

Minutes of a meeting of the Cabinet held at County Hall, Glenfield on Friday, 29 March 2019.

PRESENT

Mr. J. B. Rhodes CC (in the Chair)

Mr. R. Blunt CC  
Mr. I. D. Ould OBE CC  
Mr. B. L. Pain CC

Mrs. P. Posnett MBE CC  
Mrs H. L. Richardson CC  
Mr. R. J. Shepherd CC

Apologies

Mr. N. J. Rushton CC

In attendance

Mr. L. Breckon JP CC, Mr. S. J. Galton CC, Mr. T. J. Pendleton CC,  
Mrs. C. M. Radford CC and Mrs D. Taylor CC

254. Minutes of the previous meeting.

The minutes of the meeting held on 8 February 2019 were taken as read, confirmed and signed.

255. Urgent items.

The Chairman advised that there was one urgent item for consideration, a joint exempt report of the Director of Corporate Resources and the Director of Environment and Transport entitled "Melton Mowbray Distributor Road – Southern Section – Housing Infrastructure Fund Bid".

The report was urgent because the latest correspondence had been received from Melton Borough Council after the agenda for the Cabinet meeting had been published and a basis for moving forward needed to be agreed before the next cabinet meeting in May.

It was noted that the Chairman of the Scrutiny Commission had agreed to the report being considered in private session.

With the agreement of the Cabinet the report was taken under item 13 on the agenda (minute 266 refers).

256. Declarations of interest.

Mr. Blunt CC, Mr. Rhodes CC, Mrs. Posnett MBE CC, Mrs. Richardson CC, Mr. Pain CC and Mr. Shepherd CC declared a personal interest in agenda item 5 (Review of Proposals for a Unitary Structure of Local Government for Leicestershire) as members of district councils.

Mr. Rhodes CC and Mrs. Posnett MBE CC declared a personal interest in the urgent item (Melton Mowbray Distributor Road – Southern Section - Housing Infrastructure Fund Bid) as members of Melton Borough Council.

Mr. Pain CC and Mr. Shepherd CC declared a personal interest in agenda item 9 (East of Lutterworth Strategic Development Area – Homes England Funding and Early Contractor Involvement) as members of Harborough District Council and Charnwood Borough Council respectively.

257. Leicestershire and Rutland Safeguarding Adults Board Business Development Plan 2019/20.

The Cabinet considered a report of the Independent Chair of the Leicestershire and Rutland Safeguarding Adults Board which set out the proposed priorities for the Board's Business Development Plan for 2019/20. A copy of the report, marked "Agenda Item 4", is filed with these minutes.

RESOLVED:

That the Leicestershire and Rutland Safeguarding Adults Board Business Development Plan 2019/20 be noted and welcomed.

REASONS FOR DECISION:

It has been considered good practice in Leicestershire to submit both the Annual Report and Business Development Plan for the Leicestershire and Rutland Safeguarding Adults Board (LRSAB) to the Cabinet and to the Adults and Communities Overview and Scrutiny Committee.

The report enables the Cabinet to comment on the Business Development Plan priorities and to consider whether they identify matters that it wishes to address in relation to the effectiveness of safeguarding within the work of the Authority.

The Annual Report for 2017/18 of the LRSAB was considered by the Cabinet on 14 September 2018. The views expressed by the Cabinet were fed into the formative process for the Plan and are reflected in the priorities included in the report.

258. Review of Proposals for a Unitary Structure of Local Government for Leicestershire.

The Cabinet considered a report of the Chief Executive, which presented the findings of the Scrutiny Commission's examination of the County Council's proposals for a unitary structure for local government in Leicestershire and set out additional comments made by the Member Working Party on Unitary Structure for Leicestershire. A copy of the report, marked "Agenda Item 5", is filed with these minutes.

Mr. S. J. Galton CC, Chairman of the Scrutiny Commission, presented the report and highlighted that the Scrutiny Commission recognised that there was a need for change, adding that there was a need for a clear business case which gave greater clarity on how the service model would work. A clear framework for devolution to the Parish and Town Councils was also needed and support arrangements in place to enable delivery of more local services.

Mr. Rhodes CC and Mr. Shepherd CC commended the Scrutiny Commission and the Overview and Scrutiny Committees for their detailed consideration of the issues related to a unitary structure; recognising the value added to the formation of the business case.

RESOLVED:

- (a) That officers be requested to have regard to the views of the Scrutiny Commission and the Member Working Party when developing the business case for a unitary structure for local government in Leicestershire;
- (b) That a further report be submitted to the Cabinet on 25 June 2019 presenting the business case for a unitary structure for local government in Leicestershire.

REASONS FOR DECISION:

The Scrutiny Commission and Member Working Party have made a number of suggestions regarding the content of the business case.

259. Special Educational Needs and Disabilities Provision - Progress with Delivery of the High Needs Block Development Plan.

The Cabinet considered a report of the Director of Children and Family Services concerning the progress made with the delivery of the High Needs Block Development Plan to develop local Special Educational Needs and Disabilities (SEND) provision and seeking agreement for the Director to proceed with the statutory approvals process. A copy of the report, marked "Agenda Item 6", is filed with these minutes.

The Cabinet praised the Department for the provision detailed in the report for young people with SEND despite the lack of Government funding for the High Needs Block. Members also commended the positive response shown by schools across the County to the call for Expressions of Interest to help expand SEND provision. Further dialogues would be undertaken with schools in the North East (Melton) area.

Mr. Ould CC said that, wherever possible, the Council would seek to place children with an Education Health and Care Plan in mainstream schools. The proposals would put the Council in a more flexible position to meet needs, and would reduce the need to transport children out of or across the county to access specialist facilities. He went on to compliment the Director and her team for successfully securing Department for Education funding to establish a new build 50-place Social, Emotional and Mental Health School on the Iveshead campus in Shepshed.

RESOLVED:

- a) That the progress with the High Needs Block Development Plan be noted, in particular:-
  - i. The encouraging response from maintained schools and academies to the call for expressions of interest to develop new Special Educational Needs and Disabilities (SEND) places, which shows a real commitment to help deliver change in partnership with the County Council;
  - ii. That the responses to date to the consultation indicate a high level of support for the proposals to develop new SEND provision;

- iii. The success of the bid to the Department for Education for targeted capital funding to establish a new build 50-place Free School for pupils with social, emotional and mental health needs on the Iveshead campus in Shepshed;
- b) That the Director of Children and Family Services be authorised to issue Statutory Notices for the development of additional SEND places in the ten maintained schools identified in the Appendix to the report, and subsequently to determine the Notices where no significant objections are received;
- c) That the need for Department for Education (DfE) (Regional Schools Commissioner) to give consent for “significant change” to the eleven academies identified in the Appendix to the report to develop additional SEND places be noted; and
- d) That a further report be submitted to the Cabinet on 24 May 2019 on the outcome of the consultation exercise and, if necessary, to seek determination of the Statutory Notices referred to at (b) above.

(KEY DECISION)

REASONS FOR DECISION:

The HNB Development Plan proposals will provide the basis for planning, commissioning, and delivering SEND services, improving the quality and sufficiency of provision and addressing the overspend, as well as ensuring that the growth in demand for places can be met and that best use is made of the available resources.

The consultation exercise is ongoing (it closes on 31 March), but in order to enable the proposed changes to come into effect at the start of the 2019/20 school year in September 2019 the Cabinet’s agreement has been sought to issue the necessary Statutory Notices now so that the prescribed process can start. Once the consultation exercise is completed a further report will be submitted to the Cabinet.

Statutory Notices are required to enable the development of SEND places for maintained schools, and the consent of the DfE through the ‘significant change’ process is needed for the development of SEND places within academies.

The full consultation responses and any objections to the Statutory Notices need to be considered by the Cabinet prior to final approval of the proposals.

260. Response to Consultation on Hinckley and Bosworth Borough Council's Local Plan Review: New Directions for Growth.

The Cabinet considered a report of the Chief Executive concerning the response submitted on behalf of the County Council to the consultation issued by Hinckley and Bosworth Borough Council relating to the Local Plan Review: New Directions for Growth. A copy of the report, marked “Agenda Item 7”, is filed with these minutes.

Members noted the comments from Mr. D. C. Bill MBE CC and Mr. M. T. Mullaney CC, a copy of which is filed with these minutes.

The Cabinet expressed its concern about the lack of consultation by the Borough Council with the Highway Authority and that the consultation made insufficient reference to the policy framework provided by the agreed Strategic Growth Plan (SGP).

Mr. Pain CC emphasised the need for a constructive, co-operative approach from the Borough Council and noted that the County Council had worked hard with partners and invested more than £10m over the last five years to improve highways infrastructure in the Hinckley area.

RESOLVED:

- a) That the response set out in the Appendix to the report which has been submitted to Hinckley and Bosworth Borough Council (HBBC) as the views of the County Council on its Local Plan Review: New Directions for Growth, be noted;
- b) That HBBC's approach to the consultation on the New Directions for Growth document, in particular the insufficient reference made to the policy framework provided by the Strategic Growth Plan which the Borough Council endorsed on 27 November 2018, be noted with concern.

REASONS FOR DECISION:

To note the response submitted to the Local Plan Review Consultation, to ensure alignment with the strategic outcomes of the County Council's Strategic Plan, alignment of Local Plans with the SGP and to influence the content of Local Plans in the interests of local communities.

261. Environment and Transport 2019/20 Highways Capital Programme and Highways Transportation Work Programme.

The Cabinet received a report from the Director of Environment and Transport which sought approval for the Environment and Transport 2019/20 Highways Capital Programme and the Highways and Transportation Work Programme. A copy of the report, marked "Agenda Item 8", is filed with these minutes.

Mr. Pain CC commended officers for the quantity of projects included within the programme despite budgetary pressures; this was the largest capital programme that had been worked on by the Department. He said that he had recently attended the House of Commons where he had raised the need for a longer term funding certainty from the Government to programme maintenance and preventative work more efficiently and that it would help Highway Authorities if grant funding could be consolidated so that funding invested to scope out the case for each bid was not wasted if the bid was unsuccessful.

RESOLVED:

- a) That the Environment and Transport 2019/20 Highways Capital Programme and the Highways and Transportation Work Programme be approved;
- b) That the Director of Environment and Transport, following consultation with the Director of Corporate Resources and the Cabinet Lead Member for Environment and Transport, be authorised to make minor amendments to the 2019/20 Highways Capital Programme and Highways and Transportation Work Programme;

- c) That £6m be allocated from reserves to support and develop the advance infrastructure design for schemes in the County set out in paragraphs 36 to 38 of the report, all focused on new or accelerated housing delivery and provision of new employment, with the following two schemes being prioritised:-
- (i) The A511/A50 Growth Corridor as the Council's Major Road Network priority for delivery from 2020 to 2025;
  - (ii) The M1 Junction 20a scheme, which has been submitted for the current round of Large Local Majors Funding;
- d) That the Director of Environment and Transport, following consultation with the Director of Corporate Resources and the Cabinet Lead Members for Environment and Transport and Corporate Resources, be authorised to prepare and submit bids, as appropriate, to secure external funding for delivery of schemes identified in the Highways Capital Programme;
- e) That the Director of Environment and Transport, following consultation with the Director of Corporate Resources, the Director of Law and Governance and the Cabinet Lead Member for Corporate Resources, be authorised to enter into such contracts as is necessary to progress schemes in the approved Highways Capital Programme to allow Early Contractor Involvement (ECI) to take place in advance of all external funding required to deliver the scheme being in place, subject to:-
- (i) The contract referring to an approved scheme (i.e. one set out in the Highways Capital Programme or Medium Term Financial Strategy).
  - (ii) The Director of Environment and Transport and Director of Corporate Resources being satisfied that funding partners are able to provide the necessary contributions including cost of ECI Stage 1 should the scheme not proceed to Stage 2.
  - (iii) The value of the contract at Stage 1 being within the amount covered by existing delegations to the Director of Environment and Transport and Director of Corporate Resources.
  - (iv) The Director of Environment and Transport following consultation with the Director of Corporate Resources will only authorise proceeding to Stage 2 (construction stage) where the scheme is approved and funding is in place.

**(KEY DECISION)**

**REASONS FOR DECISION:**

To approve the Environment and Transport Department's Highways Capital Programme and Highways and Transportation Work Programme for the 2019/20 financial year and to enable these to be published in April 2019.

Both programmes may need minor revisions to respond to changing circumstances and to ensure optimal use of resources throughout the financial year.

To enable the delivery of large capital schemes using a collaborative approach to work with contractors to reduce risk and increase cost certainty. Working in this way will also provide necessary assurance to partners and third party funders contributing to the cost of delivering the Highways Capital Programme.

The allocation of an additional £6m and the delegations to the Director of Environment and Transport will enable the Environment and Transport Department to continue a proactive approach and to be responsive to opportunities to develop significant transport projects to support economic and housing growth.

262. East of Lutterworth Strategic Development Area - Homes England Funding and Early Contractor Involvement.

The Cabinet considered a joint report of the Director of Corporate Resources and the Director of Environment and Transport which sought approval to accept a grant allocation of £14m from Homes England to provide funding for the Lutterworth East Strategic Development Area (SDA). A copy of the report, marked "Agenda Item 9", is filed with these minutes.

Members noted that the conditions associated with the Homes England Local Authority Accelerated Construction grant were acceptable to the County Council.

Mr. Rhodes CC welcomed the report, noting the great deal of work done so far in assembling the land required for the development.

RESOLVED:

- a) That the grant allocation of £14m from Homes England from its Local Authority Accelerated Construction Fund be accepted and the necessary funding agreements completed;
- b) That the Director of Environment and Transport, following consultation with the Director of Corporate Resources, the Director of Law and Governance, and the Cabinet Lead Member for Resources be authorised to enter into a contract and to proceed with Stage 1 of that contract to allow Early Contractor Involvement in the design and undertaking of preliminary works in respect of the future proposed construction of the East of Lutterworth spine road and related infrastructure.

REASONS FOR DECISION:

The conditions associated with the Homes England Local Authority Accelerated Construction grant are considered acceptable. Agreement to the conditions will secure an additional £14m to support four key development projects in Leicestershire including £8m for the East of Lutterworth SDA scheme, which will further support delivery of the Council's Strategic Plan objectives.

Entering into the proposed contract to allow Early Contractor Involvement (ECI) for the East of Lutterworth transport package will support the development of detailed design, and identify and manage risk to give cost certainty for the scheme. It is estimated that the ECI and related costs will total up to £1.5m.

263. Dates of Council Meetings 2019/20 and 2020/21.

The Cabinet received a report of the Chief Executive regarding the proposed dates of Council meetings for the next two years. A copy of the report, marked "Agenda Item 10", is filed with these minutes.

RESOLVED:

That the County Council be recommended to hold meetings on the following dates during the next two municipal years:-

Wednesday 10 July 2019

Wednesday 25 September 2019

Wednesday 4 December 2019

Wednesday 19 February 2020 (to consider the budget)

Wednesday 13 May 2020 (Annual Meeting)

Wednesday 8 July 2020

Wednesday 30 September 2020

Wednesday 2 December 2020

Wednesday 17 February 2021 (to consider the budget)

Wednesday 19 May 2021 (Annual Meeting).

REASONS FOR DECISION:

To comply with the Local Government Act 1972 and the County Council's Standing Orders.

264. Items referred from Overview and Scrutiny.

There were no items referred from Overview and Scrutiny.

265. Exclusion of the Press and Public.

RESOLVED:

That under Section 100A of the Local Government Act 1972, the public be excluded for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 5 and 10 of Part 1 of Schedule 12A of the Act and that, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information –

Melton Mowbray Distributor Road – Southern Section – Housing Infrastructure Fund Bid.

266. Urgent Item - Melton Mowbray Distributor Road - Southern Section - Housing Infrastructure Fund Bid.

The Cabinet considered an urgent, exempt report of the Director of Corporate Resources and the Director of Environment and Transport concerning the Housing Infrastructure Fund bid for the southern section of the Melton Mowbray Distributor Road. The report was urgent as the latest correspondence had been received from Melton Borough Council after the agenda for the Cabinet meeting had been published and a basis for moving forward needed to be agreed before the next Cabinet meeting in May. A copy of



the report is filed with these minutes. The report was not for publication by virtue of paragraphs 5 and 10 of Schedule 12A of the Local Government Act 1972.

RESOLVED:

- a) That the risks associated with the bid to the Housing Infrastructure Fund (HIF), which has been made and which include significant financial and delivery risks for the County Council with regard to the funding of the South Melton Mowbray Distributor Road (MMDR) and associated infrastructure, as well as wider reputational risks, be noted;
- b) That in regard to the above risks and recognising the wish of the County Council for the South MMDR section of the road to be completed:
  - (i) the agreement of Melton Borough Council for the viability assessment for housing development to the north and south of Melton (carried out in May 2017) to be refreshed and reported as requested by the County Council, be noted and welcomed;
  - (ii) efforts be made to seek a risk-sharing agreement that is acceptable to both the County Council and Melton Borough Council;
  - (iii) the likelihood that Melton Borough Council will be unable to report to its Cabinet before the outcome of the HIF bid is known on work in respect of its decision to carry out a full options appraisal for commercial development of the Melton Sports Village site (land sold by the County Council to Melton Borough Council in 2014/15, which includes a restrictive covenant and overage payment) be noted;
  - (iv) the Rt. Hon. Sir Alan Duncan MP be kept informed of developments;
- c) That it be noted that work will continue on the development of the HIF bid for the South MMDR, noting that it is expected that successful HIF bids will be announced by the Government in early summer 2019;
- d) That a further report be submitted to the Cabinet once the outcome of the HIF bid is known - or sooner if events in the meantime dictate that a further decision is required;
- e) That in any event, it be noted that as previously approved by the Cabinet, a Cabinet decision is required to approve a successful HIF bid.

REASONS FOR DECISION:

A successful HIF bid would bring forward the construction of the South MMDR and enable the full potential of development planned to the south of Melton Mowbray. However, there is a potential funding shortfall that is the subject of discussion with Melton Borough Council.

If the HIF bid was successful and funding accepted, the County Council would seek to deliver the South MMDR immediately following construction of the northern and eastern sections. In order to do that it is essential that work continues in the interim, otherwise it would be extremely challenging to proceed as planned and costs would increase. In the

event of the current HIF bid being unsuccessful this work would still be of value for future funding bids and planning applications.

11.00 am - 12.08 pm  
29 March 2019

CHAIRMAN