

**EXECUTIVE
7 NOVEMBER 2017**

PRESENT: COUNCILLOR M J HILL OBE (LEADER OF THE COUNCIL)

Councillors Mrs P A Bradwell (Executive Councillor for Adult Care, Health and Children's Services) (Deputy Leader), C J Davie (Executive Councillor for Economy and Place), R G Davies (Executive Councillor for Highways, Transport and IT), E J Poll (Executive Councillor for Commercial and Environmental Management) and B Young (Executive Councillor for Community Safety and People Management)

Councillors R D Butroid, L A Cawrey (Vice-Chairman of the Overview and Scrutiny Management Board), R B Parker (Chairman of the Overview and Scrutiny Management Board) and Mrs C L Perraton-Williams were also in attendance.

Officers in attendance:-

Debbie Barnes (Executive Director, Children's Services), David Coleman (Chief Legal Officer), Glen Garrod (Executive Director of Adult Care and Community Wellbeing), Andy Gutherson (County Commissioner for Economy and Place), Cheryl Hall (Democratic Services Officer), Pete Moore (Executive Director, Finance and Public Protection), Nigel West (Head of Democratic Services and Statutory Scrutiny Officer), Richard Wills (Executive Director, Environment and Economy) and Adrian Winkley (Minerals and Waste Policy Team Leader).

25 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Mrs S Woolley and C N Worth and Tony McArdle (Chief Executive).

26 DECLARATIONS OF COUNCILLORS' INTERESTS

There were no declarations of interest at this point in the meeting.

**27 MINUTES OF THE MEETING OF THE EXECUTIVE HELD ON
3 OCTOBER 2017**

RESOLVED

That the minutes of the meeting of the Executive held on 3 October 2017 be approved and signed by the Chairman as a correct record.

28 ANNOUNCEMENTS BY THE LEADER, EXECUTIVE COUNCILLORS AND
EXECUTIVE DIRECTORS

28a A Fair Deal for Lincolnshire - Update

The Leader of the Council advised that the campaign for a Fairer Funding Deal for Lincolnshire was now well underway and had received extensive support.

It was noted that the Leader of the Council had recently met with the Secretary of State for Communities and Local Government; the Minister for Local Government; Lincolnshire MPs and other interested parties to discuss a fairer funding deal for Lincolnshire.

It was highlighted that the Government had committed to conducting a Fair Funding Review for local government. Depending upon how the Government proceeds, it had the potential to radically alter the funding profile for the Greater Lincolnshire local authorities. It was expected that the changes could be implemented in 2020, which would see a revised local government funding formula.

It was also highlighted that to bring Greater Lincolnshire in line with the England average for all areas, there was a funding gap of £116m in 2017/18.

It was noted that the County Council Network and other local authorities were carrying out similar campaigns to Greater Lincolnshire's campaign for fairer funding.

Greater Lincolnshire local authorities would continue to campaign for fairer funding for Lincolnshire.

29 LINCOLNSHIRE MINERALS AND WASTE LOCAL PLAN: SITE
LOCATIONS

Consideration was given to a report by the Executive Director for Environment and Economy, which sought endorsement of the Lincolnshire Minerals and Waste Local Plan: Site Locations document.

The Executive was reminded that the Lincolnshire Minerals and Waste Local Plan: Site Locations (Pre-Submission Draft), as detailed at Appendix A to the report, was endorsed by the Executive on 1 November 2016 and, following a period of consultation, had been approved by the County Council on 24 February 2017 for submission to the Secretary of State for Communities and Local Government (SoS) for examination. Details of the consultation were detailed at Appendix B to the report.

The examination was conducted by an independent inspector appointed by the SoS, and had included public hearings between 25 and 27 July 2017. During the examination a number of minor modifications ("Additional Modification") were proposed by the Council's officers to address issues which had been raised through the consultation, as detailed at Appendix C to the report.

The examination closed on 19 September 2017 with the issuing of the Inspector's report, as detailed at Appendix D to the report, which recommended the plan be adopted on the basis that it had met the full requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004. The Inspector also advised that the incorporation of the Additional Modifications would not affect the soundness of the plan.

It was noted that the Environment and Economy Scrutiny Committee had considered a report on the *Lincolnshire Minerals and Waste Local Plan: Site Locations* at its meeting on 24 October 2017. The comments of the Committee were detailed on pages 18-20 of the agenda pack. It was highlighted that concerns were raised that Pinchbeck Parish Council had not been consulted. However, the Council's records had shown that Pinchbeck Parish Council had been consulted on two separate occasions (4 December 2015 and 4 November 2016).

The Leader of the Council thanked officers for their hard work in producing the Minerals and Waste Local Plan.

RESOLVED

That the Executive:

- (1) endorses the Lincolnshire Minerals and Waste Local Plan: Site Locations (Pre-Submission Draft) at Appendix A as modified by the Additional Modifications set out in Appendix C of this report;
- (2) authorises the Planning Services Manager to recommend to the County Council further Additional Modifications to update Chapter 1 of the plan (Introduction) and to remove references to "Pre-Submission Draft" within the document in order to reflect its status at the point of adoption; and
- (3) recommends to the County Council that it adopts the Lincolnshire Minerals and Waste Local Plan: Site Locations (Pre-Submission Draft) at Appendix A as modified by the Additional Modifications set out in Appendix C or recommended by the Planning Services Manager under paragraph (2) above as the Lincolnshire Minerals and Waste Local Plan: Site Locations.

30 ESPO TRADING COMPANY LIMITED

Consideration was given to a report from the Executive Director for Finance and Public Protection, which sought approval to the involvement of Lincolnshire County Council in the establishment, alongside its ESPO partner authorities, of a trading company to enable ESPO to expand the customer base to which it provided services beyond public bodies.

The Chief Legal Officer advised that ESPO was a public sector buying organisation managed by a local government joint committee, jointly owned by six local authorities, one being Lincolnshire County Council. As it was not a separate legal

entity, its functions were performed through Leicestershire County Council, which acted as a servicing authority to the Joint Committee.

ESPO had traded on a self-funded basis and its sole power to trade was through its servicing authority under the Local Authorities (Goods and Services) Act 1970 which restricted it to only trading with other public bodies within the UK. This market was shrinking as local authority resources reduced and services were outsourced to private or voluntary sector organisations.

With this in mind, ESPO's Management Committee had explored alternative markets and potential customers that were not public bodies and proposed the creation of ESPO Trading Ltd. The new company could trade with organisations with a public sector ethos, and not be restricted by the 1970 Act.

In response to a question, the Executive was assured that should any issues arise with the newly-established ESPO Trading Ltd, each member authority would only be liable for the value of their individual shares.

A Member commented that there could potentially be a conflict of interest between ESPO and ESPO Trading Ltd. Further to this, it was highlighted to the Executive that this had been identified as a potential risk within the Risk Assessment, paragraph 37, page 212, of the agenda pack.

The Chairman of the Overview and Scrutiny Management Board advised that the Board had considered a report on *ESPO Trading Company Limited* at its meeting on 26 October 2017. The Board had unanimously supported the recommendations within the report.

RESOLVED

That the Executive:

- (1) Notes the recommendation of the ESPO Management Committee, having reviewed the detailed business case and other documents, to establish a trading company;
- (2) Approves the establishment and the taking up of County Council membership of a new trading company, 'ESPO Trading Limited' on the basis outlined in this report;
- (3) Notes 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 being the following office holders:
 - Director of ESPO
 - Deputy Director and Chief Commercial Officer
 - Assistant Director of Finance and IT

- (ii) The Director of Corporate Resources (Leicestershire County Council) or his nominee;
- (iii) An officer nominated by the other Shareholders (member authorities of ESPO);
- (4) Approves the granting by the Council of an indemnity within the scope permitted by the Local Authorities (Indemnities for Members and Officers) Order 2004 to any County Council officers discharging the role of Executive Director of the Company;
- (5) Notes that the Shareholders (member authorities) may nominate up to two Non-Executive Directors to serve on the Board of the Company;
- (6) Notes that each of the six member authorities will be equal shareholders in the new Company and approve the appointment of Councillor R D Butroid as the County Council's shareholder representative on the new company;
- (7) Notes that the shareholder representatives (Elected Members) will be responsible for taking strategic decisions and agreeing the Annual Business Plan for the Company; and
- (8) Delegates to the Executive Director for Finance and Public Protection in consultation with the Leader of the Council authority to agree the terms of and sign the necessary documentation to give effect to this decision and to agree the nomination of an officer from the ESPO member authorities to be an Executive Director of the company.

The meeting closed at 10.55 am.