



CABINET – TUESDAY 10 OCTOBER
ORDER PAPER

ITEM DETAILS

APOLOGIES FOR ABSENCE

None.

1. MINUTES (Pages 3 - 18)

Proposed motion

That the minutes of the meeting held on 15 September 2017 be taken as read, confirmed, and signed.

2. URGENT ITEMS

The Chairman has agreed to consider one urgent item, a joint report of the Chief Executive, Director of Adults and Communities and Director of Health and Care Integration regarding progress with the assurance of the Leicestershire Better Care Fund Plan 2017/18 – 2018/19 and the target for improving delayed transfers of care set by NHS England.

With the agreement of members this will be taken as the first item on the agenda.

3. DECLARATIONS OF INTEREST

Members of the Cabinet are asked to declare any interests in the business to be discussed.

4. ESPO TRADING COMPANY LIMITED (Pages 19 - 28)

Proposed motion

- (a) That the decision of the ESPO Management Committee, having reviewed the detailed business case and other documents, to recommend each of the six member authorities establish a new trading company, be noted;
- (b) That approval be given to the establishment of a new trading company, 'ESPO Trading Limited', on the basis outlined in the report and that the Chief Executive be authorised to agree the terms of, and sign the necessary documentation to give effect to this decision;
- (c) That it be noted that the Board of Directors of the trading company will include five officers, acting as Executive Directors made up as follows:

- (i) three officers from ESPO's senior Management Team including the Director;
 - (ii) the Director of Corporate Resources (Leicestershire County Council) or his nominee;
 - (iii) an officer nominated by the other Shareholders (member authorities) of ESPO;
- (d) That approval be given for arrangements to be put in place to indemnify the ESPO and Leicestershire County Council officers in discharging their role as Executive Directors of the Company;
 - (e) That it be noted that the Shareholders (member authorities) may nominate up to two Non-Executive Directors to serve on the Board of the Company;
 - (f) That it be noted that each of the six member authorities will be equal shareholders in the new Company and that the shareholder representatives on the new company will be one elected member from each member authority drawn from the membership of the ESPO Management Committee;
 - (g) That it be noted that the shareholder representatives (elected members) will be responsible for taking strategic decisions and agreeing the Annual Business Plan for the Company.

5. IMPLEMENTATION OF THE MARKETS IN FINANCIAL INSTRUMENTS DIRECTIVE (MiFID II) (Pages 29 - 34)

Proposed motion

- (a) That the potentially detrimental impact on the County Council's treasury management and other investment activities if it becomes classed as a 'retail client' in accordance with Markets in Financial Instrument Directive 2014/65 with effect from 3rd January 2018, be noted;
- (b) That the Director of Finance be authorised to commence the relevant applications for the County Council to seek to opt-up to elected professional client status with all relevant institutions in order to enable it to continue to implement an effective treasury management strategy and other investment activities;
- (c) That it be noted that if it is successful in its applications to obtain elected professional client status, the County Council will forgo those protections available to retail clients as listed in the appendix attached to this report.

6. LOCALISATION OF COUNCIL TAX SUPPORT – COUNTY COUNCIL CONTRIBUTIONS (Pages 35 - 58)

Proposed motion

- (a) That the County Council cease all contributions it makes to billing authorities towards the administration costs of operating the Localisation of Council Tax Support schemes as from 1 April 2018 and to the Discretionary Discount Funds from 1 April 2019;

- (b) That £100,000 be set aside from the forecast 2017/18 Medium Term Financial Strategy monitoring underspend to fund the contribution to the Discretionary Discount Fund in 2018/19 until this is ceased in accordance with (a) above.

7. DEVELOPER CONTRIBUTIONS TOWARDS COUNTY COUNCIL SERVICES - UPDATE (Pages 59 - 64)

- *Comments have been received from the Labour Group which are attached to this Order Paper, marked '7'.*

Proposed motion

That the update now provided be noted and that progress on Developer Contributions continue to be monitored.

8. PLANNING FOR THE RIGHT HOMES IN THE RIGHT PLACES – CONSULTATION RESPONSE (Pages 65 - 74)

Proposed motion

- (a) That the summary response to the Government Consultation 'Planning for the right homes in the right places' as set out in paragraphs 18 to 46 of the report be approved;
- (b) That the Chief Executive, following consultation with the Leader of the Council, be authorised to make any minor amendments to the proposed response arising from further detailed consideration of the consultation paper prior to its submission to the Government by the 9th November 2017 deadline.

9. DELEGATION OF ADULT SOCIAL CARE FUNCTIONS TO BLABY DISTRICT COUNCIL (LIGHTBULB PROGRAMME) – URGENT ACTION BY THE CHIEF EXECUTIVE (Pages 75 - 80)

Proposed motion

That the urgent action taken by the Chief Executive under delegated powers, following consultation with the Leader of the Council, to delegate the Adult Social Care functions to be undertaken under the Lightbulb Programme pathway to Blaby District Council as detailed in paragraph 19 of the report, be noted.

10. DRAFT LEICESTER, LEICESTERSHIRE AND RUTLAND CARERS STRATEGY 2018 - 2021 (Pages 81 - 134)

Proposed motion

- (a) That the draft Leicester, Leicestershire and Rutland Carers Strategy 2018 – 2021 (attached as Appendix A to the report) be approved for consultation;
- (b) That a further report be submitted to the Cabinet in March 2018 regarding

the outcome of the consultation and presenting the final Leicester, Leicestershire and Rutland Carers Strategy 2018 – 2021 for approval;

- (c) That the Director of Adults and Communities be authorised to take such action as he considers appropriate in response to the engagement feedback received to improve the Council's response to adult carers whilst further consultation on the overarching Strategy is completed.

11. DELIVERY OF LEICESTER AND LEICESTERSHIRE RAIL STRATEGY (INCLUDING HS2) (Pages 135 - 186)

- *Comments have been received from Mr Sheahan CC which are attached to this Order Paper, marked '11'.*

Proposed motion

- (a) That the proposed County Council response to the Government's East Midlands Rail Franchise consultation as set out in Appendix B to the report be approved;
- (b) That the Government announcement to cancel the proposed electrification of the Midland Mainline north of Kettering and to instead introduce bi-mode inter-city trains by 2022 be noted with regret, together with the effect this will have on the future delivery of priorities identified in the Leicester and Leicestershire Rail Strategy;
- (c) That the Director of Environment and Transport be authorised to:
 - (i) Undertake work, as necessary, to make the case to the Department for Transport (DfT) to reverse its decision to cancel electrification of the Midland Main Line north of Kettering;
 - (ii) Enter into discussions with the DfT and other bodies, as necessary, to seek clarification and assurances in respect to concerns about future rail services on the Midland Mainline, as set out in paragraph 39 of this report;
- (d) That the Council continue its support, in principle, for the now confirmed route of HS2 subject to the caveats previously agreed and set out in Appendix C, and those issues now identified in paragraph 49 of this report;
- (e) That the Director of Environment and Transport explore opportunities through the HS2 Phase 2b hybrid Bill or other means to achieve the objectives and benefits of the Leicester and Leicestershire Rail Strategy with regards to HS2;
- (f) That the Council's support for HS2 be reviewed following the introduction of the HS2 Phase 2b hybrid Bill (to be introduced to Parliament in 2019) and the response to the reassurances sought on Midland Mainline performance in accordance with (c)(ii) above, and that a further report be brought back to the Cabinet as appropriate.

12. ITEMS REFERRED FROM OVERVIEW AND SCRUTINY.

No items have been referred from the Overview and Scrutiny Committees.

13. ANY OTHER ITEMS WHICH THE CHAIRMAN HAS DECIDED TO TAKE AS URGENT

URGENT ITEM - DELAYED TRANSFERS OF CARE AND ASSURANCE OF THE LEICESTERSHIRE BETTER CARE FUND PLAN

Proposed motion

- (a) Notes the current status of the assurance of the Leicestershire BCF Plan as “not approved”, the reason for this position, and the placing of Leicestershire’s BCF plan in formal escalation with NHS England as a result of this;
- (b) Notes the additional risks on the BCF pooled budget and the Council’s Medium Term Financial Strategy (MTFS) should any BCF funds be withheld/removed during 2017/18 or 2018/19, the impact this could have on core service provision for citizens, and the associated reputational risk for the Council and NHS partners;
- (c) Reluctantly accepts the DTOC target imposed by NHS England but with the following caveats:
 - (i) The County Council continues to object to the imposition of this target by NHS England, with the significant risks that have been placed on BCF assurance, and the associated financial penalties if a compliant target is not submitted;
 - (ii) In accepting this change to the submitted DTOC trajectory, the County Council expects the Health and Wellbeing Board’s BCF plan assurance rating to be reviewed and adjusted with immediate effect;
 - (iii) As the County Council and partners still bear a clear risk of financial penalties during 2017/18 (if the Leicestershire, Leicester and Rutland (LLR) area does not reach the required level of improvement by November 2017) information is immediately provided to the three Councils and the three CCGs about:
 - a) The process, scale and timing for imposing any DTOC performance penalties per the November milestone, so that partners can plan effectively for the remainder of this financial year; and
 - b) Implications for local areas in relation to DTOC performance beyond November 2017 so that financial risks for 2018/19 can be assessed as soon as possible.
- (d) Draws the attention of the Local Government Association and the County Councils’ Network to its serious concerns about the actions and attitude of NHS England in this regard and requests them to continue to challenge Ministers so that partnership working on health and care integration is not

further damaged;

- (e) Notes that a further report on this matter will be made to the Health and Wellbeing Board at its meeting on 16 November 2017.

Officer to contact

Joanne Twomey
Senior Committee Officer
Tel: (0116) 305 6462
Email: joanne.twomey@leics.gov.uk



Leicestershire County Council Labour Group

3rd October 2017

Comment to Cabinet Meeting 3rd October 17

AGENDA ITEM 7: UPDATE ON DEVELOPER CONTRIBUTIONS.

The Labour Group are generally supportive of the report. We share the concern that viability claims being accepted by District Councils risk reducing the developer contributions received by the County Council.

We also wish to bring to the Cabinet's attention two related matters. One is that the Council may not be claiming contributions from smaller developments due to the difficulty of complying with CIL regulations. The other relates to the ongoing management of open spaces and sustainable urban drainage schemes.

Claiming contributions

A small social housing development has been proposed for Coalville town centre. The residents are likely to access the Library for information and to search for employment. The Communities and Wellbeing Services, who are responsible for library services, did not claim a developer contribution for Coalville Library.

On enquiring why not, I was informed that

"There are currently limited resources in the Communities and Wellbeing Service to manage their developer contributions responses and therefore they have to prioritise the larger developments.

In addition, in the case of Coalville there are a considerable number of claims already pending which might be impacted upon by breaching the CIL regulations particularly CIL Regulation 123 and the limits on pooling if they were to also raise a response for a contribution for this development proposal."

I am sympathetic to the problems our officers are having here. They are similar to the difficulties that the NHS are having in applying for and subsequently spending s106 funds for health.

It is disappointing that the burden of current s106 and CIL regulations seem to be preventing community infrastructure from being funded by the levy.

Open Spaces and Sustainable Urban Drainage.

Residents tend to assume that all open spaces are the responsibility of "the Council" - either Highways or District. Open spaces and sustainable urban drainage schemes

(SUDS) are increasingly maintained by developers. The new occupiers are expected to enter into a covenant with a management company.

Historically and informally, if such sites became neglected, Councils used to tidy them up out of concern regarding the effect further up or downstream. With austerity budgets, we are no longer in a position to do that.

Parishes are increasingly cautious about adopting responsibility for SUDS. Their maintenance costs are a massive financial long term liability to the local precept. The Scrutiny Commission were recently informed by Severn Trent that they would like to take on the responsibility for SUDS. National legislation needs to change to enable them to do this.

The Labour Group would be pleased to see the Cabinet add a comment regarding SUDS in the Council's consultation response Government's consultation "Planning for the right home in the right place" (Agenda Item 8).

Terri Eynon CC, Coalville North and Labour Group Leader

Submission to the Cabinet – Item 11 – Delivery of Leicester and Leicestershire Rail Strategy (Including HS2)

Page 143, para. 43, third bullet point

HS2 has already inflicted considerable economic blight on Measham. As well as the more tangible impacts on the Ashby Canal Wharfside Development and the Leisure Centre extension, the Government's protracted decision-making process on the route has eroded confidence in the broader regeneration of Measham, focussed primarily on the Ashby Canal restoration, upon which depends the future prosperity of the village. I welcome the commitment from officers to attempt to resolve the matter with HS2 Ltd and would support ongoing close liaison with local stakeholders, NWLDC and Measham Parish Council, to work up a bid for community level compensation and/or mitigation, which takes full account of the negative economic impact of HS2 upon Measham.

Page 141-42, para. 37

The Government's decision to halt funding for Midland Main Line electrification, north of Kettering, is highly regrettable and I support the Council continuing to press the case for full electrification of MML.

Page 135-36, para. 2

In light of changed circumstances, it is only right that this Council reviews its position on HS2. I would urge the Cabinet to do so without delay and to work with local MPs and appropriate Parliamentary bodies, eg. the Transport Select Committee, to call for a critical re-appraisal of the business case for the Leeds leg of HS2 and a closer examination of the strategic alternatives.

Sean Sheahan

