



CABINET – 25 JUNE 2019

ORDER PAPER

ITEM DETAILS

APOLOGIES FOR ABSENCE

None.

1. MINUTES (Pages 3 - 12)

Proposed motion

That the minutes of the meeting held on 24 May 2019 be taken as read, confirmed, and signed.

2. URGENT ITEMS

None.

3. DECLARATIONS OF INTEREST

Members of the Cabinet are asked to declare any interests in the business to be discussed.

4. SCRUTINY REVIEW PANEL ON CORPORATE PARENTING (pages 13 - 32)

Proposed motion

(a) That the Scrutiny Review Panel's Final Report and recommendations of the Panel set out therein be accepted;

(b) That the Chief Executive be requested to ensure that the recommendations of the Review are acted upon.

5. DELIVERING GROWTH IN LEICESTERSHIRE - EAST OF LUTTERWORTH STRATEGIC DEVELOPMENT AREA AND OTHER DEVELOPMENT PROJECTS. (pages 33 - 42)

Proposed motion

(a) That the Director of Corporate Resources in consultation with the Chief Executive and Director of Law and Governance be authorised to explore further the options set out in the report for the delivery of development projects on Council-owned land, with particular regard to the East of Lutterworth SDA, including -

- (i) appointing specialist consultants to assist and advise the Council on the most appropriate delivery option(s);
 - (ii) undertaking engagement with members, officers, and other parties as necessary to establish the Council's growth delivery objectives;
 - (iii) engaging in soft market testing of all or some of the options identified in the report, as he considers appropriate;
- (b) That a further report be submitted to the Cabinet on 22 November 2019 regarding the outcome of the work undertaken and the proposed way forward.

6. ANNUAL REPORT ON THE COMMERCIAL STRATEGY 2018/22. (pages 43 - 56)

Proposed motion

- (a) That the performance against the targets identified in the Commercial Strategy since June 2018 be noted;
- (b) That the future development of the Commercial Strategy as outlined in the report and the appended Leicestershire Traded Services Review and Outlook for 2019/20 be welcomed.

7. CAPITAL INVESTMENT INTO SOCIAL CARE ACCOMMODATION-BASED SUPPORT SERVICES. (pages 57 - 118)

Proposed motion

- (a) That the Social Care Accommodation Development Plan and Investment Prospectus 2019-2037, be approved and the Director of Adults and Communities, in consultation with the Director of Corporate Resources, be authorised to review and update the Investment Prospectus annually;
- (b) That the priorities for the development of specific social care accommodation units between 2019-2022 as identified in paragraph 30 of the report, be noted;
- (c) That the proposed approaches to increase the supply of social care accommodation, as detailed in paragraphs 40 to 54 of the report, including the procurement of a Registered Social Landlord to act as a Landlord for Council developed properties and provide additional design expertise in the short to medium term, be approved;
- (d) That a range of flexible frameworks be used to identify suitable providers to deliver care and support for most provision within the new social care accommodation developments but consideration also be given to the option for the Council to deliver care directly;

- (e) That it be noted that a further report will be considered by the Cabinet in autumn 2019 which will include details of the capital investment required to progress the Year 1 priorities identified in the Social Care Accommodation Development Plan, along with a proposed scheme of delegation.

8. REVIEW OF LONG TERM RESIDENTIAL AND NURSING CARE FEES.
(pages 119 - 232)

Proposed motion

- (a) That the feedback from the two-stage consultation exercise on the proposals for a fee model for residential care and residential nursing care be noted;
- (b) That the fee levels detailed in paragraph 58 of the report, for placements in Leicestershire be approved and implemented from 8 April 2019, in summary:
- Older Adults Residential base rate - £579 per week;
 - Older Adults Residential Plus base rate - £638 per week;
 - Working-age Adults - £727 per week;
 - Supplementary Need Allowance - £11.81 per hour;
- (c) That an annual uplift to the fee levels at (b) above be applied, calculated using a split of 57/43 for staffing and non-staffing costs with Average Weekly Earnings used for the staffing element, and Consumer Price Index for non-staffing costs, and amended as necessary to take account of any additional pension contributions be applied to placements within Leicestershire and to bespoke packages for working-age adults created using the Care Funding Calculator, noting that changes to the National Living Wage or fees may require this uplift to be reviewed in future;
- (d) That with regard to Supplementary Need Allowance hours, the staffing uplift be applied to give an increase of 3.96% on the hourly rate given in (b) above;
- (e) That each existing contracted provider of residential care and residential nursing care be required to sign the revised Core Contract, Specification, and Individual Placement Agreement in order for the revised fees to be paid;
- (f) That Quality Assessment Framework premium payments to providers of residential care and residential nursing care cease as part of the implementation of the new fee rates, contract and specification;
- (g) That it be noted that the Council will continue to pay fees for out-of-county placements in line with those of the local authority in which the accommodation is located;

- (h) That the above changes, expected to cost £7 million, be resourced from corporate contingency funds earmarked for service cost increases;

9. RE-DEVELOPMENT OF DISABILITY SERVICES IN NORTH WEST LEICESTERSHIRE. (pages 233 - 244)

Proposed motion

That the re-development of short breaks services, supported living accommodation and Community Life Choices (formerly known as day services) facilities at the Hamilton Court/Smith Crescent site in Coalville be approved on the basis set out in the report and the appended plans.

10. LEICESTERSHIRE SUBSTANCE MISUSE STRATEGY 2020-23. (pages 245 - 262)

Proposed motion

- (a) That the draft Leicestershire Substance Misuse Strategy 2020-23 be approved for consultation;
- (b) That a further report be considered by the Cabinet on 22 November 2019 detailing the findings of the consultation and presenting the final Strategy for approval.

11. NORTH AND EAST MELTON MOWBRAY DISTRIBUTOR ROAD - OUTCOME OF PLANNING APPLICATION. (pages 263 - 270)

- *The Environment and Transport Overview and Scrutiny Committee considered a report on the matter at its meeting on 6 June and a draft minute is attached to this Order Paper marked 11.*

Proposed motion

- (a) That the comments of the Environment and Transport Overview and Scrutiny Committee be noted;
- (b) That the award of planning consent for the North and East Melton Mowbray Distributor Road scheme be noted;
- (c) That the delivery of the scheme be approved, noting that a financial risk-sharing agreement for the scheme is being negotiated with Melton Borough Council.

12. HIGHWAYS INITIATIVE - DELIVERING FOR PARISHES AND COMMUNITIES.
(pages 271 - 278)

Proposed motion

- (a) That an enhanced highways service for parishes and communities for the remainder of 2019/20 as detailed in the report be approved;
- (b) That a detailed survey of targeted highway assets (signs and lining) be undertaken in preparation for the future delivery programmes;
- (c) That £0.55m be allocated from the Environment and Transport reserves for the remainder of 2019/20 to enable the delivery of the proposals;
- (d) That further reports be submitted to the Cabinet and Environment and Transport Overview and Scrutiny Committee later in 2020 regarding progress with the initiative and future funding proposals.

13. M1 JUNCTION 23/ A512 IMPROVEMENT. (pages 279 - 288)

- *Comments have been received from Mr. M. Hunt CC which are attached to this Order Paper marked '13'.*

Proposed motion

- (a) That the necessary preparations to deliver the M1 J23 / A512 Improvement Scheme as identified in the Highways Capital Programme up to 30 June 2019 be continued, noting that this will involve negotiations to obtain the necessary legal agreements, secure third party contributions, and undertake public engagement;
- (b) That the approach to securing third party contributions as set out in paragraphs 28 and 32 of the report and the risks associated with securing those contributions be noted
- (c) That following assurances being given, the Director of Environment and Transport, following consultation with the Director of Corporate Resources, Director of Law and Governance and the Cabinet Lead Member for Environment and Transport, be authorised to let the contract for work on the M1 J23 / A512 Improvement Scheme.

14. HS2 PHASE 2B DESIGN REFINEMENT CONSULTATION. (pages 289 - 304)

- *Comments have been received from a local member Dr. T. Eynon CC which are attached to this Order Paper marked '14'.*

Proposed motion

That the implications for Leicestershire arising from the changes to the HS2 route and creation of a temporary construction railhead, be noted.

15. RECYCLING AND HOUSEHOLD WASTE SITES FUTURE SERVICE OFFER.
(pages 305 - 316)

Proposed motion

- (a) That the commencement of a consultation exercise on the proposed change to the Council's Recycling and Household Waste Sites (RHWS) summer opening hours, be approved;
- (b) That the expansion of the existing permit scheme and the acceptance of additional waste streams at the Council's RHWS on a trial basis, be noted;
- (c) That a further report be submitted to the Cabinet on 22 November 2019 detailing the outcome of the consultation and presenting the final proposal for approval.

16. LEICESTERSHIRE YOUTH JUSTICE PLAN 2019 - 2020. (pages 317 - 346)

Proposed motion

That the County Council at its meeting on 10 July be recommended to:

- i. Approve the draft Leicestershire Youth Justice Strategic Plan 2019 – 2020, as set out in the appendix to this report;
- ii. Authorise the Director of Children and Family Services, following consultation with the Lead Member for children and young people, to make minor amendments to the Youth Justice Strategic Plan 2019-2020 as are considered necessary to ensure it remains current and conforms to the requirements of the Youth Justice Board.

17. LEICESTERSHIRE COUNTY COUNCIL PLANNING OBLIGATIONS POLICY.
(pages 347- 408)

Proposed motion

- (a) That the key comments received during the consultation exercise and the changes made to the draft policy as a consequence be noted;
- (b) That the County Council at its meeting on 10 July be recommended to:
 - i. Approve the revised Leicestershire County Council Planning Obligations Policy;
 - ii. Authorise the Chief Executive, following consultation with the Lead Member for planning matters, to make necessary future revisions to the Leicestershire County Council Planning Obligations Policy to ensure that it is up to date and relevant, provided that these do not constitute material changes to the Policy.

18. ITEMS REFERRED FROM OVERVIEW AND SCRUTINY.

No items have been referred from the Overview and Scrutiny Committees.

19. ANY OTHER ITEMS WHICH THE CHAIRMAN HAS DECIDED TO TAKE AS URGENT.

None.

Officer to contact

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**ENVIRONMENT AND TRANSPORT OVERVIEW AND SCRUTINY COMMITTEE
MEETING: 6 JUNE 2019**

**NORTH AND EAST MELTON MOWBRAY DISTRIBUTOR ROAD - PLANNING
APPLICATION**

DRAFT MINUTE EXTRACT

The Committee considered a report of the Director of Environment and Transport updating them on planning approval of the North and East Melton Mowbray Distributor Road and issues surrounding the risk sharing agreement with Melton Borough Council and developer contributions. A copy of the report, marked 'Agenda Item 13' is filed with these minutes.

Arising from the discussion the following points were noted:

- i) The planning application for the North and East Melton Mowbray Distributor Road had been approved, subject to conditions, by the Development Control and Regulatory Board on 23 May 2019.
- ii) Leicestershire County Council were forward funding £14million of the £63.5million expected scheme costs, £49.5million would be covered by an award from the Department for Transport from the Large Local Majors Fund subject to submission of the Full Business Case and approval by the DfT, expected spring 2020. By forward funding the scheme the County Council would be able to deliver the road with significant savings while also significantly accelerating the delivery of the road.
- iii) Concern was raised over the possibility that the Council would not recoup the forward funded element of the scheme due to a number of issues such as potential viability challenges or failure of developments to come forward.
- iv) Members were reassured that section 106 monies were already being collected towards the road and that the Council had secured over £7million of S106 money already. In addition upfront provision of infrastructure would reduce the risk of development not coming forward. Whilst recognising the risk, the Council was reasonably confident that the remaining S106 money would be secured. Any remaining risk would be mitigated through a risk sharing agreement with Melton Borough Council.

RESOLVED:

That the comments of the Committee be forwarded onto Cabinet for consideration at its meeting on 25 June 2019.

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Submission to Cabinet25th June 2018

From Max Hunt CC, the Labour Spokesperson

Item 13: M1 Junction 23/A512 Improvement

There are clear advantages of bringing public, private and contractor interests together to form one programme for interrelated highways schemes and note from the Leader's comment in Leicestershire Matters the importance of ensuring there are no gaps in funding as a result. To that extent I congratulate the officers concerned in attempting to co-ordinate all stakeholders.

The question posed in this paper is whether it was wise to proceed to this stage with nothing more than 'a commitment in principle' from major developers with their own strong legal teams. I must assume that there was a political decision to proceed on that basis. The legal steps set out in mitigation of any collapse in negotiation look fragile and a little desperate.

I also note that the expectation of developer funding last year was £10 million, whereas now the costs have fallen, no doubt due to our officers' skills, the developers will receive the full benefit, reducing down to £8 million

With reference to the concerns expressed in the paper and the significant capital sums involved in this and future schemes, such as the MDR, I strongly recommend that the general matter is referred for a full report to the Corporate Governance (Audit) Committee.

Matters of concern here are:

- The use of planning conditions as an alternative to S106 agreements and potential use of CIL.
- The management of contributions from multiple developers over a period as exemplified by the Melton Distributor Road.
- The gap between public expectations expressed in heads of terms at democratic stage and the final outcome of negotiation. (In this specific case the committee gave their consent in September 2015 but permit was not signed until July 2018).
- The effect of inflation and other contingencies on the final costs.

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Item 14 - HS2 Phase 2b Design Refinement Consultation**Comments from Dr T. Eynon CC**

As the Local Member for Coalville North I note the proposal to create a temporary railhead at Sinope that will connect to the Leicester to Burton freight line. In its response to the consultation, I would be grateful if the Authority could take account of the following impacts on my Division and consider how these might be mitigated:

- The A511 is already at capacity and the proposed railhead and the construction of HS2, whilst it will allow bulk materials to be transported efficiently by rail, other items and staff will need to travel to the site by road. This will increase traffic along the A511 making it more difficult for local communities. What mitigation will be requested by this Authority from HS2?
- The proposed temporary railhead will place increased demands on the Leicester to Burton freight line. To what standard will the line be upgraded? How will any upgrade impact on the potential for the reinstatement of the line for passenger transport?
- The construction of HS2 and the railhead may require staff and families working on the project to relocate to the area. How will the healthcare needs of the transient workforce be met? What plans are in place to consider accommodating these families, with particular reference to their need for school places?
- This Authority is the Lead Local Flood Authority. Has the Authority considered the impact of the temporary railhead on local watercourses? How will the risk of flooding be mitigated?
- The proposed railhead is described as temporary and that 'where possible' the land will be returned to its existing use after the railway has been built. What contingencies might make it impossible to return the land to its existing use and what compensation will the community receive if the woodland and grassland is not recoverable?

Thank you for taking these concerns into consideration,

Terri

Cllr Dr Terri Eynon MRCPsych FRCGP

County Councillor for Coalville North

