

Minutes of a meeting of the Cabinet held at County Hall, Glenfield on Friday, 22 November 2019.

PRESENT

Mr. N. J. Rushton CC (in the Chair)

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

Mr. T. J. Pendleton CC
Mr. J. B. Rhodes CC
Mrs H. L. Richardson CC
Mr. R. J. Shepherd CC

In attendance

Mrs. C. M. Radford CC, Mr. O. O'Shea CC, Mr. S. J. Galton CC, Mr. P. Bedford CC, Mrs. R. Page CC.

338. Minutes of the previous meeting.

The minutes of the meeting held on 22 October 2019 were taken as read, confirmed and signed.

339. Urgent items.

There were no urgent items for consideration.

340. Declarations of interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

Mr. Shepherd CC declared a personal interest with regard to item 7 on the agenda, 'Barrow Road/Poole Farm, Quorn Development – Solar Farm and Light Industrial Units' as a member of Charnwood Borough Council.

341. Outcome of Consultation on the County Council's Priorities.

The Cabinet considered a report of the Director of Corporate Resources concerning the outcome of the consultation on the Council's priorities. A copy of the report marked 'Agenda item 4' is filed with these minutes.

Mr. Rhodes CC thanked those who had taken part in the consultation. He said the responses had indicated that the Council had achieved the right balance in its service provision and that the Council's support for residents was appreciated.

RESOLVED:

That the results of the public consultation on the County Council's priorities, which will be used to inform the development of the Medium Term Financial Strategy for 2020/21 – 2023/24, be noted.

(KEY DECISION)

REASON FOR DECISION:

To ensure future decisions around service delivery in relation to the MTFS are, where possible, taken mindful of the views expressed by residents and other stakeholders.

342. Special Education Needs and Disabilities - Proposed Transfer of Funding within Dedicated Schools Grant.

The Cabinet considered a report of the Director of Children and Family Services concerning the outcome of the consultation with schools on the proposal to transfer up to 0.5% from the Schools Block to the High Needs Block. A copy of the report marked 'Agenda item 5' is filed with these minutes.

The Director said that an amended statement had been received from the Schools Forum as follows:

"The Schools Forum does not agree to the proposals to transfer £2m/0.5% from the schools block and asks Leicestershire County Council not to appeal to the Secretary of State but to appeal for improved funding for high needs SEN, either directly or through improved grant from government. The Forum welcomes the joint work to progress the high needs programme."

Mr. Ould CC said he had attended the Schools Forum meeting on 6 November and was aware of the strength of feeling on the matter.

RESOLVED:

- a) That the outcome of the consultation on the proposed transfer of 0.5% from the Schools Block of the dedicated Schools Grant to the High Needs Block and the position of Schools Forum be noted;
- b) That a transfer of funding from the Schools Block to the High Needs Block is not pursued further at present;
- c) That the Director of Children and Family Services be authorised to engage with Leicestershire schools to develop alternative measures to address the High Needs Block deficit;
- d) That it be noted that should the High Needs Block deficit continue to increase, it may be necessary to consider further measures, including a transfer of funding, in future years.

REASONS FOR DECISION:

Local authorities are able to transfer up to 0.5% of the gross Schools Block funding to High Needs following consultation with schools and with the approval of the Schools Forum. Should the Schools Forum not approve a transfer, approval can be sought from the Secretary of State.

It is considered that effecting the transfer in 2020/21 at this stage in the High Needs Development Plan may affect the achievability of the overall Plan. Alternative arrangements are being explored to address the funding gap.

343. Delivering Growth in Leicestershire: East of Lutterworth Strategic Development Area and Other Projects.

The Cabinet considered a joint report of the Director of Corporate Resources and the Chief Executive which detailed the outcome of the work undertaken to identify the Council's objectives for the East of Lutterworth Strategic Development Area Scheme and assessed the potential delivery options available. A copy of the report marked 'Agenda item 6' is filed with these minutes.

Mr. Rhodes CC welcomed the proposals adding that the project was a major step forward in the programme to bring about development in Leicestershire, which could bring considerable benefits, including financial returns, for the Council. He acknowledged that there were some risks and that these would need careful management.

RESOLVED:

- a) That the outcome of the options appraisal for the delivery of the East of Lutterworth Strategic Development Area (SDA) scheme be noted;
- b) That the comments of the Scrutiny Commission on the proposed preferred approach be noted;
- c) That the East of Lutterworth SDA scheme be delivered via a hybrid approach of Option 5 (Joint Venture – Enabling / Development / Operational Partner) and Option 2 (Self Development) as outlined in paragraphs 51 to 54 of the report;
- d) That the delivery of other growth schemes arising in the County and their possible inclusion within the Joint Venture arrangement at (c) above be considered on a project-by-project basis, and subject to further reports to the Scrutiny Commission and the Cabinet as appropriate;
- e) That the specific objectives for the delivery of the Lutterworth East SDA scheme as listed in paragraph 25 of the report be approved;
- f) That the proposed next steps for the Lutterworth East SDA project be noted and further reports be submitted to the Cabinet in March 2020 to seek approval for:
 - i. the planned procurement approach and scope;
 - ii. proposals for the establishment, structure and governance of the Joint Venture arrangement through a limited liability partnership;
- g) That the Director of Corporate Resources undertake further member and officer engagement as outlined in paragraph 102 of the report.

(KEY DECISION)

REASONS FOR DECISION:

Establishing a joint venture with a strategic private sector partner on a 50/50 basis to fund, develop and manage the Lutterworth scheme most closely aligns to the Council's aspirations for ensuring control over site development whilst sharing risk and obtaining a financial return. Once established the partnership can also be used as a vehicle for the delivery of future sites if deemed appropriate by members. This approach was supported by the Scrutiny Commission on 6 November 2019.

The risks generated by self-development of the employment site to the south of Lutterworth East are clearer and more manageable and the financial rewards significant enough to offset these, therefore this area will be developed by the Council independently of the joint venture.

The specific objectives developed for delivery of the Lutterworth East SDA reflect the aspiration for a high-quality development in line with the Council's Strategic Plan outcomes whilst also recognising the need to generate financial returns relative to the risks taken during development.

OTHER OPTIONS CONSIDERED

The following five options were considered:

Option 1: Disposal with Planning Permission

The traditional approach, used as a baseline against which other options were compared.

Option 2: Self Development

The Council carries out construction of the entire housing and commercial development.

Option 3: Joint Venture - Enabling Partner

The Council plus one or more commercial partners. Each contributes resources (land, capital, staff and/or other equipment/assets) and a new Joint Venture business is created in which all collaborate, risks and benefits shared. The Council enters into a partnership with a development/investment partner, the site is enabled by the partnership and serviced plots sold to the market. All services to establish planning consents, removal of development issues, etc. is undertaken by the Joint Venture partnership and the Council receives a land receipt and share of the profit from enablement.

Option 4: Joint Venture - Development Partner

The Council goes into partnership with a development/investment partner. The site is enabled, residential/commercial elements are developed by the Joint Venture, and the Council receives a land receipt and share of the development profit.

Option 5: Joint Venture - Enabling / Development / Operational Partner

The Council enters into a 50/50 partnership with a strategic partner. The site is enabled by the Joint Venture, some developed by the partnership and other plots sold to developers. Operational elements are owned/operated by the partnership over the long-term. The Council receives a land receipt and share of the development/operational profit (e.g. private rental, commercial income).

344. Barrow Road/Poole Farm, Quorn Development - Solar Farm and Light Industrial Units.

The Cabinet considered a report of the Director of Corporate Resources which presented the outcome of the further analysis of the proposed Barrow Road/Poole Farm, Quorn Development and sought approval to submit a planning application for a solar farm and light industrial unit on Council-owned land. A copy of the report marked 'Agenda item 7' is filed with these minutes.

The Committee noted the comments of local member Mrs. H. Fryer CC, a copy of which is filed with these minutes. In response, the Director confirmed that both Quorn and Barrow upon Soar Parish Councils would be included in the consultation on the planning application.

Members were informed that the solar farm would in fact generate 8,790 megawatt hours of energy per annum (not 8.79 as indicated in the report).

Mr. Rhodes CC welcomed the scheme, from which the energy generated would offset either all the carbon emissions of Council properties or half the street lighting across the County.

RESOLVED:

- (a) That the Director of Corporate Resources be authorised to submit a planning application for the commercial development of a new solar farm and light industrial units at Quorn as detailed in the report;
- (b) That subject to planning consent being granted, construction of the first phase of the development - the solar farm and Barrow Road light industrial units - be approved subject to a maximum capital cost of £14 million;
- (c) That a further report be made to the Cabinet when it is considered that construction of phase two of the development - light industrial units at Poole Farm - is viable.

(KEY DECISION)

REASON FOR DECISION:

The development of the Council-owned land will provide the Authority with future revenue income and support environmental and economic objectives.

345. Tree Management Strategy.

The Cabinet considered a report of the Director of Corporate Resources which sought the Cabinet's support for the draft Tree Management Strategy which set out the approach for the management of the County Council's trees and woodlands and included a tree management and planting programme. A copy of the report marked 'Agenda item 8' is filed with these minutes.

Members noted the comments of Mr. G. A. Boulter CC, a copy of which is filed with these minutes.

Mr. Pain CC welcomed the report and said that funding had been allocated to explore how the carbon reduction would be addressed across Council services. The introduction of the Tree Management Strategy was one measure the Council was taking to address the climate change emergency.

It was noted that evergreen species, which held their leaves all year, had more capacity to absorb pollution, although native species were also planted to improve and protect eco systems.

RESOLVED:

- (a) That the draft Tree Management Strategy and Tree Management and Planting Plan be supported and referred to the Environment and Transport Overview and Scrutiny Committee for comment;
- (b) That a further report be submitted to the Cabinet in March 2020 presenting the final Tree Management Strategy and Tree Management and Planting Plan for approval.

REASONS FOR DECISION:

The County Council has a legal duty to manage and maintain all trees on County Council-owned land, in parks and open spaces and on the public highway.

The draft Tree Management Strategy and associated Plan set out standards for the management of the tree resource under the stewardship of the County Council which comply with nationally recognised codes of practice and will mitigate the risk (e.g. of insurance claims) as well as helping to protect trees and woodlands as a valuable natural asset to Leicestershire.

It is intended to carry out some consultation with partner agencies and specialist groups (such as the National Forest Company and Woodland Trust) to inform the final Strategy and to seek feedback from the Council's Environment and Transport Overview and Scrutiny Committee.

346. Melton Mowbray Local Plan Delivery Partnership - Housing Infrastructure Fund Bid.

The Cabinet considered a joint report of the Director of Environment and Transport and the Director of Corporate Resources regarding the success of the Housing Infrastructure Fund bid for the southern section of the Melton Mowbray Distributor Road and the discussions with Melton Borough Council regarding a risk-sharing agreement for the remaining funding of the road and related infrastructure. A copy of the report marked 'Agenda item 9' is filed with these minutes.

The Chairman personally thanked the outgoing Member of Parliament the Rt. Hon. Sir Alan Duncan for his support with the HIF bid.

Mr. Rhodes CC welcomed the success of the HIF bid. He commented on the need for support from Melton Borough Council and that the County Council was taking on risk in funding the project whilst developer contributions were awaited.

Members supported the inclusion of an additional recommendation concerning air quality; an issue that had been raised during the consultation and highlighted the benefits to residents of other bypasses built in the county.

The Cabinet commended officers for their work on this project.

RESOLVED:

- (a) That the implications of the broad principles agreed with Melton Borough Council, set out in paragraph 37 of the report, that will feed into the risk-sharing agreement, be noted;
- (b) That the Director of Corporate Resources and the Director of Law and Governance, following consultation with the Cabinet Lead Member for Resources, be authorised to finalise and enter into the risk-sharing agreement with Melton Borough Council prior to signing of the agreement with Homes England for the Housing Infrastructure Fund (HIF) funding (expected to be in place by the end of the financial year);
- (c) That the HIF funding be accepted, for the reasons set out in paragraphs 22 to 31 of the report;
- (d) Melton Borough Council be asked to provide assurance that both now and in the future the Council will carry out its statutory obligations to monitor air quality in Melton Mowbray, in particular associated with pollution caused by traffic, and to produce appropriate plans to address issues identified;
- (d) That the Director of Environment and Transport, in consultation with the Director of Corporate Resources and the Director of Law and Governance and following consultation with the Cabinet Lead Members for Resources and Environment and Transport, be authorised to take the necessary actions to deliver the Melton Mowbray Distributor Road (MMDR) northern eastern and southern sections.

(KEY DECISION)

REASONS FOR DECISION:

Following the Cabinet decision of May 2019, officers have continued to work to develop a suitable risk-sharing agreement to support the funding of the MMDR and other infrastructure, required to support Melton Borough Council's Local Plan.

The financial risk faced by the County Council in delivering the infrastructure, principally the MMDR and schools, necessary to support growth in Melton is significant. The introduction of risk-sharing arrangements with Melton Borough Council and maximising developer contributions helps to manage better these risks and share these in a way that is proportionate and fair.

347. A511 Growth Corridor Proposals.

The Cabinet considered a report of the Director of Environment and Transport concerning the consultation on the A511 Growth Corridor proposals and seeking continued support for the prioritisation and delivery of the scheme. A copy of the report marked 'Agenda item 10' is filed with these minutes.

Mr. Pain CC welcomed the scheme which would be delivered jointly with North West Leicestershire District Council. Members noted that the Environment and Transport Overview and Scrutiny Committee welcomed the scheme.

Mr. Pendleton CC added that the scheme addressed concerns regarding air quality and commended officers for their work.

RESOLVED:

- (a) That the consultation feedback and comments of the Environment and Transport Overview and Scrutiny Committee be noted;
- (b) That the MRN A511 Growth Corridor scheme, comprising proposed improvements to eight junctions along the A511, including a Bardon Link Road extension to south-east Coalville, and dual carriageway between Thornborough Road and Whitwick Road as shown in the plan attached as Appendix A to the report, be supported;
- (c) That the existing funding allocation of £4m capital funding be used to:
 - i. Develop and submit a planning application for the extension to the Bardon Link Road,
 - ii. Undertake all necessary preparations to progress the scheme to Full Business Case (FBC) and, subject to Department for Transport (DfT) approval, delivery;
- (d) That the Director of Environment and Transport, in consultation with the Director of Corporate Resources and the Director of Law and Governance and following consultation with the Cabinet Lead Members for Environment and Transport and Resources be authorised to submit the FBC to the DfT for approval and to take the necessary actions to deliver the MRN A511 Growth Corridor scheme subject to (e) below;
- (e) A further report be submitted to the Cabinet prior to submission of a planning application for the Bardon Link Road Extension to include, amongst other things –
 - i. The detailed design and updated cost estimates for the scheme which will form the basis for the planning application;
 - ii. Requests for approval to make and implement any required Compulsory Purchase Orders and associated statutory orders;
 - iii. The updated cost-sharing agreement with North West Leicestershire District Council.

REASONS FOR DECISION:

Following the Cabinet decision of March 2019 to support development of a package of measures which meet the criteria for MRN finding, officers have continued to work on the proposals for the A511 corridor and are confident that they will provide value for money.

Whilst the Coalville Contribution Strategy provides a means of financing individual schemes, the delivery of the package of measures in the A511 scheme would be in a piecemeal fashion over a long period, as delivery of each of the individual proposals could only be carried out when developer funding became available or central government funding could be secured.

The MRN funding of up to £50m provides the best opportunity to ensure that all the mitigation identified through planning can be delivered whilst minimising the disruption to the public. To bid for this, it is necessary for the County Council to commit funding of £4m to prepare a business case.

Authorising the Director to proceed with actions to deliver the scheme up to the submission of a planning application will ensure that it is progressed at the earliest opportunity.

348. Annual Delivery Report and Performance Compendium 2019.

The Cabinet considered a report of the Chief Executive which presented the draft Annual Delivery Report and Performance Compendium for 2019. A copy of the report marked 'Agenda item 11' is filed with these minutes.

Mr. Rhodes CC welcomed the report and highlighted that IMPOWER had rated Leicestershire as the most productive Council for the third year running.

RESOLVED:

- (a) That the overall progress during 2018/19 in delivering on the Council's Strategic Priorities, securing transformation, and mitigating the impact of national funding reductions, as set out in the draft Annual Delivery Report, be noted;
- (b) That the current comparative funding and performance position, service pressures and risks set out in the Performance Compendium be noted;
- (c) That the comments of the Scrutiny Commission be noted;
- (d) That it be noted that whilst the provision of resources through the business rates retention pilot in 2019/20 and extra resources for 2020/21 is welcomed, the delay in implementing the national fair funding system has created significant uncertainties in the medium-term with risks to being able to address the many service challenges and priorities facing the County;
- (e) That the Council continues to press its case for a fairer funding settlement and pursue other major savings initiatives;
- (f) That the Chief Executive, following consultation with the Leader, be authorised to make any amendments to the draft Annual Delivery Report and Performance Compendium prior to its submission to the County Council on 4 December 2019 for approval.
- (g) That IMPOWER rating the County Council as the most productive council for the third year running, be welcomed.

REASONS FOR DECISION:

It is best practice in performance management, implicit in the LGA Sector-Led approach to local authority performance and part of the Council's Internal Governance Framework, to undertake a review of overall progress at the end of the year and to benchmark performance against comparable authorities. It is also good practice to produce an

annual performance report and ensure that it is scrutinised, transparent, and made publicly available.

The Council is poorly funded in comparison with other local authorities and this, until addressed, will continue to impact on delivery, performance and council tax levels.

The draft Report and Compendium may be modified to reflect comments made by the Cabinet as well as to include any final national comparative data which becomes available prior to its consideration by full Council.

349. Delivering Wellbeing and Opportunity in Leicestershire: Adults and Communities Department Ambitions and Strategy 2020-24 - Permission to Consult.

The Cabinet considered a report of the Director of Adults and Communities which sought approval to consult on the draft 'Delivering Wellbeing and Opportunity in Leicestershire: Adults and Communities Department Ambitions and Strategy for 2020-2024'. A copy of the report marked 'Agenda item 12' is filed with these minutes.

Members noted the comments of the Adults and Communities Overview and Scrutiny Committee, a copy of which is filed with these minutes.

RESOLVED:

- a) That the comments of the Adults and Communities Overview and Scrutiny Committee be noted;
- b) That the draft '*Delivering Wellbeing and Opportunity in Leicestershire: Adults and Communities Department Ambitions and Strategy for 2020–2024*' (attached as Appendix A to the report), and the associated consultation document (attached as Appendix B) be approved for consultation;
- c) A further report be submitted to the Cabinet in summer 2020 presenting the outcome of the consultation and the final Strategy for approval.

(KEY DECISION)

REASONS FOR DECISION:

The Director of Adults and Communities requires the Cabinet's permission to undertake a formal consultation exercise on the ambitions and Strategy for adult social care, library, museums and heritage, and adult learning service delivery in the coming four-year period.

The draft Strategy for 2020-24 has been developed to fulfil statutory duties and provide a basis for the Adults and Communities Department's vision, planning, commissioning and delivery of services up until 2024.

The views of service users and other stakeholders are necessary to inform the Department's future approach and to determine how this can be best achieved through the provision and commissioning of services.

350. Annual Report of the Director of Public Health: Leicestershire's Health - Physical Activity - Moving to a Whole System Approach.

The Cabinet considered the Director of Public Health's Annual Report for 2019. A copy of the report marked 'Agenda item 13' is filed with these minutes.

Members endorsed the comments of the Health Overview and Scrutiny Committee, a copy of which is filed with these minutes, and added that 'Choose How You Move' messages needed to be promoted to the public to improve the key performance indicators in Leicestershire's Physical Activity profile.

RESOLVED:

- (a) That the comments of the Health Overview and Scrutiny Committee be noted;
- (b) That the recommendations contained within the Director of Public Health Annual Report 2019 be supported;
- (c) That it be noted that the Annual Report will be submitted to the County Council on 4 December 2019.

REASONS FOR DECISION:

The Director of Public Health's Annual Report is a statutory independent report on the health of the population of Leicestershire.

To enable the County Council to consider the Report, which will help inform future commissioning decisions.

351. Leicestershire Substance Misuse Strategy 2020-2023.

The Cabinet considered a report of the Director of Public Health which sought approval for the Leicestershire Substance Misuse Strategy 2020-23. A copy of the report marked 'Agenda item 14' is filed with these minutes.

RESOLVED:

- (a) That the outcome of the consultation on the Leicestershire Substance Misuse Strategy including comments of the Health Overview and Scrutiny Committee be noted;
- (b) That the Leicestershire Substance Misuse Strategy 2020-23 be approved;
- (c) That it be noted that the Director of Public Health, following consultation with the Lead Member for Health, will produce an Implementation Plan to deliver upon the priorities set out in the Strategy.

REASONS FOR DECISION:

The Leicestershire Substance Misuse Strategy 2020-23 has been developed in recognition of the need to coordinate substance misuse related work across the Council

and has been informed by a public consultation exercise. The Strategy will set an agreed direction for substance misuse service provision across Leicestershire.

The development of an implementation plan, which will deliver upon the priorities set out in the Strategy, will be led by the Director of Public Health and the wider Public Health Team.

352. Response to Consultation on Leicestershire Fire and Rescue Service Integrated Risk Management Plan 2020 - 2024.

The Cabinet considered a report of the Chief Executive which sought approval of the draft response to the Leicestershire Fire and Rescue Service consultation on the Integrated Risk Management Plan. A copy of the report marked 'Agenda item 15' is filed with these minutes.

Members noted that the response to Proposal 1 (use of fire engines flexibly) would be amended to read:

"... However, the reason that the Fire and Rescue Service is unable at present to *always* meet the '10-minute goal' is due to assets being committed at other incidents, availability of crew and vehicle maintenance. It is not clear how the proposal of flexibly using operational assets would enable this goal to be achieved. The County Council would welcome greater clarity on how this proposal would work in practice. *However, it welcomes the intention to record response times from receipt of the 999 call*"; (additional text indicated in italics).

RESOLVED:

That subject to the amended wording above regarding Proposal 1 (use of fire engines flexibly), the response set out in Appendix B to the report be approved for submission to the Leicestershire Fire and Rescue Service as the views of the County Council.

REASON FOR DECISION:

To enable the views of the County Council to be submitted to the Leicestershire Fire and Rescue Service.

353. Items referred from Overview and Scrutiny.

There were no items referred from Overview and Scrutiny.

2.00 - 3.39 pm
22 November 2019

CHAIRMAN