

Lancashire County Council

Cabinet

**Minutes of the Meeting held on Thursday, 7th September, 2023 at 2.00 pm in
Committee Room 'B' - The Diamond Jubilee Room, County Hall, Preston**

Present:

County Councillor Phillippa Williamson Leader of the Council
(in the Chair)

Cabinet Members

County Councillor Alan Vincent
County Councillor Peter Buckley
County Councillor Alan Cullens BEM Lead Member (non-voting)
County Councillor Graham Gooch
County Councillor Michael Green
County Councillor Jayne Rear
County Councillor Aidy Riggott
County Councillor Scott Smith Lead Member (non-voting)
County Councillor Shaun Turner

County Councillor Azhar Ali OBE was also in attendance under the provisions of Standing Order No. C14(2).

County Councillors Scott Smith and Alan Cullens BEM attended for County Councillors Rupert Swarbrick and Cosima Towneley respectively for this meeting under Standing Order No. C14(1).

1. Apologies for Absence

Apologies were received from County Councillors Rupert Swarbrick, Cosima Towneley and Lorraine Beavers.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

None.

County Councillor Jayne Rear, Cabinet Member for Education and Skills, provided an update on the situation in Lancashire regarding Reinforced Autoclaved Aerated Concrete (RAAC).



3. Minutes of the Meeting held on 6 July 2023

Resolved: That the minutes of the meeting held on 6 July 2023 be confirmed as a correct record and signed by the Chair.

4. Questions for Cabinet

There was one question for Cabinet.

A copy of the question and response is attached to the minutes.

5. Corporate Performance Report - 2023/24 Quarter 1

Cabinet considered a report providing an overview of the key performance indicators as well as corporate risks and opportunities to enable monitoring against the four priorities of the corporate strategy:

- Delivering better services
- Protecting our environment
- Supporting economic growth
- Caring for the vulnerable

It was noted that this was the first time a number of new key performance indicators, which were agreed by Cabinet on 8 June 2023, had been reported on and the report covered quarter 1 for 2023/24.

Resolved: That, following consideration of the report and the additional information set out in Appendices 'A' to 'C', the report be noted.

6. The County Council's Financial Position - 2022/23 Outturn

Cabinet considered a report on the county council's 2022/23 revenue and capital outturn position.

It was noted that the 2022/23 revenue position at the end of the year was net expenditure of £948.857m, against an approved budget of £948.107m, which represented an in-year overspend of £0.750m or 0.08% of the revenue budget. The capital delivery programme for 2022/23 totalled £223.115m with the programme delivering an outturn position of £138.585m, resulting in a variance against budget of £84.530m.

Resolved: That

- i. The council's final revenue and capital outturn position for 2022/23 be noted; and
- ii. The transfer from the transitional reserve of £0.750m for the 2022/23 revenue overspend, be approved.



7. Procurement Report

Cabinet considered a report seeking approval to commence the following procurement exercise in accordance with the county council's procurement rules:

- A601(M) Highways maintenance project

Resolved: That the commencement of procurement exercise for the following be approved:

- A601(M) Highways maintenance project.

8. Review of Premises Use Policy

Cabinet considered a report on the review of the Premises Use Policy. It was noted that the current Premises Use Policy supported the use of the county council's premises by setting out the criteria to be considered when deciding whether to facilitate use by third party/external organisations. The report set out a revised Premises Use Policy to ensure consistency of approach and use that supported a sustainable portfolio. An online booking method would be introduced to electronically capture premises use application requests, which would provide data and insight into the types of use and users, and a process for agreeing and documenting all other occupation.

Following a concern raised about insurance cover for friends of libraries groups and if groups had to take out separate insurance policies when using a county council building, it was noted that in the Lancashire Libraries Constitution and Terms of Reference document, under section 7.1, it stated that "approved group activities and events held within the county councils premises will be covered by Lancashire County Council's Hirers' Liability and Public Liability insurance policies", and under 7.2 it stated that "Lancashire County Council cannot indemnify the group against fraudulent activity or mismanagement by its members."

Resolved: That the following be approved:

- i. The revised Premises Use Policy 2023 as attached at Appendix 'A' of the report for implementation from 1 October 2023;
- ii. The introduction of the online method of application for all use of premises;
- iii. The introduction of the process to document all premise occupation; and
- iv. That the Director of Strategy and Performance, in consultation with the Cabinet Member for Resources, HR, and Property, be authorised to approve any charging exemptions with any agreements to be reviewed on an annual basis.



9. Amendment to Permit Parking and Pay & Display Provisions, Revocations and Introduction of Permit Parking Places, Pay and Display Parking, Prohibition and Restriction of Waiting, Prohibition of Loading, Limited Waiting Parking Places and Disabled Parking in Preston City and Lancaster

Cabinet considered a report that proposed to make the following three Traffic Regulation Orders to introduce various parking restrictions:

- Lancashire County Council (Various Roads, Preston City Area) (Revocation and Introduction Of Parking Places) Order 202*.
- Lancashire County Council (Various Roads, Preston City Area) (Revocation, Prohibition and Restriction Of Waiting, Prohibition Of Loading, Limited Waiting Parking Places and Disabled Parking Places) Order 202*.
- Lancashire County Council (Lancaster and Preston City) (Amendment To Permit Parking Provisions) Order 202*.

The proposal also redefined the descriptions of the existing restrictions in the area to allow for effective enforcement along with introducing some additional No Waiting and No Loading restrictions where parking would compromise safety. The measures contained in the three proposed Orders formed a comprehensive suite of measures and consideration of all three Orders together was advised.

Resolved: That the proposals for new and existing restrictions on the various lengths of road as detailed within the report and as set out in the Draft Orders, Appendices 'A3', 'B3' and 'C3' of the report, for the reasons outlined in the Statement of Reasons at Appendices 'D1' and 'D2' of the report, be approved.

10. Leyland Road No Waiting At Any Time and Bus Stop Relocation Proposal

Cabinet considered a report proposing to implement No Waiting At Any Time on Leyland Road between The Cawsey and the old Sumpter Horse Pub, Penwortham. The improvements also included the revocation and installation of bus stop clearways to improve bus access to bus stops and to improve traffic flow. It was noted that a consultation and formal advertising of the proposals had been undertaken, and the report summarised the results of the formal advertising to which objections had been received.

Resolved: That the following be approved:

- i. The making of the order for introductions of No Waiting At Any Time restrictions (Appendix 'A' of the report refers); and
- ii. The implementation of proposed bus stops clearways and associated bus stop infrastructure (Appendix 'B' of the report refers).

11. Proposed Speed Cushions - Church Brow, Halton

Cabinet considered a report proposing to introduce a 20mph zone and accompanying speed cushions on Church Brow and Halton Road, Halton. The scheme had been designed to reduce vehicle speeds and subsequent speed related



collisions. It was noted that consultation and formal advertising of the proposals had been undertaken and no objections to the 20mph zone were received and was therefore progressed under the Scheme of Delegation to Heads of Service. However, two (identical) objections to the speed cushion element of the scheme had been received which required Cabinet to consider.

Resolved: That the proposed speed cushion scheme, to accompany the proposed 20mph zone, as set out in Appendix 'A' of the report, be approved.

12. Proposed Speed Limit Order on Edith Rigby Way, Bartle Lane, East West Link Road, Sandy Lane and Cottam Link Road, Preston and Lea Lane South and Lea Lane North, Newton with Clifton

Cabinet considered a report that proposed a Speed Limit Order, to set appropriate speed limits for the newly constructed Edith Rigby Way, East West Link Road and Cottam Link Road, Lea Lane North and Lea Lane South. It was also proposed to lower the existing speed limits on Bartle Lane and Sandy Lane which connect into the new roads.

It was noted that a consultation and formal advertising of the proposals had been undertaken and a number of objections had been received.

Resolved: That the proposals to introduce appropriate speed limits and lower existing speed limits on the roads listed in the report, as set out in the plans attached at Appendix 'A' of the report, be approved.

13. Roundabout Preventative and Resurface Programme 2023/24

Cabinet considered a report on the Roundabout Preventative and Resurface Programme for 2023/24. The programme of works had been created to prevent the deterioration of a number of roundabouts throughout Lancashire. It was proposed that it be funded from the additional funding made available from the Chancellor of the Exchequer's Spring Budget 2023 of which £5.122m was made available for Lancashire. £530,000 was apportioned for preventative treatments and a resurfacing programme of roundabouts as approved by Cabinet on 4 May 2023. A proposed preventative programme had been developed up to the value of £155,000 and the remainder of the funds, £375,000, would be used to develop a proposed resurfacing programme which would be presented to Cabinet later in the financial year.

Resolved: That the following be approved:

- i. The proposed programme of preventative works, as set out in Appendix 'A' of the report, for delivery in the 2023/24 financial year; and
- ii. A proposed roundabout resurfacing programme be presented to Cabinet for approval later in the financial year.



14. Determination of Polished Stone Values and High Friction Surfacing Requirements - Code of Practice

Cabinet considered a report on the Code of Practice for the determination of Polished Stone Values and High Friction Surfacing requirements.

The Code of Practice had been written in conjunction with national guidance to provide a clear methodology for the determination of the correct Polished Stone Values and the use of High Friction Surfacing when resurfacing the carriageway.

Resolved: That the 'Determination of Polished Stone Value and High Friction Surfacing Requirements' Proposed Code of Practice as set out at Appendix 'A' of the report, be approved.

15. Transport Asset Management Plan Phase 2 Year 3 - Data Refresh 2023

Cabinet considered a report on the Transport Asset Management Plan Phase 2 Year 3 - Data Refresh 2023. It was noted that the Transport Asset Management Plan 2015-2030 was approved by the Cabinet Member for Highways and Transport on 10 June 2014 and identified the key strategic priorities of the county council. It was proposed to publish a review of the progress made during year 3 of Phase 2 of the Plan and refresh the data to show the latest condition of the county council's assets and progress in a number of key areas in highway asset management over the past 12 months and to use the Data in the delivery of the Transport Asset Management Plan.

Resolved: That

- i. The update on progress outlined in the Transport Asset Management Phase 2 Year 3 – Data Refresh 2023 as set out at Appendix 'A' of the report, be noted;
- ii. The Director of Strategy and Performance, in consultation with the Cabinet Member for Highways and Transport, be authorised to approve and publish the full and final version of the 'Transport Asset Management Plan Phase 2 Year 3 - Data Refresh 2023';
- iii. The use of the data for lifecycle modelling and allocation of funds in line with the Transport Asset Management Plan principles in the development of the county council's 2024/25 Highways Capital programme, which will be presented to Cabinet in March 2024, be approved; and
- iv. The continued monitoring of performance against the standards set, be approved.

16. Adult Social Care Short Breaks Policy

Cabinet considered a report on the Adult Social Care Short Breaks Policy. The Adult Social Care Short Breaks Policy (formerly Respite Policy) set out the county council's approach to providing and charging for Short Breaks from October 2023.

The proposed Policy was aligned to delivering best practice and implementing national policy on charging for adult social care, based on a financial assessment.



In accordance with the county council's budget options for 2023/24, it was proposed to deliver the budgeted additional income from cared for people in receipt of short breaks through implementation of the following:

- Removing the current cap on charges for residential short breaks so that people pay up to the actual cost of receiving the service, subject to a financial assessment under the Care Act 2014, which determines how much a cared for person can afford to pay; and
- Where direct payments were used to purchase short breaks, the person would be charged what they could afford to pay up to the actual cost of the care, based on a financial assessment.

Resolved: That the proposed Adult Social Care Short Breaks Policy as set out at Appendix 'A' of the report, be approved.

17. Alternative Provision Strategy 2023-2026

Cabinet considered a report that provided an update on the development and the use of alternative provision in Lancashire. In October 2020, Cabinet approved the current Alternative Provision Strategy 2020 to 2024.

It was noted that in March 2023, the Department for Education published the Special Educational Needs and Disabilities and Alternative Provision Improvement Plan. The publication was the government's response to the public consultation on the SEND Green Paper; Right Support, Right Place, Right Time consultation, which took place in 2022. There had also been increased demand for alternative provision in Lancashire and the Alternative Provision Strategy 2020 to 2024 was subsequently reviewed in light of the developments to create the new Alternative Provision Strategy 2023 to 2026.

Resolved: That, following consideration of the report and the new Alternative Provision Strategy 2023 and 2026 as set out in Appendix 'A' of the report, the report be noted.

18. SEND Sufficiency Strategy Implementation - Provision of Special School Places and Special Educational Needs Units at Mainstream Schools

Cabinet considered a report that provided an update and review on the implementation of the SEND Sufficiency Strategy and outlined proposals to increase the availability of special needs provision throughout the county, through the expansion of special school places and through the further development of Special Educational Needs Units at mainstream schools.

Final approval was also being sought on the proposal to create additional special school places on the Applebee Wood Specialist School site in Lostock Hall and on the proposal to remove the boarding provision at Bleasdale School, Silverdale.

It was noted that Appendix 'E' to the report was in Part II and was set out at Item 28 on the agenda.



Resolved: That

- i. Approval be given to initiate the feasibility studies for the 11 special schools detailed within the report that had expressed an interest in increasing the capacity and number of special school places within their schools;
- ii. Approval be given to initiate the informal consultation process to expand and increase the numbers of special school places at The Loyne Specialist School in Lancaster, Kirkham Pear Tree School, Acorns Primary School in Preston, Mayfield Specialist School in Chorley, The Coppice School in Preston and Kingsbury Primary School in Skelmersdale to create additional places from January 2024, and in the longer-term;
- iii. The Executive Director of Education and Children's Services, in consultation with the Cabinet Member for Education and Skills, be authorised to review the outcomes of the informal consultations, and to decide whether to proceed with the formal consultations for the January 2024 and longer-term expansions in relation to the six schools identified in (ii) above;
- iv. Agreement be given in principle for the provisional costings for any refurbishment or other building works required to create additional capacity in the six schools identified in (ii) above;
- v. The Executive Director of Education and Children's Services, in consultation with the Cabinet Member for Education and Skills, be authorised to make decisions about any revised costings for the six schools identified in (ii) above;
- vi. Approval be given to initiate the feasibility studies and informal consultation process to create Special Educational Needs units at Poulton St Chad's Church of England Primary School, and Flakefleet Primary School in Fleetwood;
- vii. The Executive Director of Education and Children's Services, in consultation with the Cabinet Member for Education and Skills, be authorised to review the outcomes of the informal consultations and to decide whether to proceed with the formal consultations for the development of Special Educational Needs units at the two schools identified in (vi) above;
- viii. Following consideration of the results of the formal consultation, approval be given to increase the number of special school places at Applebee Wood Specialist School, Lostock Hall, Preston by 20 places to 167, which would be created through additional teaching spaces on the school site; and
- ix. Following consideration of the results of the formal consultation, approval be given to remove the boarding provision at Bleasdale School, Silverdale.

19. The Future of Maintained Nursery Provision at Gisburn Road Community Primary School, Barnoldswick

Cabinet considered a report on the future of the Maintained Nursery Provision at Gisburn Road Community Primary School, Barnoldswick.

It was noted that the Head teacher and governors at Gisburn Road Community Primary School had approached the local authority in relation to the future of the nursery provision at the school and the school had asked the local authority to start the formal statutory process, to consult on the proposal to cease the maintained nursery provision by permanently reducing the age range from 3-11 year olds



(Nursery 2 to Year 6) to 4–11 year olds (Reception to Year 6), with effect from 31 December 2023.

It was also noted that Appendices 'B' and 'C' to the report were in Part II and were set out at Item 29 on the agenda.

Resolved: That approval be given to publish the Statutory Notice, to begin the consultation period on the future of the maintained nursery provision currently delivered by Gisburn Road Community Primary School, Barnoldswick.

20. Economic Development and Skills Promotion Activity Grants

Cabinet considered a report on the Economic Development and Skills Promotion Activity grants.

It was noted that economic development, skills and place promotion activity conducted within the county council, Local Enterprise Partnership and Marketing Lancashire had typically been dependent on attracting external grant resource from a range of sources including government departments and charities. As those bodies had become more integrated within the county council, new processes to authorise officers to compete for and receive the funds would need to be put in place, balancing the pace and flexibility often needed to meet bid deadlines with an accurate recognition of ongoing costs, potential funding requirements, liabilities and risks in being accountable for the proper use of public funds.

Resolved: That the county council's Executive Director of Resources (Section 151 Officer) in consultation with the Director of Law and Governance (Monitoring Officer), and the Cabinet Member for Economic Development and Growth, be authorised to approve bids and receive external grant resource for economic development and skills promotion activities, as set out in the report and in accordance with the protocol, set out at Appendix 'A' of the report.

21. Action Plan to Deliver "Reasonable Adjustments" Arising from Local Government and Social Care Ombudsman Findings

Cabinet considered a report setting out the actions proposed to be delivered arising from two recent findings of fault by the Local Government and Social Care Ombudsman in relation to failures to provide "reasonable adjustments" for Deaf and disabled people as required under the Equality Act 2010.

During the discussion, it was proposed that a further action be added to provide training for Committee Chairs and other councillors on the Equality Act and the requirement to provide reasonable adjustments.

Resolved: That the following be approved:

- i. The actions proposed to raise general awareness amongst employees of the county council on the Equality Act 2010's requirements to provide "reasonable adjustments" for service users/customers/members of the public with disabilities where required;



- ii. The development of actions to specifically address the barriers which Deaf people face in accessing information and communicating with the county council; and
- iii. That a further action be added to provide training for Committee Chairs and other councillors on the Equality Act and the requirement to provide reasonable adjustments.

22. Urgent Decisions taken by the Leader of the County Council and the relevant Cabinet Member(s)

There had been no urgent decisions taken since the last meeting of Cabinet.

It was noted that information on a forthcoming decision likely to be taken as urgent in relation to a procurement exercise in connection with the Coroners service would be shared with Cabinet in the Part II section of the agenda.

23. Urgent Business

There were no items of Urgent Business in Part I of the Agenda.

24. Date of Next Meeting

It was noted that the next meeting of Cabinet would be held at 2pm on Thursday, 5 October 2023 at County Hall, Preston.

25. Notice of Intention to Conduct Business in Private

Cabinet noted the Notice of Intention to Conduct Business in Private and that no representations had been received.

26. Exclusion of Press and Public

Resolved: That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following item 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.

27. Chorley - Land Disposal

Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. The report contained information relating to the financial or business affairs of any particular person (including the authority holding that information). It was considered that in all the circumstances of the case the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

This report was withdrawn at the meeting.

Resolved: That the report be withdrawn.



28. Appendix 'E' of Item 18 - SEND Sufficiency Strategy Implementation - Provision of Special School Places and Special Educational Needs Units at Mainstream Schools

Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. Appendix 'E' contained information relating to the financial or business affairs of any particular person (including the authority holding that information). It was considered that in all the circumstances of the case the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

Resolved: That Appendix 'E' of Item 18, SEND Sufficiency Strategy Implementation - Provision of Special School Places and Special Educational Needs Units at Mainstream Schools, be noted.

29. Appendices 'B' and 'C' of Item 19 - The Future of Maintained Nursery Provision at Gisburn Road Community Primary School, Barnoldswick

Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. Appendices 'B' and 'C' contained information relating to the financial or business affairs of any particular person (including the authority holding that information). It was considered that in all the circumstances of the case the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

Resolved: That Appendices 'B' and 'C' of Item 19, The Future of Maintained Nursery Provision at Gisburn Road Community Primary School, Barnoldswick, be noted.

30. Urgent Business

There was one item of Urgent Business to be considered in relation to the Farington Cricket Project.

30(a) Farington Cricket Project

Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. The report contained information relating to the financial or business affairs of any particular person (including the authority holding that information). It was considered that in all the circumstances of the case the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

Cabinet considered a report on the Farington Cricket Project.

The reason of urgency is due to the to the urgent and final commercially confidential negotiations between the county council and other respected parties which had just concluded. Senior county council officers and Members have been involved in these strategic discussions which have resulted in the need to seek urgent approval to allow the project to move forward and to ensure that critical milestones were met.



Resolved: That the recommendations, as set out in the report, be approved, and that the decision be implemented immediately for the purposes of Standing Order C29 as any delay could adversely affect the execution of the county council's responsibilities, primarily to allow the project to proceed and legal discussions to commence without any delay.

Angie Ridgwell
Chief Executive

County Hall
Preston

