



CABINET – TUESDAY 15 DECEMBER 2020

PRIVATE ORDER PAPER

ITEM DETAILS

APOLOGIES FOR ABSENCE

None.

1. MINUTES (Pages 3 - 12)

Proposed motion

That the minutes of the meeting held on 20 November 2020 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. MEDIUM TERM FINANCIAL STRATEGY 2021/22 – 2024/25 – PROPOSALS FOR CONSULTATION (Pages 13 – 14 and supplementary report pages 3-60)

Proposed motion

- (a) That the proposed Medium Term Financial Strategy, including the 2021/22 revenue budget and capital programme, be approved for consultation and referred to the Overview and Scrutiny Committees and the Scrutiny Commission for consideration;
- (b) That the Director of Corporate Resources, following consultation with the Cabinet Lead Member for Resources, be authorised to –
 - (i) agree a response to the draft Local Government Finance Settlement;
 - (ii) decide on the appropriate course of action for the Leicester and Leicestershire Business Rates Pool in 2021/22 and subject to agreement by all member authorities to implement this;
- (c) That a further report be submitted to the Cabinet on 5 February 2021.

5. MELTON MOWBRAY DISTRIBUTOR ROAD (SOUTH) AND NORTHERN

SUSTAINABLE NEIGHBOURHOOD MASTERPLAN (Pages 15 - 20 and supplementary report pages 3 - 22)

- *Comments have been received from the Leader of Melton Borough Council, Councillor Joe Orson, which are attached to this Order Paper, marked "5".*

Proposed motion

That notwithstanding the letter from the Leader of Melton Borough Council of 15th December, it is resolved:

- (a) That the outcome of work with Melton Borough Council and developers to progress the opportunity of the Housing Infrastructure Fund (HIF) grant, including the production of a revised development framework based on the illustrative development plan (as shown in Appendix A) with a view to that replacing the current masterplan for the Melton Southern Sustainable Neighbourhood (MSSN), be noted and supported;
- (b) That subject to recommendations (c) – (d) below, the forward programme for delivery of the HIF scheme for the southern section of the Melton Mowbray Distributor Road (MMDR) be approved;
- (c) That the Director of Corporate Resources be authorised, following consultation with the Directors of Law and Governance and Environment and Transport, and with the Cabinet Lead Members for Resources and Highways and Transportation, to:
 - (i) enter, subject to confirmation by Melton Borough Council of the acceptance of the principle of a finance agreement with Leicestershire County Council, into a Grant Determination Agreement with Homes England;
 - (ii) finalise and enter into the necessary agreements to facilitate the securing of appropriate risk mitigation with Melton Borough Council, in line with the principles set out in paragraphs 57 – 59 of this report;
 - (iii) finalise and enter into the necessary agreements to facilitate the delivery of the scheme and to secure appropriate risk mitigation with relevant land owners and developers, in line with the required approach to Homes England HIF delivery;
- (d) That the Director of Environment and Transport be authorised, following consultation with the Director of Corporate Resources, the Director of Law and Governance and the Lead Members for Resources and Highways and Transportation, to enter into such contracts as are necessary to progress the HIF scheme delivery and make minor amendments to the delivery programme;
- (e) That the financial position of the County Council and the future pressures arising from growth outlined in paragraphs 19 – 23 of this report be noted,

together with the emerging approach set out in paragraphs 60 – 65 of this report, which underpins the requirement for the risk-sharing agreement with Melton Borough Council to mitigate risk for the County Council, whilst supporting sustainable planned growth arising from the current requirements of the Melton Local Plan;

- (f) That it be noted that the risk-sharing agreement reflects and understands the need to allow a substantial amount of the County Council's risk to be transferred to Melton Borough Council;
- (g) That it be noted that, following consultation, the County Council at its meeting in February 2021 will be asked to consider a policy which enables the County Council to support large infrastructure schemes in line with the Local Plans of district councils whilst mitigating the significant financial risks to the County Council;
- (h) That the current position with regard to the Melton North Sustainable Neighbourhood Masterplan be noted and that officers continue to engage with Melton Borough Council to support its delivery of a robust masterplan;
- (i) That the Cabinet is disappointed by the tone of the letter from the Leader of Melton Borough Council which misunderstands the County Council's position in that the issue is not what is affordable to Melton Borough Council but a request to carry out their role as local planning authority in a way which mitigates the financial risk to the County Council and should be seen in the context of the MSSN now being a financially viable development;
- (j) That in the event of Melton Borough Council's Cabinet rejecting the County Council's request, the County Council would take no further action until the views of the developers were known, providing Homes England would allow a further extension of the grant acceptance deadline.

6. NETWORK MANAGEMENT PLAN REFRESH (Pages 21 - 168)

Proposed motion

That the refreshed Network Management Plan, consisting of a Policy and Strategy document (Appendix A to the report) and a Plan document (Appendix B), be approved.

7. DISPOSAL FROM THE LEICESTERSHIRE MUSEUM COLLECTION BY TRANSFER (Pages 169 – 198)

Proposed motion

- (a) That in light of the interest shown in the transfer of the Reid and Sigrist aircraft to the Newark Air Museum, the transfer be paused;
- (b) That having been informed that the aircraft has now completed sufficient flying hours so that an application can be made for a certificate of airworthiness, the aircraft for now be left with Windmill Aviation but they be advised that
 - (i) the application for a certificate is a matter for the County Council as the owner of the aircraft, and

- (ii) no further flying of the aircraft be undertaken without insurance conditions being agreed with the County Council;
- (c) That arrangements be made for officers to meet with Desford Parish Council and other interested parties to explain the County Council's position, in particular that any transfer will be in line with the County Council's Collections Development Policy; its main objective is that the aircraft is maintained and made available for public access by an accredited museum with specialist expertise in aircraft; there is no such facility within Leicestershire; the benefits of displaying the aircraft as a static object should be recognised; and the County Council is not and would not be in a position as the owner of the aircraft to accept the liabilities arising from the aircraft being flown for public display;
- (d) That delegated authority be given to the Director of Adults and Communities, in consultation with the Leader of the Council, to take a decision on disposal.

8. EXCLUSION OF THE PRESS AND PUBLIC

The public are likely to be excluded during the following item of business in accordance with Section 100(A) of the Local Government Act 1972:-

- *East Midlands Development Corporation Executive Summary Legal Advice and Risk Analysis.*

9. EAST MIDLANDS DEVELOPMENT CORPORATION EXECUTIVE SUMMARY LEGAL ADVICE AND RISK ANALYSIS.

(Exempt under paragraphs 3 and 5 of schedule 12A)

(THE MEETING WILL THEN RETURN TO PUBLIC SESSION)

10. EAST MIDLANDS DEVELOPMENT CORPORATION INTERIM VEHICLE (DEVCO) AND FREEPORT PROPOSAL (Pages 213 - 236)

Proposed motion

- (a) That the Council's participation in the Development Corporation Interim Vehicle, based on the outline business case submitted to the Government in March 2020, in the form of a company limited by guarantee, be approved;
- (b) That the proposed governance arrangements for the Interim Vehicle, including the establishment of an Oversight Authority Board and Independent Skills Based Board as set out in the report be approved and that the Director of Law and Governance be authorised to finalise the Members' Agreement and Articles of Association documents;
- (c) That the Council's contribution of £500,000 per annum for the next 3 years, be approved, subject to the appropriate level of contributions being made by the other four constituent councils;

- (d) That the Director of Corporate Resources be authorised to agree the release of funding at c) above;
- (e) That subject to consultation with the Director of Law and Governance, who may make alternative nominations as necessary (i.e. in the event of matters such as potential conflicts of interest),
 - i. the Chief Executive, following consultation with the Leader of the Council, be authorised to agree the appointment of the County Council's member representative to the Interim Vehicle's Oversight Authority Board;
 - ii. the Chief Executive be the County Council's nominated representative on the Interim Vehicle's Independent Skills Board;
- (f) That progress with the project, including the Company Business Plan and establishment of the statutory Development Corporation, be reported to the Cabinet and the Scrutiny Commission as appropriate;
- (g) That the Chief Executive, following consultation with the Leader of the Council and the Cabinet Lead Member for Resources, be authorised to agree the Council's support or otherwise, for the submission of the final Freeport bid.

11. ITEMS REFERRED FROM OVERVIEW AND SCRUTINY

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

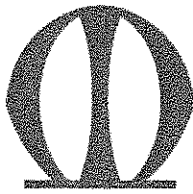
12. ANY OTHER ITEMS WHICH THE CHAIRMAN HAS DECIDED TO TAKE AS URGENT

None.

Officer to contact

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Date: 15 December 2020

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Dear Nick

LCC MMDR (South) and Melton Northern sustainable Neighbourhood Draft Masterplan Supplementary Report

Having received a copy of the above report, which was shared with my officers' yesterday evening, I am extremely concerned to read that you are intending to make acceptance of the HIF conditional of reaching an unrealistic risk share agreement with us.

Melton Borough Council fully understands the significant financial risk being placed on the County Council by these infrastructure needs and the extreme pressure on your Council at this time. Whilst you hold the statutory responsibility for the provision of highways and education, we are prepared to support this risk and on 3rd December, made an offer to do so, but were also very clear on the limits of that offer. We have reiterated our position a number of times and are disappointed that your report suggests that our proposed cap is too low and that acceptance of the HIF would be contingent of transferring a 'substantial' amount of the £95m risk to Melton Borough Council which is clearly an untenable position.

As your Cabinet considers whether to accept the HIF grant at your meeting this afternoon I wish to reiterate the position of my Council in this matter and request that this letter is shared with your Cabinet in advance, published online and tabled at the meeting.

Melton Borough Council has a duty to act lawfully and take account of (amongst other things) its fiduciary duty to its council tax payers and cannot put its own financial sustainability at risk.

Taking these pressures into account Melton is prepared to consider entering an agreement which creates a reasonable financial imperative for us to secure the

required contributions, but this would have to be limited and capped and with regard to this fiduciary duty.

In recognition of this we are willing to underwrite a portion of any shortfall either through a one off or an annual contribution, however this must be with an affordable cap. As reflected in the supplementary report to your Cabinet a one-off contribution with a cap of £1m would be the affordable limit and for an annual amount this should be commensurate with the annual revenue costs of borrowing, as such a maximum sum of £50k. Whilst the benefits of this growth and infrastructure to Melton are clear, we are unclear as to the 'significant benefits' to Melton Borough Council that your report refers to. Previous financial growth incentives are no longer available and any contribution our Council makes will be an erosion of our core and statutory service offer for something which is ultimately your responsibility. I feel I should also remind you that our annual budget is nearly 100 times smaller than your own.

I have consulted with my Cabinet and my Group and they are in agreement with this position and this will be ratified by my Cabinet when it meets tomorrow on 16th December. As such I wish to make it clear that this position is a final one, not a starting point for negotiations.

Alongside any financial considerations we are also looking into policy options available to us as planning authority to ensure the risk of not achieving the required developer contributions is reduced.

I trust this makes my Council's position clear and that your Cabinet are fully aware of the limitations of our support when making their decision this afternoon. We have also written to Homes England to ensure they are clear on our position too.

Given the extremely productive work undertaken over recent weeks, and the progress made in relation to the development layout and viability, we request that you remove the financial stipulation set out in your report, accept our capped offer and proceed to accepting the HIF grant on this basis.

Yours sincerely



Councillor Joe Orson
Leader
Melton Borough Council