

# Lancashire County Council

## Cabinet

### Minutes of the Meeting held on Thursday, 10th August, 2017 at 2.00 pm in Cabinet Room 'B' - The Diamond Jubilee Room, County Hall, Preston

#### Present:

County Councillor Geoff Driver CBE                      Leader of the Council  
(in the Chair)

#### Cabinet Members

County Councillor Albert Atkinson  
County Councillor Mrs Susie Charles  
County Councillor Keith Iddon  
County Councillor Peter Buckley  
County Councillor Vivien Taylor  
County Councillor Graham Gooch

County Councillor Azhar Ali and County Councillor John Fillis were also in attendance under the provisions of Standing Order No. 19(4).

#### 1. Apologies for Absence

Apologies were received from County Councillor Michael Green.

#### 2. Disclosure of Pecuniary and Non-Pecuniary Interests

County Councillor Peter Buckley declared a non-pecuniary interest in Item 9 – M55 Heyhouses Link Road, on the basis of his wife's membership of Fylde Borough Council.

#### 3. Minutes of the meeting held on 13 July 2017

**Resolved:** That the minutes of the meeting of Cabinet held on 13 July 2017 be agreed as a correct record and signed by the Chair.

#### 4. The County Council's Financial Position - 2016/17 Outturn

Cabinet considered a report which provided a summary of the County Council's financial position at the end of 2016/17. It was noted that the County Council's final revenue outturn position was an underspend of £23.101m against an agreed cash limit budget of £713.020m, and that the County Council's capital spending in year totalled £144.653m, which equated to c90% of the agreed 2016/17 forecast expenditure for the programme.

**Resolved:** That,

- i. the County Council's final revenue and capital outturn position for 2016/17 be noted.
- ii. the 2016/17 underspend be transferred to the transitional reserve.

## **5. Procurement Report - Request Approval to Commence Procurement Exercises**

Cabinet received a report in line with the County Council's procurement rules, setting out a recommendation to approve the commencement of a procurement exercise for the Preston Youth Zone Operator.

**Resolved:** That the commencement of the procurement exercise for a Preston Youth Zone operator, as set out in the report, be approved.

## **6. Schools Apprenticeship Levy**

Cabinet considered a report on arrangements for the Schools element of the Apprenticeship Levy.

It was proposed that the Lancashire County Council Skills, Learning and Development (SL&D) service would continue to work with Lancashire Schools through the Lancashire Schools Forum (LSF) to establish working practices to maximise the utilisation of the Schools element of the Apprenticeship Levy. The SL&D service would work with the LSF and others to explore and implement funding options to support this activity.

**Resolved:** That,

- i. Lancashire Schools access Apprenticeship Levy funding through the Lancashire County Council Digital Account.
- ii. The SL&D Service establishes mechanisms for delivery, governance and operating protocols with Lancashire Schools through the LSF.
- iii. SL&D work with LSF to explore funding options to assist in supporting this activity.

## **7. Additional Highway Maintenance Funding – Proposed Apportionment Criteria**

Cabinet considered a report on the proposed criteria that would be used to apportion the additional highways maintenance funding approved by Full Council on 20 July 2017.

**Resolved:** That the proposed criteria as detailed in the report be approved to apportion:

- i. £5 million of additional highway maintenance capital funding approved by Full Council on 20 July 2017 comprising:
  - Highways Projects and Resources (Planned Works) - £3 million.

- Responsive/Reactive Maintenance (Minor works) - £1 million.
- Preventative Defect Repairs - £1 million.

ii. The additional highway maintenance revenue funding approved by Full Council on 20 July 2017 comprising:

- Flood Risk (gully cleaning) – 2017/18- £0.300 million / 2018/19 - £0.300 million.
- Public Realm Improvements

## **8. Traffic Calming Scheme and Weight Restriction on Branch Road and Intack lane, Mellor Brook**

Cabinet considered a report on the delivery of a traffic calming scheme and 7.5t weight restriction on Branch Road and Intack Lane in Mellor Brook.

**Resolved:** That the highway works on Branch Road and Intack Lane, Mellor Brook, and the promotion of an associated Traffic Regulation Order to introduce a weight limit, as set out in the report, be approved.

## **9. M55 Heyhouses Link Road**

Cabinet considered a report seeking approval to allocate £1.7 million from the Integrated Transport block of the capital programme to support the delivery of the M55 Heyhouses Link Road.

It was reported that the scheme at present had an estimated cost of approximately £21.7 million which required other contributions planned to be provided by Fylde Borough Council, the Lancashire Enterprise Partnership, Highways England, the Department for Transport and Kensington Developments Limited.

It was noted that the County Council's contribution would be subject to all other contributions being secured to fund the estimated cost of the scheme.

**Resolved:** That,

- the arrangements for the construction of the Heyhouses Link Road, as set out in the report, be approved.
- an allocation of £1.7million from the indicative Department for Transport 2020/21 Integrated Transport allocation of £6.054 million to support the accelerated delivery of the M55 Heyhouses Link Road be approved.
- it be noted that the County Council as scheme promoter would be bear the financial risk should a scheme outturn cost exceed the value of contributions received.
- a further report be presented in due course to consider a scheme proposal.

## **10. Burnley Town Centre Improvements**

Cabinet considered a report on improvements to Burnley Town Centre which was a jointly funded project between the County Council and Burnley Borough Council.

It was noted that a shortfall in funding had been identified and a further contribution of £325,000 from the County Council was requested to complete the project which would need to be matched by a contribution of £325,000 from the Borough Council.

Consideration was given to alternative measures should Burnley Borough Council not agree its contribution. A commitment was also given to improve future monitoring of this project and enhance engagement on this and other projects with partner bodies.

**Resolved:** That,

- i. an additional £325,000 be added to the 2015/16 Burnley Town Centre Improvements project to be funded from the capital programme, subject to confirmation from Burnley Borough Council of their agreement to provide additional funding of £325,000 towards the project.
- ii. Burnley Borough Council's contribution of £325,000, once received, be added to the 2015/16 Burnley Town Centre Improvement project.
- iii. officers be requested to develop alternative proposals for the additional £325,000 LCC funding should Burnley Borough Council not agree to provide additional funding of £325,000.

## **11. Highways Capital Programme - Proposed Amendments**

Cabinet considered a report setting out amendments to the approved Highways Capital Programme in order to meet emerging priorities and to respond to some unanticipated service demands.

**Resolved:** That the proposed amendments to the Highways Capital Programme, as outlined in Appendix 'A' to the report, be approved.

## **12. National Productivity Investment Fund - Proposed Allocation of Direct Grant Payment**

A report was presented requesting Cabinet approval for £0.200 million of Lancashire County Council's direct grant award of £4.655 million in 2017/18 from a Department for Transport National Productivity Investment Fund (NPIF) to fund detailed design of M65 key Growth Corridor improvements at Junctions 8, 9, 10 and 13 and North Valley Road/Vivary Way in Colne.

**Resolved:** That £0.200 million of the National Productivity Investment Fund direct grant award of £4.655 million be allocated to fund detailed design of improvements to the M65 key Growth Corridor at Junctions 8, 9, 10 and 13 and North Valley Road/Vivary Way in Colne.

### 13. Capital Strategy for Schools 2017/18 to 2019/20

Cabinet considered a report on the schools capital grant allocation for 2017/18 to 2019/20, and the proposed strategy for expenditure, based on the priorities contained within the School Place Provision Strategy 2017/18 to 2019/20.

It was reported that, following publication of the report, two additional projects had been identified requiring urgent funding allocations in order to address immediate condition related remedial works, and it was proposed that the Schools Condition allocation proposals, as set out in the report, be amended to reflect the position as follows.

#### **SCHOOLS CONDITION ALLOCATION**

<b>CONDITION FUNDING AVAILABLE</b>	<b>£000</b>
Condition Allocation 2016/17	11,209
Condition Allocation 2017/18	10,956
<b>Total available</b>	<b>22,165</b>

#### **PROPOSED USE OF AVAILABLE CONDITION FUNDING**

Approval to a condition led capital investment programme of £15.950m was given in the report to the Cabinet Member for Children, Young People and Schools on the 5<sup>th</sup> April 2017. It was proposed to adjust the phasing of the allocation as follows:

Strategic maintenance of the building stock Priority 1 projects at community and VC schools to be delivered in 2017/18 (previously approved in Cabinet Report dated 5 April 2017 as part of the £15.950m to have been delivered in 2017/18)	10,000
Further Phase: Strategic maintenance of the building stock plus £5.950m balance of Priority 1 projects (see above) at community and voluntary controlled (VC) schools, both to be delivered in 2018/19	10,040
Ongoing dry rot remedial works at Colne Lord St PS	1,500
Ongoing dry rot remedial works at Heasandford PS	505
Ongoing dry rot remedial works at Peel Park PS	120
<b>Total proposed use</b>	<b>22,165</b>

**Resolved:** That,

- i. the proposed expenditure priorities for 2017/18 to 2019/20, as set out at Appendix 'A' of the report, as amended, be approved.
- ii. further reports be presented on individual project costs, any further in-year allocations of capital funding and any adjustments to the three year programme as required.
- iii. the inclusion of additional funding be authorised from individual schools into the respective capital project which, in turn, should be added to the capital programme and reported quarterly within the "Money Matters" report.
- iv. the change in phasing of the condition programme be acknowledged.
- v. additional funding of £0.505m, from the Schools Condition allocation for 2017/18, be provided to carry out dry rot remedial works at Heasandford Primary School Burnley.
- vi. additional funding of £0.120m from the Schools Condition allocation for 2017/18, be provided to carry out dry rot remedial works at Peel Park Primary School, Accrington.

#### **14. School Place Provision Strategy 2017/18 to 2019/20**

Cabinet considered a report on the School Place Provision Strategy 2017/18 to 2019/20, setting out the framework for delivery of new places and school capital investment priorities.

In considering the report, some concerns were raised about the figures presented for schools in Pendle, particularly Nelson and Colne, and it was suggested that this information be reviewed by officers.

**Resolved:** That, subject to a review of the figures provided for Pendle and in particular Nelson and Colne, the School Place Provision Strategy 2017/18 to 2019/20, as set out at Appendix 'A', be approved.

#### **15. Secondary Education Provision in Burnley**

Cabinet considered a report seeking approval to undertake a formal consultation on the future of Hameldon Community College, Burnley, in order to secure educationally and financially viable high quality provision for the future in the area.

The report proposed a stage 1 consultation on the possible closure of Hameldon Community College, due to concerns about the quality of current educational standards, the school's financial deficit position and pupil numbers.

**Resolved:** That

- i. the information on the future of Hameldon Community College, Burnley, as set out in the report, be noted.
- ii. a stage 1 consultation be undertaken, starting in September 2017, on the proposed closure of Hameldon Community College, Burnley, with effect from 31 August 2018.

**16. Revision of Home to School Transport Policy 2018-19**

Cabinet considered a report on a revised Home to School Transport Policy, in accordance with the Education School Information Regulations 2008 (Regulation 8).

It was noted that in November 2015, Cabinet agreed to consult on the withdrawal of the current transport subsidy for pupils attending a faith school, where there was a nearer school to their home. Cabinet noted and considered the information on the responses to the consultation the Council undertook.

**Resolved:** That,

- i. the responses to the public consultation on a revised Home to School Transport Policy, as set out in the report, be noted.
- ii. the provision of discretionary denominational transport subsidies be ceased as from 1 September 2018, for all pupils commencing at primary or secondary school.
- iii. the changes be phased-in, so that children who started school under one set of transport arrangements continue to benefit from them, until they either conclude their education at that school, or choose to move to another school.
- iv. the revised Home to School Transport Policy for the academic year 2018/19 be approved.

**17. Proposals relating to Library Buildings**

Cabinet considered a report which outlined proposals in relation to the provision of library facilities and options in relation to premises where Community Asset Transfer requests had been received.

**Resolved:** That,

- i. the phased re-opening and delivery of a full library service at Parbold Library and Thornton Library be approved.
- ii. the decision to declare surplus the Parbold Library and Thornton Library buildings be rescinded.

## **18. Deprivation of Liberty – Prioritisation of Applications to the Court of Protection**

Cabinet received a report giving an overview of the position regarding the legal requirements placed on the Council regarding:

- applications to the Court of Protection (COP) in relation to people who may be deprived of their liberty in community settings;
- the pressures on social work and legal resources since the Supreme Court ruling of March 2014 (known as the Cheshire West ruling) which dramatically increased the number of people who come within the remit of Deprivation of Liberty legislation; and
- the potential risks of not complying fully with the law.

**Resolved:** That,

- i. the legal requirements placed on the Council as a result of the Cheshire West ruling and the consequential financial implications, as set out in the report, be noted.
- ii. the Court of Protection Prioritisation Tool, as set out at Appendix 'A', be adopted.

## **19. Implementation of the Care Act 2014 - Approval of revised Adult Social Care Policies and Procedures**

Cabinet considered a report presenting revised policy, procedures and guidance documents on:

- Independent Mental Capacity and Mental Health Advocacy;
- Assessment of Needs; and
- Review of Care and Support Plans.

The report formed part of an ongoing comprehensive review of the County Council's adult social care policies, procedures and guidance following the significant changes brought in by the Care Act 2014

**Resolved:** That the following revised Adult Social Care Policies:

- a. Independent Mental Capacity and Mental Health Advocacy;
- b. Assessment of Needs; and
- c. Review of Care and Support Plans

as set out in the report and appendices, be approved.



## **20. Urgent Business**

There was no Urgent Business.

## **21. Date of Next Meeting**

It was noted that the next meeting of Cabinet would take place at 2pm on Thursday 14 September at County Hall, Preston.

## **22. Notice of Intention to Conduct Business in Private**

The Notice of Intention to Conduct Business in Private was noted.

## **23. Exclusion of Press and Public**

**Resolved:** That under Section 100A(4) of the Local Government Act 1972, the public should be excluded from the meeting during consideration of the following items of business on the grounds that there would be a likely disclosure of exempt information as defined in the appropriate paragraph of Part I of Schedule 12A to the Local Government Act 1972 as indicated against the heading to the item.

## **24. Land at Heysham Gateway Lancaster**

(Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act, 1972. It was considered that in all the circumstances of the case the public interest in maintaining the exemption outweighed the public interests in disclosing the information.)

Cabinet considered a report on the disposal of land at Heysham Gateway, Lancaster.

**Resolved:** That the recommendations, as set out in the report, be approved.

## **25. Disposal of Property - Land at Kiddrow Lane, Burnley**

(Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act, 1972. It was considered that in all the circumstances of the case the public interest in maintaining the exemption outweighed the public interests in disclosing the information.)

Cabinet considered a report on the disposal of land at Kiddrow Lane, Burnley.

**Resolved:** That the recommendations, as set out in the report, be approved.

## **26. Former Glenburn Sports College Skelmersdale/Skelmersdale Rail Link**

(Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act, 1972. It was considered that in all the circumstances of the case the public interest in maintaining the exemption outweighed the public interests in disclosing the information.)

Cabinet considered a report on the former Glenburn Sports College, Skelmersdale.

**Resolved:** That the recommendations, as set out in the report, be approved.

**27. Capital Contribution to the Development of an Extra Care Scheme in Preston**

(Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act, 1972. It was considered that in all the circumstances of the case the public interest in maintaining the exemption outweighed the public interests in disclosing the information.)

Cabinet considered a report on a capital contribution to the development of an extra care scheme in Preston.

**Resolved:** That the recommendations, as set out in the report, be approved.

**28. Community Asset Transfer**

(Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act, 1972. It was considered that in all the circumstances of the case the public interest in maintaining the exemption outweighed the public interests in disclosing the information)

Cabinet considered a report on arrangements for community asset transfers.

**Resolved:** That the recommendations, as set out in the report, be approved.

Jo Turton  
Chief Executive

County Hall  
Preston