

**EXECUTIVE
5 OCTOBER 2021**

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

Councillors Mrs P A Bradwell OBE (Executive Councillor for Children's Services, Community Safety and Procurement) (Deputy Leader), R D Butroid (Executive Councillor for People Management, Legal and Corporate Property), C J Davie (Executive Councillor for Economic Development, Environment and Planning), R G Davies (Executive Councillor for Highways, Transport and IT), D McNally (Executive Councillor for Waste and Trading Standards) and Mrs S Woolley (Executive Councillor for NHS Liaison, Community Engagement, Registration and Coroners)

Councillors: R B Parker and R Wootten attended the meeting as observers

Officers in attendance:-

Mark Baxter (Chief Fire Officer), Justin Brown (Assistant Director Growth), Pam Clipson (Head of Finance, Adult Care and Community Wellbeing), David Coleman (Chief Legal Officer), Andrew Crookham (Executive Director Resources), Glen Garrod (Executive Director - Adult Care and Community Wellbeing), Andy Gutherson (Executive Director Place), Nicole Hilton (Assistant Director - Communities), Anita Ruffle (Head of Transport Services), Heather Sandy (Executive Director of Children's Services), Nigel West (Head of Democratic Services and Statutory Scrutiny Officer) and Rachel Wilson (Democratic Services Officer)

29 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs W Bowkett and L A Cawrey.

NOTE: Councillor L A Cawrey was in attendance via Microsoft Teams as an observer, and so was not entitled to vote.

30 DECLARATIONS OF COUNCILLORS' INTERESTS

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

31 ANNOUNCEMENTS BY THE LEADER, EXECUTIVE COUNCILLORS AND EXECUTIVE DIRECTORS

Councillor C J Davie, Executive Councillor for Economic Development, Environment and Planning, advised that on Friday, 1 October 2021, the Council had launched its series of Great British Summer events. There had so far been a very positive reaction to this announcement and several businesses had already expressed an interest in participating. The events would commence on the Queen's Platinum Jubilee in June 2022, ending with the

2

EXECUTIVE

5 OCTOBER 2021

SteamPunk Festival on the August Bank Holiday. It was expected that this series of events would bring increased numbers of visitors to Lincoln Castle and the local area.

Councillor M J Hill OBE, Leader of the Council, advised that he had attended a very successful Lincolnshire Day event at Normanby Hall with representatives of North and North East Lincolnshire Councils. There had been a clear commitment to continue celebrating Lincolnshire Day, and for the three authorities to work together on the devolution bid for Lincolnshire, further details were expected by the end of October 2021.

It was also reported that the Council was due to sign a Memorandum of Understanding to resolve the situation in relation to The Usher Gallery in Lincoln. It could then be used in conjunction with the Collection building, and would increase the offer for the city. It was hoped that this agreement would give reassurance to the City of Lincoln that its heritage would be respected and looked after in the future.

32 MINUTES OF THE MEETING OF THE EXECUTIVE HELD ON 7 SEPTEMBER 2021

RESOLVED

That the minutes of the meeting held on 7 September 2021 be signed by the Chairman as a correct record.

33 INVITATION TO JOIN A WORKING GROUP ON A GEOLOGICAL DISPOSAL FACILITY IN EASTERN LINCOLNSHIRE

The Assistant Director – Growth introduced the report which set out the invitation from Radioactive Waste Management (RWM) to join a Working Group to explore further whether eastern Lincolnshire, and the former Theddlethorpe Gas Terminal site, in particular, would be an appropriate location for a geological disposal facility. The formation of a Working Group was a government requirement, and the government's preference was that a relevant principal local authority should be part of a working group. A similar invitation had been sent to East Lindsey District Council.

The report had been considered at the meeting of the Environment and Economy Scrutiny Committee on 14 September 2021, and the comments of the scrutiny committee had been included in the report presented to the Executive.

The Assistant Director – Growth stressed that joining the working group did not mean that Lincolnshire County Council supported the concept of a geological disposal facility, and also that the working group would not be where any decision about locating a geological disposal facility would be taken. It would be the local community, through a Public Test of Support, who would determine whether a geological disposal facility should be located in the area. It was also highlighted that it was known that there were other commercial energy sector interests in the site as well.

The reasons why RWM had made contact with the County Council and East Lindsey District Council were explained, and also that RWM were leading on the Department of Business, Energy, and Industrial Strategy (BEIS) sponsored project to deliver a geological disposal facility. The aim of the project was to dispose of the UK's higher activity radioactive waste deep underground safely, and permanently. It was also noted that RWM had indicated that a geological disposal facility could provide over 1000 construction jobs and then several hundred permanent technical and skilled jobs, as well as investment in the area's infrastructure, through flood management, transport infrastructure, road improvements etc. However, this initial analysis would need to be verified.

The Chairman of the Environment and Economy Scrutiny Committee presented the comments from the Committee's consideration of the report on 14 September 2021. He thanked the members of the campaign group and their co-ordinator who had attended the meeting for the way they had conducted themselves and also highlighted that he had arranged for Mr Ken Smith to speak at the Committee meeting, where he had expressed the concerns of the local residents. The Council had engaged with the campaign group in a positive and productive manner. The comments of the Committee were set out in the report. It was highlighted that the Committee had emphasised the importance of being part of the discussion. Members of the Committee also recognised that this proposal could potentially address issues of deprivation in eastern Lincolnshire. However, it was made clear that it was up to the residents to decide if they wanted such a facility in their locality. He also clarified that the Scrutiny Committee members held no view on whether the facility should go ahead, but wished to ensure that residents had access to information so they could make a well informed and balanced decision. The Scrutiny Committee had supported the recommendation to join the working group (with one vote against) but did highlight the need for the working group to consider engaging with the local parish council and the various residents' bodies and groups.

The Executive Councillor for Waste and Trading Standards advised that he intended to speak as the adjoining ward member and incorporate some of the views of Councillor N Sear (local ward member). He advised that he had received e-mails from local residents and listened to representations made to parish councils, and noted that there had been a mix of views, both for and against the proposal. Some of the views of residents which were highlighted included:

- It would help the local economy, particularly Mablethorpe;
- Property prices could be affected;
- It would negatively affect tourism;
- There was a lack of suitable infrastructure;
- Concerns about safety;

Other comments highlighted included;

- Whilst a GDF may be the right thing to do, it was queried whether the east coast of Lincolnshire was an appropriate location;
- A GDF should not be located in an area where hydrocarbons were being exploited;
- A property prices guarantee scheme should be put in place to allow people to still sell their property if it was devalued by the proximity to the facility.

- A public test of support could be 10 – 15 years away, which would cause many years of uncertainty for local residents, which was unacceptable.
- It was commented that if there was to be a public test of support, it should be as local as possible, and it should be run in the same way as an election using the "first past the post" system, with the result being final.
- A clearly scheduled timeline should be issued, of at least six months' notice, in order to give everyone time to consider the proposal.

A discussion by the Executive took place, and the following was noted:

- In relation to determining whether the geology of the area would be appropriate, there were clear steps set out in the Policy. A series of pieces of technical research would need to be undertaken, and the Working Group would receive the outcomes of this work. The Community Partnership would ensure that this information was properly understood and communicated to the public.
- It was queried whether planning permission would need to be obtained for the exploration work. It was confirmed that licenses would be required for this work to be able to progress, and if a proposal came forward it would be as a Nationally Significant Infrastructure Project, and the final decision on granting permission would be made by the Planning Inspectorate. The site at Theddlethorpe was still considered to be a brownfield site, and it was highlighted that there were also other parties interested in this particular site.
- A GDF was national and international government policy, and a GDF would be located somewhere in the UK. The tests which would need to be undertaken for a location to be deemed as suitable were vigorous and far reaching. It was commented that it was important for the Council to be part of the working group that would allow these tests to be undertaken, and then ensure the information obtained was shared. It would be the public that lived in that location that determined whether they wanted to live with this facility for decades to come.
- Whilst it was acknowledged that there was the potential for this proposal to regenerate Mablethorpe and the surrounding area, there was a need for the County Council to be able to shape the discussions with RWM and guarantee that it would be the public making the final decision.
- Concerns were raised regarding the numbers of jobs that were promised by this proposal. There would be a need to ensure that all claims made regarding the benefits of the proposal were properly and thoroughly examined.
- It was highlighted that the working group could still go ahead, even if the County Council chose not to accept the invitation to join.
- If at any point the County Council wished to withdraw from the working group, there was a set process which could occur at any time, and was known as Right to Withdraw. Both principal local authorities (LCC and ELDC) would need to decide to withdraw, and it would also be best practice to consult the community before making this decision. Following this, the Council would then need to inform both RWM and the Secretary of State of its decision.
- In terms of timescales, the working group would operate for a maximum of 12 – 18 months. It was acknowledged that uncertainty was a significant issue for

residents and therefore the council would want to press for a shorter duration of the working group.

- In relation to the Community Grant Programme for the search area, this funding would be made available to community groups in the first instance. There would be a role for the Community Partnership and local authorities to ensure that when funding was made available it was focused on things which were important to the local community.
- The Community Partnership would set the framework for the grant programme, with up to £1million per year being made available, which would rise to £2.5million per year on the commencement of drilling. It was highlighted that there was no requirement to return this money if the site was found to be unsuitable or the decision was made to not support the proposal.
- It was proposed and seconded that Councillor M J Hill OBE, be nominated as the County Council's representative to the working group.

RESOLVED

1. That the invitation from Radioactive Waste Management for the Council to join a Working Group to explore the potential for a Geological Disposal Facility in eastern Lincolnshire be accepted;
2. That the Council take up membership of any subsequent Community Partnership that may be formed;
3. That Councillor M J Hill OBE, Leader of the Council, represent the Council on the Working Group and, if it is formed, the Community Partnership.

(For resolutions 1 and 2, there were 6 votes in favour and 1 abstention; for resolution 3, there were 5 votes in favour and 2 abstentions)

34 LINCOLNSHIRE FIRE AND RESCUE TECHNICAL RESPONSE UNIT REFRESH

A report by the Chief Fire Officer set out the proposed changes and investment in relation to Lincolnshire Fire and Rescue's Technical Response Unit Refresh. It was reported that Lincolnshire Fire and Rescue (LFR) provided a number of technical response capabilities to assist in delivering its operational response. However, when responding to emergency situations, LFR sometimes had to attend environments and incidents where the capabilities carried on a fire appliance were not suitable or adequate to resolve the situations and therefore additional capabilities were required to deliver a successful outcome.

To ensure that the Service was prepared for its known and future risks an assessment had been conducted on its known risks within the county and had reviewed its operational response to incidents involving these capabilities over a five year period. The findings had identified that in order to ensure LFR could continue to provide a sustainable response in

future, the response model needed to be updated to meet the demand and capital investment was needed in vehicles and investment.

Following discussion by the Executive, the following points were noted:

- It was confirmed that this was a four year plan, but there would be an annual review of the risks to ensure that they were still accurate and the capabilities were in the correct locations. There would be flexibility to move equipment to different locations if necessary.
- In relation to the water response, it was highlighted that there were many towns around the county that had water courses, but there was no historical data to demonstrate a need for water rescue capabilities in those areas.
- It was noted that in terms of mobilisation of some of these capabilities, the call out numbers were very low, and it was queried whether there was another solution. Members were advised that this was the reason for the downgraded proposals, as there was recognition that the demand and risk was not as high. It was also noted that consultation and discussion had taken place with all neighbouring authorities as well as other category 1 partners.
- With the proposal to remove the large transport capability from Lincoln North, it was queried whether this was appropriate if it was expected that there would be an increased need for this facility with the opening of the Lincoln eastern Bypass. Officers advised that they were comfortable with moving this away from Lincoln, as the capability it did have was fairly limited, and could be described as more of a support role. The proposal set out in the report would provide a more robust and fit for purpose capability. It was also highlighted that there was the flexibility to move assets around the county if there was an increased need in a particular area.

RESOLVED

1. That the operational changes specified in Table 1 of the report be approved;
2. That the capital scheme business case for the expenditure of the capital budget of £1.218m on replacement vehicles, equipment and other assets in accordance with the Technical Response Units Capital Plan at Appendix J to the report, be approved;
3. That the carrying out of a procurement to secure the replacement vehicles, equipment and other assets as described in the Technical Response Units Capital Plan as Appendix J to the report, be approved;
4. That authority be delegated to the Chief Fire Officer, in consultation with the Executive Councillor Fire and Rescue and Cultural Services, to take all decisions and detailed steps necessary to give effect to the above decisions.

Consideration was given to a report by the Executive Director – Place which outlined the requirement for every Transport Authority across England to implement either an Enhanced Partnership (EP) with which to improve bus services or a Franchising Scheme. For Lincolnshire, it was considered that an Enhanced Partnership would be the optimal choice.

In advance of the formal Enhanced Partnership, the County Council must prepare a Bus Service Improvement Plan (BSIP) by 31 October 2021. This was a high level document which would set out the Council's ambitions and its plan to improve the bus offer in Lincolnshire, and had been developed in close collaboration with bus operators, users, the Greater Lincolnshire Local Enterprise Partnership (GLLEP), district councils and other stakeholders. The BSIP would act as a bidding document, and would be assessed by the Department for Transport (DfT) to determine the amount of funding that the Council would receive to deliver the stated schemes and achieve the BSIP outcomes.

Following discussion by the Executive, the following points were noted:

- In relation to encouraging bus companies to go green, there were concerns that some smaller family run companies may struggle with this. It was noted that it would be a partnership, and so bus companies would be expected to make a contribution as well. Some would be able to afford to invest, whilst others would not. There would be a need for balance.
- The average age of the fleet in Lincolnshire was 13 – 14 years, whilst the national average was 8 years.
- The County Council would work with operators to bid for funding when it was made available, assistance would also be provided to those smaller businesses to enable them to bid for funding.
- All the schemes included in the Plan would have the caveat that they would be delivered if funding was available.
- It was highlighted that the County Council would not know how much funding it would get until after the proposals had been submitted.

RESOLVED

1. That the preparation and publication of a Bus Service Improvement Plan (BSIP) for Lincolnshire be approved.
2. That the themes and schemes proposed in the Report as the basis for the preparation of the Bus Service Improvement Plan for Lincolnshire be approved.
3. That authority to determine the final form and approve the submission of the BSIP for Lincolnshire be delegated to the Executive Councillor for Highways, Transport and IT.
4. That the indicative timetable for the making of an Enhanced Partnership Plan and Scheme as set out at Appendix A to the report, be noted.

5. In respect of the statutory process under the Transport Act (2000) ("the Act") for making an Enhanced Partnership and Scheme, authority be delegated to the Executive Director – Place, in consultation with the Executive Councillor for Highways, Transport and IT, to:
- Determine the final form of the draft proposed statutory Plan and Scheme;
 - Approve the giving of notice of the proposed statutory Plan and Scheme to operators of qualifying local services in accordance with section 138F(1)(c) of the Act;
 - Determine whether a sufficient number of operators of qualifying local services have objected to the Plan or Scheme for the purposes of section 138F(5) of the Act and the Enhanced Partnership Plans and Schemes (Objections) Regulations 2018; and
 - Approve the giving of notice under section 138F(1)(d) and the content and process for the carrying out of statutory consultation under section 138F(6) of the Act.

36 REPORT BY THE LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN

A report was received from the Executive Director – Adult Care and Community Wellbeing and the Monitoring Officer which set out the Report by the Local Government and Social Care Ombudsman ("the Ombudsman") into allegations of maladministration. The Executive was requested to receive the Ombudsman's report on behalf of the Council and consider the recommendations of the Ombudsman and the actions taken and proposed to be taken by the Council under the Local Government Act 1974.

It was clarified that this was guidance and the Council had followed the Act, and had made a local choice, which the Ombudsman had disagreed with on this occasion.

It was noted that the residential homes market considered the move from net to gross to be a significant contributor to future fee rates, and so it would help the Council in moving in that direction and with future pressures.

RESOLVED

1. That the report published by the Ombudsman on 6 July 2021, and attached at Appendix A to the report, be received and considered.
2. That the actions already taken to address the concerns set out in the Ombudsman's at Appendix A of the report, be noted and affirmed.

3. That the first two recommendations of the Ombudsman as set out in paragraph 70 of the Ombudsman's report at Appendix A, be accepted.
4. That the requirement for the Council to act with all possible urgency to move from a net to a gross payment arrangement consistent with properly managing the risks of the change for the Council, providers and service users, be accepted.
5. That the actions taken both in respect of practice changes already implemented and the significant actions and change in systems being implemented to bring about the changes required to its payment mechanism be noted, confirmed and approved. That the work outstanding, and the assurance that this will be actioned with all possible urgency, be noted.

The meeting closed at 12.13 pm