and community groups.

Overview and Scrutiny Members

Scrutiny Commission	<u>Michael Mullaney CC (Chairman)</u>	<u>Tony Gillard CC</u>
	<u>Tom Barkley CC</u>	<u>Amanda Hack CC</u>
	<u>Mark Frisby CC</u>	<u>Jonathan Morgan CC</u>
	<u>Hilary Fryer CC</u>	<u>Rosita Page CC</u>
	<u>Simon Galton CC</u>	<u>James Poland CC</u>
		<u>Terry Richardson CC</u>
Adults and Communities	<u>Terry Richardson CC (Chairman)</u>	<u>Nick Chapman CC</u>
	<u>Bill Boulter CC</u>	<u>Leon Hadji-Nikolaou CC</u>
	<u>Barry Champion CC</u>	<u>Jewel Miah CC</u>
Children and Families	<u>Hilary Fryer CC (Chairman)</u>	<u>Max Hunt CC</u>
	<u>Mark Frisby CC</u>	<u>Sue Jordan CC</u>
	<u>Fula (Kamal) Ghattoraya CC</u>	Canon Carolyn Lewis (Church of England Representative)
	<u>Leon Hadji-Nikolaou CC</u>	Robert Martin (Parent Governor)
	<u>Ross Hills CC</u>	
Highway and Transport	<u>Tony Gillard CC (Chairman)</u>	<u>Bryan Lovegrove CC</u>
	<u>Richard Allen CC</u>	<u>Keith Merrie MBE CC</u>
	<u>David Bill MBE, CC</u>	<u>Les Phillimore CC</u>
	<u>Amanda Hack CC</u>	
Environment and Climate Change	<u>Mark Frisby CC (Chairman)</u>	<u>Dan Harrison CC</u>
	<u>Bill Boulter CC</u>	<u>Max Hunt CC</u>
	<u>Nick Chapman CC</u>	<u>Rosita Page CC</u>
	<u>Brenda Seaton CC</u>	
Health	<u>Jonathan Morgan CC (Chairman)</u>	<u>Betty Newton CC</u>
	<u>Michael Charlesworth CC</u>	<u>Trevor Pendleton CC</u>
	<u>Dan Harrison CC</u>	<u>Brenda Seaton CC</u>
	<u>Ross Hills CC</u>	

The Overview and Scrutiny Team

If you would like to feed into the scrutiny process or suggest a topic for scrutiny's attention, you can get in touch with the Scrutiny Team at democracy@leics.gov.uk.

Alternatively, you can contact the officer that supports a specific Committee as detailed below.

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Democratic Services

Chief Executive's Department

Leicestershire County Council

For further details on the contents of this report please email: democracy@leics.gov.uk