



**EXECUTIVE
7 JANUARY 2020**

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

Councillors R G Davies (Executive Councillor for Highways, Transport and IT), Mrs S Woolley (Executive Councillor for NHS Liaison and Community Engagement), C N Worth (Executive Councillor for Culture and Emergency Services) and B Young (Executive Councillor for Community Safety and People Management).

Councillors: Mrs A M Newton (Electoral Division Councillor for Spalding West), C R Oxby (Vice-Chairman of Environment and Economy Scrutiny Committee) and R B Parker (Chairman of Overview and Scrutiny Management Board) attended the meeting as observers.

Officers in attendance:-

Debbie Barnes OBE (Chief Executive), David Coleman (Chief Legal Officer), Katrina Cope (Senior Democratic Services Officer), Andrew Crookham (Executive Director Resources), Michelle Grady (Assistant Director for Strategic Finance), Andy Gutherson (Executive Director Place), Matthew Harrison (Senior Commissioning Officer - Flood Risk), Carolyn Nice (Assistant Director, Adult Frailty & Long Term Conditions), Janice Spencer OBE (Interim Director of Children's Services) and Nigel West (Head of Democratic Services and Statutory Scrutiny Officer).

46 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs P A Bradwell OBE (Executive Councillor for Adult Care, Health and Children's Services), C J Davie (Executive Councillor for Economy and Place) and E J Poll (Executive Councillor for Commercial and Environmental Management).

47 DECLARATIONS OF COUNCILLORS' INTERESTS

There were no declarations of interest.

48 ANNOUNCEMENTS BY THE LEADER, EXECUTIVE COUNCILLORS AND EXECUTIVE DIRECTORS

There were no announcements made.

49 MINUTES OF THE MEETING OF THE EXECUTIVE HELD ON 17 DECEMBER 2019

RESOLVED

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That the minutes of the Executive meeting held on 17 December 2019 be agreed and signed by the Chairman as a correct record.

50 SPALDING WESTERN RELIEF ROAD

The Executive gave consideration to a report by the Executive Director – Place, which sought approval to pursue the Spalding Western Relief Road Highway Scheme, as detailed in the report presented.

The Senior Project Leader (Major Schemes) provided a presentation, which advised of the background behind the Spalding Western Relief Road (SWRR). It was highlighted that the SWRR was a strategic infrastructure project essential to delivering the growth of Spalding and to address the strategic transport connectivity around the town as well as address transport problems within Spalding.

Details of the recommended Route Option 3 – Central and the Alternative Route Option 4 – Trojan Wood, were highlighted to the Executive, as were priority rankings for both routes. It was highlighted that both routes 3 and 4 had scored closely and had different benefits and drawbacks, but both were feasible in meeting SWRR objectives. The Executive noted that Route Option 4 represented a safe and viable solution in providing a route which met the overall scheme objectives.

The Executive was advised that the Trojan Wood route diverted outside the safeguarded corridor in its central sections, which meant that it was less attractive in planning terms than if it was contained wholly within the safeguarded corridor. It was highlighted that this did not mean that the Trojan Wood route would not gain planning permission, and that there would be at least one review of the South East Lincolnshire Local Plan before planning permission was sought on the central sections.

It was highlighted that the cost of Route Option 4 exceeded that of Route 3 by £2.2m, which represented a difference in the total estimated cost of the scheme as a whole of 2.18%. It was highlighted further that Developer contributions were expected to make a significant contribution to the costs of the Scheme.

The Executive was advised that residential properties were affected on both routes; and that without detailed design work, the precise impact of Route Option 4 was not known. The presentation highlighted that for Route Option 3 up to nine properties would need to be demolished, or would be directly affected as a consequence of them being in the line of the route.

It was noted that for Route Option 4, no residential properties would be required to be demolished and no residential properties were affected by the line of the new road itself, but realignment of the existing Bourne Road would impact some frontages. It was highlighted as with all schemes reasonable steps would be taken at detailed design stage to minimise the impact of the new road on adjacent properties.

The Executive were reminded of the comments made by the Highways and Transport Scrutiny Committee at their meeting on 9 December 2019. These were detailed on

page 32 of the report. The Highways and Transport Scrutiny Committee overall supported the Spalding Western Relief Road Scheme but did not support the proposed 'Route Option 3' and formally resolved 'Route Option 4' to the Executive, with an alignment through the Trojan Wood factory site to the west and outside the safeguarded road corridor. Officers confirmed also that since the Highways and Transport Scrutiny Committee, three letters of objection had been received from residents in relation to the Route Option 4, which had been passed on to members of the Executive for their consideration.

The Executive were provided with a Plan entitled "SWRR Sections 2-4 Route Option 4 Executive Meeting 7.1.20" showing Route Option 4. This was the Plan Executive would need to approve under Recommendation 2 if they decided to approve Route Option 4 rather than Route Option 3.

During discussion, the Executive raised issues relating to: the effect of Route Option 4, and to the fact that this avoided the demolition of any residential properties; it was however noted that there would be some implications for some property frontages; and to the commercial venture. Other issues highlighted included increased traffic for Bourne Road; the potential cost of building on fen land; proposed housing developments; and the impact of Developer contributions.

RESOLVED

That the Executive:-

- (1) Approves the carrying out of the Spalding Western Relief Road Scheme ("the Scheme")
- (2) Approves the route shown on the plan entitled "SWRR Sections 2-4 Route Option 4 Executive Meeting 7.1.20" as the preferred route for the Scheme and the land shown on the said plan as land comprised in the site of a highway as proposed to be constructed by the Council as highway authority
- (3) Approves the delivery of the Scheme in five sections as described in the Delivery Strategy attached at Appendix B to this Report
- (4) Approves in principle the procurement and award of a contract for section 5 of the Scheme
- (5) Approves the acquisition by agreement of any land or properties and any third party interests in land and properties as required for the Scheme on terms determined by the Executive Director – Place in consultation with the Executive Councillor for Highways, Transport and IT.
- (6) Authorises the Executive Director – Place to agree the final form and approve the entering into of all agreements and contracts necessary to secure the construction and completion of section 5 of the Scheme to include (but without limitation):
 - (i) any agreement or contract related to funding for section 5 of the Scheme

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- (ii) any contract awarded pursuant to paragraph 4; and
- (iii) any contract or agreement made with statutory undertakers, Network Rail or the like in connection with the Scheme.

51 MEDIUM TERM FINANCIAL STRATEGY AND COUNCIL BUDGET 2020/21

The Executive gave consideration to a report from the Executive Director – Resources, which set out the budget proposals for the next financial year 2020/21, and to approve the estimates presented, for internal and external consultation.

In guiding the Executive through the report presented and the updated budget information circulated on 2 January 2020, the Assistant Director – Strategic Finance advised that the current year was the last year of the four-year funding deal for local authorities and that the provisional settlement was for a one-year spending round. It was noted that the review of business rate retention had also been deferred to the following year. Confirmation was given that nationally an additional £1bn of social care grants funding had been announced, which for the Council would result in an extra £14.7m; and that this figure had been included in the budget proposals.

It was highlighted that at the beginning of the year there had been an anticipated budget gap of £27m by 22/23, and as a result, a thorough review of budgets had been undertaken to help bridge the gap.

Reference was made to the Revenue Budget details in Table A on page 160 of the report; and to the cost pressures summarised in Appendix C, with further service breakdown details being shown in Appendix E.

Reassurance was given that the budget savings proposed shown in Appendices D and E were not reducing any front line services.

It was noted that as part of the budget process a number of areas had been identified as needing more thorough review, details of which were shown in Appendix B. The Executive noted that it was anticipated that these reviews would offer savings in future years.

It was reported that changes to council tax were detailed on page 163; and that the budget proposal was for an increase of 1.5% general levy, plus the 2% Adult Social Care precept, giving a total increase of 3.5% which would generate £14.979m in the Council's budget.

It was highlighted that the provisional settlement confirmed the continuation of a business rates pool, with district council's estimated to generate £2.8m for 2020/21.

It was highlighted further that as well as general reserves, the Council had earmarked reserves which currently stood at £189.234m. The Executive were advised that all these reserves had been reviewed; and that £10.180m of reserves had been identified to be released, and that proposals were for these reserves to be amalgamated into a new reserve called a 'development fund' to fund new initiatives.

The Executive was advised that a ten year capital programme had been compiled; and that Appendix F provided full details of the proposed programme.

Officers advised that the Council had taken advantage of the government's relaxation of the use of capital receipts to fund transformational revenue costs in previous years. However, it was highlighted that the proposal was not to continue that strategy, but to direct capital receipts to funding the capital programme, which would reduce the borrowing requirement.

The Executive noted that the Medium Term Financial Strategy had been developed to support the budget setting process. The Strategy also ensured that the Council was forward looking with its finances, remained sustainable, and that resources were aligned to the proposed ambitions for the county.

RESOLVED

That the budget proposals, as described in the report, be approved as the Executive's preferred option for the purposes of further consultation.

52 JOINT LINCOLNSHIRE FLOOD RISK & WATER MANAGEMENT STRATEGY 2019-2050

Consideration was given to a report from the Executive Director – Place, which asked the Executive to approve, and adopt the Joint Lincolnshire Flood Risk & Water Management Strategy 2019-2050 (attached at Appendix A), and supporting Strategic Vision (attached at Appendix B) of the report.

The Senior Commissioning Officer, Flood Risk advised the Executive of the role of Lincolnshire County Council in its capacity as the Lead Local Flood Authority and its partners in the Lincolnshire Flood Risk and Water Management Partnership. It was highlighted that since 2012 flood risk management had increasingly been recognised as being integral to a wider issue of managing water as a resource, which was essential to economic growth nationally and, particularly, in the east of England. Reference was also made to the success of the Lincolnshire Flood Risk and Water Management Partnership; and to recent flooding incidents and to the challenges they had posed.

The Vice-Chairman of the Environment and Economy Scrutiny Committee presented the comments from the Flood and Water Management Scrutiny Committee meeting held on 9 September 2019 and the Environment and Economy Scrutiny Committee meeting held on 10 September 2019. These were detailed on pages 223 and 224 of the report.

Confirmation was given at the meeting that the policy statement due to be released by the Department for Environment, Food and Rural Affairs (Defra) was now expected in May 2020.

During a short discussion, clarification was sought as to the role of the partners, and a suggestion was made for the need for a protocol document, to confirm

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individual partner roles. Officers confirmed that such matters would be addressed by the Management Group. Officers advised further that this was an area where more work was needed to be done. Officers advised further that as Lead Local Flood Authority, the Council also needed to be more pro-active and use enforcement powers in this regard.

It was also highlighted that other statutory organisations needed to be included in the strategy, to ensure that local agreements were in place to ensure that local problems were solved quickly in the event of a flooding incident.

Reference was made to the role of Internal Drainage Board's, particularly those who had taken over responsibility for some watercourses from the Environment Agency. It was noted that this approach had been piloted and had been successful in some areas. Reference was also made to extending precept areas; and to a suggestion for a Lincolnshire Rivers Authority, it was noted however, that this suggestion would not be generally supported in Lincolnshire

RESOLVED

That the Joint Flood Risk and Water Management Strategy 2019-2050, as detailed at Appendix A and the Strategic Vision at Appendix B to the report, be approved, and adopted on behalf of the Council.

53 FORMATION OF A COMPANY FOR LEGAL SERVICES

The Executive gave consideration to a report from the Executive Director – Resources, which sought approval for the final form and constitution of a company wholly owned by the County Council with the object of the company being licensed by the Solicitors Regulation Authority for the purpose of providing legal advice and services.

Detailed at Appendix A was a copy of the draft Articles of Association for the said company; and Appendix B provided the Executive with a copy of the draft Shareholders Agreement for their consideration.

The Executive was advised that the proposal would allow the Council to proceed to establish an Alternative Business Structure, and to allow Legal Services Lincolnshire to provide services more widely in the future as the opportunity arose and capacity allowed. In particular, it would allow the provision of services to companies owned by the partner District Councils.

It was reported that following feedback from the Overview and Scrutiny Management Board and the Executive in May 2019, three Directors of the company were proposed. Details of further provision of note were included in paragraph 14 of the report.

Reference was made to the business of the Company which was detailed at paragraph 3.1.1 on page 350 of the report.

Confirmation was also given that the Chief Legal Officer would be providing a report to the Overview and Scrutiny Management Board in six months concerning the establishment of the company, followed by an annual report thereafter.

Clarification was given that the Council's liability for any debts of the company was limited to the value of its share (£1.00), and that the company would carry professional indemnity insurance to cover against liability to third parties.

The Chairman of the Overview and Scrutiny Management Board presented the comments from the Overview and Scrutiny Management Board meeting held on 19 December 2019 (as detailed on pages 227/223) of the report. The Executive were advised that overall, the Overview and Scrutiny Management Board had supported the recommendations to the Executive, and had requested a six monthly update report to the Overview and Scrutiny Management Board following the company's establishment; followed by annual reports thereafter, as detailed in the Shareholder's Agreement.

That the Executive:-

- (1) approves the Articles of Association, as detailed at Appendix A and Shareholders Agreement attached at Appendix B to the report, as the constitution and legal documentation relating to the establishment of a company wholly owned by the County Council with the object of the company being licensed by the Solicitors Regulation Authority for the purpose of providing legal advice and services;
- (2) appoints David Coleman Chief Legal Officer; Andrew Crookham, Executive Director - Resources and James Drury, Executive Director - Commercial as Directors of the company;
- (3) appoints Councillor B Young, Executive Councillor for Community Safety and People Management, as the member representative of the company and delegates to Councillor B Young, authority to take decisions in exercise of the Council's powers in relation to the company;
- (4) approves the making available of a cash flow facility of £30,000 to the company; and
- (5) delegates to the Chief Legal Officer, in consultation with the Executive Councillor for Community Safety and People Management, authority to take all necessary procedural steps to establish the company to include amendments to the documentation to the extent necessary to meet Solicitors Regulation Authority requirements and to determine the final terms and the entering into of the cash flow facility.

The meeting closed at 11.59 am

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