

Minutes of a meeting of the Cabinet held at County Hall, Glenfield on Tuesday, 17 December 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. T. J. Pendleton CC

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

Apologies

Mr. B. L. Pain CC

In attendance

Mr. O. O'Shea JP CC, Mrs. C. M. Radford CC, Mrs D. Taylor CC
Dr. T. Eynon CC, Mr. S. J. Galton CC, Mrs R. Page CC

354. Minutes of the previous meeting.

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

355. Urgent items.

The Chairman advised that there was one urgent item for consideration, a report of the Chief Executive titled "Barwell Sustainable Urban Extension - Section 106 Agreement". The report was urgent as the matter had arisen after the agenda for the Cabinet meeting had been circulated and a decision needed to be taken as to how to proceed with the other parties concerned before the Cabinet met again in February 2020.

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

With the agreement of the Cabinet the report was taken under agenda item 12 (minute 365 below refers).

356. Declarations of interest.

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

Mr. R. Shepherd CC declared a personal interest in agenda item 10 (Response to Charnwood Borough Council's Draft Charnwood Local Plan (2019-2036) Preferred Options Consultation) as a member of Charnwood Borough Council.

357. Medium Term Financial Strategy 2020/21 to 2023/24 - Proposals for Consultation.

The Cabinet considered a report of the Director of Corporate Resources setting out the proposed Medium Term Financial Strategy for 2020/21 to 2023/24. A copy of the report, marked '4', and a supplementary report with the detailed proposals, which was circulated separately, are filed with these minutes.

Mr. Rhodes said that balancing the budget was becoming increasingly difficult each year. Further savings were planned but increased costs and rising demand for services meant that there was now a funding gap of £40m by 2023/24. It was vital that the Government established a fair funding system for local authorities.

RESOLVED:

- (a) That the proposed Medium Term Financial Strategy, including the 2020/21 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 2020/21 and, subject to agreement by all member authorities, to implement this;
- (c) That additional funding of £1m be allocated from the 2020/21 capital programme to existing projects within the Adult Social Care programme (£0.5m) and the Corporate Asset Investment Fund (£0.5m);
- (d) That a further report be submitted to the Cabinet on 7 February 2020.

(KEY DECISION)

REASONS FOR DECISION:

To enable the Council to meet its statutory requirements with respect to setting a budget and Council Tax precept for 2020/21 and to provide a basis for the planning of services over the next four years.

To ensure that the Council's views on the Local Government Finance Settlement are made known to the Government.

To enable the Council (alongside the pooling partners) to respond to the Ministry of Housing, Communities and Local Government in respect of the Business Rates Pool within 28 days from the draft Local Government Finance Settlement.

To enable the completion of works to refurbish The Trees (long-stay) care home in Hinckley and development of commercial offices at Loughborough University Science and Enterprise Park.

358. Ofsted Inspection of Local Authority Children's Social Care Services.

The Cabinet considered a report of the Director of Children and Family Services regarding the outcome of a recent Ofsted inspection of children's social care services in Leicestershire and presenting an Action Plan which had been developed to address the recommendations in the Ofsted Report. A copy of the report, marked '5', is filed with these minutes.

RESOLVED:

- (a) That the Ofsted inspection report on children's social care services be noted;
- (b) That the action plan prepared by the Children and Family Services Department in response to the recommendations in the Ofsted report be noted.

REASONS FOR DECISION:

To ensure Members are aware of the outcome of the recent Ofsted Inspection and the measures being taken in response.

359. Corporate Parenting Strategy.

The Cabinet considered a report of the Director of Children and Family Services concerning the Corporate Parenting Strategy which set out the Council's responsibilities as the corporate parent and the key principles and expectations that provided the basis for its provision for children in care and Care Leavers. A copy of the report, marked '6', is filed with these minutes.

Mr. Ould noted that Ofsted now considered the Council to be a 'good' corporate parent and hoped that, guided by the new Strategy, it would before long be graded 'outstanding'.

RESOLVED:

- (a) That the responses to the consultation and comments of the Children and Families Overview and Scrutiny Committee be noted;
- (b) That the Corporate Parenting Strategy be submitted to the Council for approval on 19 February 2020.

(KEY DECISION)

REASONS FOR DECISION:

The feedback has informed the final Corporate Parenting Strategy which will provide the basis for the Council's corporate parenting role. The final Strategy must be submitted to full Council for approval and implementation as it forms part of the Plans Framework in the Council's Constitution (Part 2, Schedule 2).

360. Community Safety Strategy 2019-2021.

The Cabinet considered a report of the Director of Children and Family Services concerning the Community Safety Strategy which set out the Council's responsibilities in relation to crime and disorder matters and the basis for its work with partners for the next few years. A copy of the report, marked '7', is filed with these minutes.

RESOLVED:

- (a) That the responses to the consultation on the draft Strategy including consideration by the Scrutiny Commission be noted;
- (b) The Community Safety Strategy be submitted to the Council for approval on 19 February 2020.

(KEY DECISION)

REASONS FOR DECISION:

To note feedback from consultees and how this has informed the final draft of the Strategy. The final Strategy must be submitted to full Council for approval and implementation as it forms part of the Plans Framework in the Council's Constitution (Part 2, Schedule 2).

361. Re-commissioning of Substance Misuse Treatment and Recovery Services.

The Cabinet considered a report of the Director of Public Health regarding the model for the future procurement of substance misuse treatment and recovery services. A copy of the report, marked '8', is filed with these minutes.

Mr. Breckon reminded members that the Council had a duty to provide drug/ alcohol treatment and recovery services (a condition of the public health grant) and commended the proposals which had been informed by thorough research and engagement.

RESOLVED:

- (a) That the model for substance misuse treatment and recovery services be noted;
- (b) That the Director of Public Health in consultation with the Director of Corporate Resources be authorised to award contracts for the provision of substance misuse treatment and recovery services with effect from 1 April 2021.

REASONS FOR DECISION:

Delegation to the Director of Public Health will ensure that the re-procurement follows due process and is completed to timescale.

362. Exception to Contract Procedure Rules - Proposed Appointment of a Provider to Deliver Warm Homes Fund Project.

The Cabinet considered a report of the Director of Public Health concerning an exception to the Council's Contract Procedure Rules to enable a direct appointment to *E.on* to deliver a project to help address fuel poverty in Leicestershire. A copy of the report, marked '9', is filed with these minutes.

Mr. Breckon congratulated the officers who had developed the successful funding bid, which had resulted in £3.4m for the project. Mr. Rushton added his thanks and expressed his appreciation to *E.on* for participating in the scheme.

RESOLVED:

That the Cabinet approves an exception to the Contract Procedure Rules to enable the Council to enter into a contract with *E.on* to deliver a Warm Homes Fund project to residents experiencing fuel poverty in Leicestershire, over a 2-year period.

REASONS FOR DECISION:

The County Council's Contract Procedure Rules (Part 4G of the Constitution) require that, where the estimated value of a contract exceeds £181,302, formal tenders must be invited.

Where an exception to the Contract Procedure Rules is required for contracts over £181,302, Rule 6 (b) (ii) requires that Cabinet approval be obtained to the exception where this is justified on its merits. The proposed contract with *E.on* would have an estimated total value of £3.4m over the two years.

The circumstances and financial considerations surrounding the funding bid, explained in Part B of the report, meant that other procurement processes were difficult and in this instance were not considered necessary.

363. Response to Charnwood Borough Council's Draft Charnwood Local Plan (2019-2036) Preferred Option Consultation.

The Cabinet considered a report of the Chief Executive regarding the County Council's response to the consultation issued by Charnwood Borough Council relating to its 'Draft Charnwood Local Plan (2019-36) Preferred Option'. A copy of the report, marked '10', is filed with these minutes.

Mr. Pendleton noted that the Borough Council had been proactive in its approach to housing provision in the past, responding to unmet need in the Leicester city area, and he hoped this would continue.

RESOLVED:

That the comments set out in paragraphs 18 to 80 of the report and the detailed consultation response appended to the report be approved as the County Council's response to Charnwood Borough Council's 'Draft Charnwood Local Plan (2019-36) Preferred Option'.

REASONS FOR DECISION:

To provide the Council's response to Charnwood Borough Council. To seek to ensure alignment with the strategic outcomes of the County Council's Strategic Plan, with the Leicester and Leicestershire Strategic Growth Plan, and to influence the content of the Local Plan in the interests of local communities.

364. Items referred from Overview and Scrutiny.

There were no items referred from the Overview and Scrutiny bodies.

365. Urgent item - Barwell Sustainable Urban Extension Section 106 Agreement

The Cabinet considered an urgent report of the Chief Executive regarding the County Council's concerns in respect of the draft Section 106 Agreement for the Barwell Sustainable Urban Extension (SUE), circulated on behalf of Hinckley and Bosworth

Borough Council. A copy of the report is filed with these minutes. The report was urgent because the matter had arisen after the agenda for the meeting had been circulated; a decision needed to be taken as to how to proceed with the other parties concerned and the Cabinet would not meet again until February 2020.

Mr. Pendleton highlighted the ways in which circumstances had changed significantly since 2013 and the importance of renegotiating the S106 Agreement to achieve the proper level of contributions for infrastructure.

Mr. Rushton said that two members representing divisions in the Borough - Mr. O. O'Shea and Mrs Richards - had contacted him to express their support for the County Council's position.

RESOLVED:

- (a) That it be noted that the draft Section 106 Agreement for the Barwell Sustainable Urban Extension is out of date in several important respects;
- (b) That it be noted that whilst the County Council supports a successful delivery of the Barwell Sustainable Urban Extension, it is not possible for the County Council to sign an Agreement at this time as requested by Hinckley and Bosworth Borough Council;
- (c) That Hinckley and Bosworth Borough Council be requested to report the County Council's position to its Cabinet and Planning Committee with a view to an early meeting between the Borough Council, the County Council and the developer in order to negotiate an up-to-date Agreement to include a mutually acceptable period review mechanism; and
- (d) That a further report be received at the next Cabinet meeting on 7 February 2020.

REASONS FOR DECISION:

The Barwell SUE is an essential component of the Borough Council's adopted Local Plan. When completed, it will help to deliver significant housing and employment growth.

The draft S106 Agreement, received by the County Council in November 2019, is out-of-date. Planning permission was granted by Hinckley and Bosworth Borough Council in 2013, subject to a S106 Agreement. The Borough Council has asked that the Agreement is signed as drafted. Officers cannot recommend that is done when there is a substantial risk that the contributions as presently specified would not cover the total cost of County Council infrastructure, such as off-site road improvements and schools. There is a further risk that monies allocated under the out-of-date draft Agreement would not be spent and therefore be returned to the developer.

It is essential that the applicant can fund the cost of infrastructure if the development and its community impacts are to be successful.