



*Meeting:* **Scrutiny Commission**

*Date/Time:* **Monday, 14 September 2020 at 10.00 am**

*Location:* **Microsoft Teams**

*Contact:* **Mrs J Twomey (Tel: 0116 305 2583)**

*Email:* **joanne.twomey@leics.gov.uk**

### Membership

Mr. S. J. Galton CC (Chairman)

Mr. T. Barkley CC	Mrs. H. J. Fryer CC
Mr. P. Bedford CC	Mr. D. Harrison CC
Mr. D. C. Bill MBE CC	Mrs. R. Page CC
Mr. G. A. Boulter CC	Mr. A. E. Pearson CC
Dr. T. Eynon CC	Mr. T. J. Richardson CC
Dr. R. K. A. Feltham CC	Mr. M. B. Wyatt CC

**Please note: This meeting will not be open to the public in line with Government advice on public gatherings. The meeting will be webcast live via the Council's web site at <http://www.leicestershire.gov.uk>**

### AGENDA

<u>Item</u>	<u>Report by</u>
1. Question Time.	
2. Questions asked by members under Standing Order 7(3) and 7(5).	
3. To advise of any other items which the Chairman has decided to take as urgent elsewhere on the agenda.	
4. Declarations of interest in respect of items on the agenda.	
5. Declarations of the Party Whip in accordance with Overview and Scrutiny Procedure Rule 16.	



6. Presentation of Petitions under Standing Order 35.

7. Medium Term Financial Strategy Update                      Director of  
Corporate  
Resources

The Cabinet report will be circulated to Members for comment.

The Lead Member for Finance and Resources, Mr J. B. Rhodes CC, has been invited to attend for this item.

8. Planning for the Future White Paper (August 2020)                      Chief Executive                      (Pages 5 - 38)
9. Covid 19 Recovery Update - Chief Executive's Department                      Chief Executive                      (Pages 39 - 52)
10. Covid 19 Recovery Update - Corporate Resources Department                      Director of  
Corporate  
Resources                      (Pages 53 - 60)
11. Dates of future meetings

Future dates of the Commission are scheduled to take place at 10.30am on the following dates:

4<sup>th</sup> November 2020  
25<sup>th</sup> January 2021  
16<sup>th</sup> March 2021  
15<sup>th</sup> April 2021  
10<sup>th</sup> June 2021  
9<sup>th</sup> September 2021  
3<sup>rd</sup> November 2021

12. Any other items which the Chairman has decided to take as urgent.

## **QUESTIONING BY MEMBERS OF OVERVIEW AND SCRUTINY**

The ability to ask good, pertinent questions lies at the heart of successful and effective scrutiny. To support members with this, a range of resources, including guides to questioning, are available via the Centre for Public Scrutiny website [www.cfps.org.uk](http://www.cfps.org.uk).

The following questions have been agreed by Scrutiny members as a good starting point for developing questions:-

- Who was consulted and what were they consulted on? What is the process for and quality of the consultation?
- How have the voices of local people and frontline staff been heard?
- What does success look like?
- What is the history of the service and what will be different this time?
- What happens once the money is spent?
- If the service model is changing, has the previous service model been evaluated?
- What evaluation arrangements are in place – will there be an annual review?

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## **SCRUTINY COMMISSION – 14 SEPTEMBER 2020**

### **PLANNING FOR THE FUTURE WHITE PAPER (AUGUST 2020)**

#### **REPORT OF THE CHIEF EXECUTIVE**

##### **Purpose of the Report**

1. The purpose of this report is to brief the Commission on the content of the Planning for the Future White Paper (August 2020) and to seek its views on the draft consultation response (see Appendix attached to this report).

##### **Policy Framework and Previous Decisions**

2. The White Paper proposes significant change to the English planning system, which is likely to lead to new legislation and revised national planning policy. The outcome of the consultation will have a direct impact upon all five of the Council's strategic outcomes set out in its Strategic Plan (2018-2022), most notably the delivery of Affordable and Quality Homes. The White Paper also has implications for the Council's declaration on climate change.
3. The outcomes of the consultation on the Planning White Paper are likely to directly impact the Leicestershire Minerals and Waste Local Plan (adopted 2019) and the non-statutory Leicester and Leicestershire Strategic Growth Plan (approved 2018). Consideration of whether early reviews are required will need to be undertaken in the light of the changes to be made to the planning system in England.

##### **Background**

4. In August 2020, the government published a White Paper, 'Planning for the Future'. Its purpose is to set the framework for a wholesale reform of the planning system, to bring it up to date and make it less complex. The White Paper sets out how the original vision has become buried under layers of legislation and caselaw. It states that the system has faced decades of complexity and political argument, resulting in a system that provides insufficient homes and places that are not good enough.
5. The White Paper seeks to introduce a new planning system that is better able to unlock growth and opportunity. It seeks to improve towns and cities, revitalise buildings and supporting new development. It also seeks to enable planning services to be more efficient, inclusive and consistent.

6. The reform of the planning system proposes a series of ambitions, which are summarised below:
- Expect new development to be beautiful and to create net gain, not just no net harm.
  - Move democracy forward in the planning process, giving neighbourhoods and communities an earlier and more meaningful voice, harnessing digital technology.
  - Improve the user experience of the planning system, making information easier to find and understand.
  - Support home ownership, helping people and families to own beautiful, affordable, green and safe homes with ready access to better infrastructure and green space.
  - Increase the supply of land available for new homes where it is needed.
  - Help businesses to expand with access to the commercial space they need in places they want
  - Support innovative developers and housebuilders.
  - Promote the stewardship and improvement of countryside and the environment.
  - Create prosperity in villages, towns and cities, supporting renewal and regeneration.
  - Build more homes at gentle densities in and around town centres and high streets, on brownfield land and near existing infrastructure, helping to level up the economic and social opportunities available to communities.
7. The White Paper sets out a series of proposals for change and invites comments from stakeholders to inform a package of reform. These proposals are described as ‘fundamental’ and aim to address what the White Paper describes the planning system’s underlying weaknesses.
8. The White Paper structures the proposals into three ‘pillars’:
- Pillar One – Planning for development  
Pillar Two – Planning for beautiful and sustainable places  
Pillar Three – Planning for infrastructure and connected places
9. Within each pillar, a series of 26 questions have been set. Views are being sought as part of this government consultation on responses to the 26 questions. The full list of questions set out by government, and the draft response to those questions on behalf of the County Council is set out in the Appendix to this report.
- Pillar One – Planning for Development**
10. Pillar One sets out proposals for the reform of the strategic planning aspect of the planning system. The present system is based on Local Plans, brought forward by local planning authorities on behalf of their communities. The White Paper distinguishes between the approach taken by England compared to

other countries, such as Japan, the Netherlands and Germany. It states that those plans give greater certainty that development is permitted in principle upfront. In England, plans are policy-based with a separate process required to secure planning permission on the sites that are designated for development.

11. The government feels that reform should be based on the existing Local Plans system. National Policy is set out in the National Planning Policy Framework (the NPPF).
12. The government seeks to introduce change to shorten the time that is taken to produce Local Plans. They want 'digital' Local Plans, which can be simpler and easy to read, providing certainty about what can be developed on land, making the process for getting planning permission as simple as possible.
13. The White Paper seeks reform to the local plan process by adopting the following principles:
  - Local Plans should be based on transparent, clear requirements. for local authorities to identify appropriate levels of and locations for development that provides certainty that people can understand.
  - Local Plans should communicate key information clearly and visually so that plans are accessible and easy to understand.
  - Local Plans should be published as standardised data to enable a strategic nation map of planning to be created.
  - Plans should be developed using a clear, efficient and standard process.
  - More engagement with local communities at the plan-making stage.
  - Clear expectations on what is required on land identified for development to give confidence in future growth areas, facilitating delivery of beautiful and sustainable places.
14. The White Paper proposes that Local Plans identify three types of land: Growth areas, suitable for substantial development (such as urban extensions and new settlements); Renewal areas, suitable for development; and areas that are Protected. This contrasts with the current system where land is allocated for specific uses such as housing or employment. Under the new proposals, land that is allocated for 'Growth' would automatically be awarded outline approval for development. In Renewal areas, the reform proposes that there be a statutory presumption in favour of development being granted for the uses specified as being suitable.
15. The White Paper proposes that Development Management polices are established at a national scale. This moves away from the current system where policies are locally determined. The purpose is to have consistent standards across the country and to focus Local Plans on setting standards, such as heights and densities, in those area suitable for development.
16. The proposals aim to change the requirement for local plans having to pass a test of 'soundness' and instead introduce a single statutory 'sustainable development' test. As part of this, the White Paper proposes to abolish the Sustainability Appraisal system, which many find unhelpful and subjective, and

introduce a new simple system for assessing the environmental impact of plans.

17. A key change being proposed is the intention to abolish the 'Duty to Co-operate', which has been a key component of plan making for local authorities in recent years in preparing their plans. The White Paper acknowledges that there is a need to consider the way in which strategic cross-boundary issues, such as major infrastructure or strategic sites, can be adequately planned for.
18. The reforms propose a less prescriptive need to demonstrate that sites are deliverable. Instead, local authorities could be required to identify a stock of reserve sites which could come forward for development if needed.
19. Nationally set housing requirements for local authorities were abolished in 2010, creating a need for individual local planning authorities to join forces with other authorities in their housing market area to determine housing needs. The White Paper proposes a return to nationally set housing requirements, factoring in land constraints and opportunities to more effectively use land. The housing requirements will be based on a standard methodology. The intention of this change is to reduce the time it has taken to determine housing need, and to ensure that enough land is released for housing. Aligned with this is a proposal to abolish the need for local authorities to demonstrate that they have a five-year supply of housing land. The housing delivery test is proposed to be retained.
20. The White Paper proposes to retain Neighbourhood Plans, but changes are proposed to allow content to become focused to reflect proposals within Local Plans and introduce opportunities to use digital tools to improve accessibility for communities.
21. Finally pillar one seeks to speed up the delivery of new development. The White Paper proposes to allow a variety of development types by different builders to allow more phases to come forward together.

### **Pillar two – Planning for beautiful and sustainable places**

22. A central theme running through the White Paper is foster high-quality development through beautiful buildings, gardens, parks and greenspaces as well as the facilities for building a sense of community. It seeks to respond to findings in the Building Better, Building Beautiful Commission report which suggests that the potential has fallen short. Government intends to respond to the Commission's report later in 2020, but the White Paper picks up on some aspects.
23. In addition to a National Design Guide, the White Paper proposes to publish a National Model Design Code, setting out detailed parameters for development in different types of location. This might include standards for arranging streets and urban blocks, positioning and hierarchy of public spaces, car parking arrangements, placement of street trees and cycle and walking provision. The intention is to provide worked examples and this work would complement a



revised Manual for Streets. The need to produce local design guides and codes would remain although the White Paper emphasises the need to prepare these documents with community input. Such guides and codes will only then carry weight if it can be demonstrated that community input has been secured.

24. The White Paper refers to there being a step-change in the design skills available to local planning authorities, as well as these issues are prioritised. Government proposes to set up a new expert body to support local authorities and to perform a monitoring and challenging role.
25. A new 'fast-track for beauty' is proposed. The idea is that those schemes that come forward in line with pre-established principles of what good design looks like, informed by community preferences, then it should be possible to expedite development through the planning process. These measures are intended to incentivise attractive and popular development.
26. The White Paper sets out measures to protect those places of environmental and cultural value. That will include those areas of national and international importance, such as National Parks and Sites of Special Scientific Interest (SSIs), but will also include those areas valued locally, such as conservation areas and local wildlife sites.
27. Measures are proposed to introduce a simpler framework for assessing environmental impacts and enhancement opportunities. The White Paper suggests this will speed up the process while protecting the most important and valuable habitats and species. The proposals also seek to increase the protection of historic buildings to ensure that their significance is conserved while allowing sympathetic changes.
28. The White Paper proposes to introduce tools to mitigate against the impact of climate change and to create a zero-carbon future. The ambition is to build homes under a new planning system that will not need retrofitting in the future.
29. Finally, under pillar two, the reforms refer to the need to channel more resources into enforcement. The measures proposed to simplify the planning system are intended to allow resources to be freed up to focus more fully on enforcement.

### **Pillar Three – Planning for infrastructure and connected places**

30. Reform proposed within pillar three directly impacts on the services provided by the County Council. This section of the White Paper relates to the impact of development on public services and infrastructure and how these impacts are mitigated by securing contributions from developers to support existing and new communities. This area of reform is referred to as being central to the government's vision for the renewal of the planning system.
31. Under the present system, local planning authorities are able to secure contributions through planning obligations (S106 agreements) and through the Community Infrastructure Levy (CIL). S106 agreements are negotiated with

developers whereas CIL is based on a fixed charge, levied on the area of new development. CIL is not mandatory and none of the Leicestershire planning authorities have adopted it. This compares nationally with around half of local planning authorities that charge CIL.

32. The White Paper refers to the uncertainty and lack of clarity in the negotiation of planning obligations and how this means that local communities are often unaware of what level of affordable housing and infrastructure that will arise from a development. It refers to delay, cost and inconsistency in the S106 process, which is hard to dispute, particular where viability issues are raised and need resolving. CIL is mentioned as a way of addressing many of the problems encountered through negotiating S106 agreements in that it brings certainty. However, as payment is set at the point planning permission is granted and payment due once development commences, it is inflexible, and this acts as a deterrent to delivery. The CIL system has also caused problems in terms of spending as local authorities have uncertainty over funding and have to balance forward funding against other funding streams.
33. The new proposals seek to use developer contributions to capture a greater proportion of the land value uplift that occurs through the grant of planning permission and use this to enhance infrastructure delivery. The White Papers references that between 25% and 50% uplift can be secured. To achieve this, a new consolidated 'Infrastructure Levy' is proposed. It would be charged as a fixed proportion of the development value above a certain threshold, with a mandatory nationally set rate. The current system of planning obligations would be abolished.
34. The White Paper sets out how the new Infrastructure Levy might work. For instance, it is suggested that it could be levied upon occupation with prevention of occupation being a potential sanction for non-payment. It proposes a value-based minimum threshold below which the levy is not charged to prevent low viability development becoming unviable. The intention is that the new system would provide greater certainty for communities and developers about what the level of developer contributions are expected alongside new development.
35. The reforms would allow local authorities to borrow against Infrastructure Levy revenues so they could forward fund infrastructure. This, combined with being able to levy developer contributions on completion is suggested to be a way of incentivising local authorities to deliver infrastructure, helping to ensure development can be completed faster. The onus will be placed on local authorities to make sure that borrowing is affordable and suitable.
36. An alternative suggestion put forward in the White Paper is that the Infrastructure Levy be optional and would be set by individual local authorities. Government anticipates that the uptake would be higher than CIL because planning obligations would be consolidated into a single Infrastructure Levy.
37. Other proposals being put forward include the option to secure Infrastructure Levy where development is allowed under permitted development. The White Paper also sets out how the new Levy could secure either on-site affordable

housing or contributions to allow the local authority to provide affordable housing themselves.

38. The White Paper proposes that the cost of the new planning system will be principally funded by the beneficiaries of planning gain, which is landowners and developers. At present, planning application fees pay for the processing of planning applications but the cost of preparing local plans, and enforcement activities is largely funded from the local authority's own resources. The reform proposes that planning fees continue to be set on a national basis and cover at least the full cost of processing the application type. Measures are proposed to introduce greater regulation for pre-application charging to make sure it is fair and proportionate. As part of the new approach to developer contributions, it is intended that a small proportion of the income be earmarked to local planning authorities to cover their overall planning costs, including preparing and reviewing local plans, design codes and enforcement activities.
39. Other measures proposed are introducing a new performance framework to cover all planning functions; enhanced digital and geospatial capability and capacity; and enhanced enforcement powers and sanctions (including higher fines and more powers to address intentional unauthorised development).

#### **Analysis – Corporate Perspective**

40. The proposals set out in the 84-page White Paper are extensive. It seeks to radically overhaul all aspects of the current English planning system. The scope and extent of these changes has not been seen for decades, possibly since the original Town and County Planning Act in 1947, affecting all primary legislation and government policy. Change of this scale will take several years to introduce.
41. The extent to which the proposals will affect the County Council, its services, its finances and the residents it serves will become clear over time as the detail emerges.
42. An obvious omission in the White Paper relates to the County Council's statutory minerals and waste planning function. The reform proposed in relation to local plans doesn't appear to relate to the minerals and waste local plan and there is no mention to changes to the way in which minerals and waste planning applications will be dealt with, especially as changes to Environmental Impact Assessments are proposed which is a key tool for assessing the impacts of applications on the environment. It is expected that some of the proposals around the abolition of S106 agreements could be applicable, but nothing is said about non-financial planning obligations (such as HGV routing and minerals site restoration), which wouldn't appear to fall under the new Infrastructure Levy proposals. In a similar vein, little is said about renewable energy proposals other than in terms of energy efficient standards for homes. The opportunity to promote wind and solar energy schemes appears to have been missed, although those changes may emerge as part of amendments to the NPPF.

43. The new Infrastructure Levy suggests a radical change to how developer contributions will be secured. It has the potential to be a positive way of recovering additional income for County Council infrastructure. If this is set nationally, it could potentially mean an end to individual negotiations with developers and local planning authorities each time there is a challenge on viability or CIL compliance grounds. It remains unclear how this would work, and whether the option to opt out of the new Levy in the same way as authorities have opted out of CIL. It will be important to understand how the proposal will work in detail as infrastructure costs vary considerably for different schemes and a nationally set tariff might not always be sufficient to cover costs.
44. The reforms do not refer to the challenges faced by a two-tier planning system, with a County Council providing statutory duties relating to highways, flooding, education, adult social care etc. While the new Infrastructure Levy presents an opportunity to generate additional income, there is a risk that income may not be sufficient or could be prioritised towards non-county council infrastructure.
45. The proposed 'fast track' 30-month timescale for authorities to adopt new local plans appears ambitious and potentially unrealistic, especially in light of the government's intentions to front-load public engagement to this early stage of the process to by-pass the need for outline planning permission.
46. The White Paper doesn't appear to recognise the complexity and challenges around strategic planning and infrastructure planning, which needs to be fully integrated so that opportunities to secure funding are not missed.
47. The intention to abolish the statutory Duty to Co-operate as part of the Local Plan process could lead to decisions being taken that are either inconsistent, or are not aligned, with neighbouring authorities. While it is recognised that the current system doesn't place any duty to 'agree', the system does bring authorities together to discuss strategic cross-boundary issues. It is important that this collaboration does not get lost amongst a desire to simplify the process. Key to this is understanding any implications this might have on the Leicester and Leicestershire Strategic Growth Plan as partners will need to continue to engage constructively with each other if this vision is to be successful.
48. Proposed changes to design standards, environmental impacts and enforcement powers are all potentially positive. Similarly, the intention to make the legislative framework much less complex can only be a good thing.
49. The revisions proposed within the White Paper around categorising land in Local Plans represents a move towards a 'zonal' planning system, similar to the model seen in other countries. How this works in practice to make sure that there is sufficient control over matters such as design, amenity, transport and the environment will be interesting to see. The changes proposed in relation to creating a national set of Development Management policies is a positive step and will save time and avoid confusion for developers.

50. The proposed intention to allow development to get approval by default, if decisions are not made in line with targets, could cause the County Council problems if this means that Infrastructure Funding is not secured as part of this process. This would be a particular concern if the Leicestershire authorities continue operating under a two-tier arrangement as the County Council will have no control over how quick decisions are made and could therefore lose out on funding as a result of a district council's inefficient processes. In addition, residents could be concerned by this 'deemed approval' proposal as it may mean that their views are not taken into consideration.
51. Some of the changes proposed directly affect lower tier planning authorities (district, metropolitan and unitary councils) more than County Councils. However, there is the potential for the amendments to have a significantly positive impact if the County Council were to become unitary. Producing a simpler Local Plan process, based on national housing targets and removing the Duty to Co-operate and Sustainability Appraisals will save lots of time. However, there remain uncertainties about how this would work in practice as there will still be a need to plan effectively for strategic infrastructure.
52. Other positive changes include the improvements proposed for securing biodiversity enhancement and protecting the natural and historic environment. The intention to ensure the continued protection of the most important nationally and locally designated assets is also seen as positive. It will be important to ensure that the reforms do not oversimplify what can be a complex and specialist area.
53. The White Paper talks at length about 'digitising' planning, which is likely to mean much simpler and clearer forms of information for local communities. It will be important to recognise that some people will not be as digitally literate as others and therefore information will need to continue to be provided in a variety of formats.
54. Overall, many of the changes proposed are positive, with lots of good intentions, and have the potential to result in a much-enhanced planning system. The move to a more centralised way of calculating housing numbers and setting development management policies could have the unintentional impact of reducing the role of local councillors. It will be important to monitor and review how the more detailed changes will be brought forward to protect the County Council's interests, particularly around funding for infrastructure and delivering the County Council's strategic aspirations. Changes are likely to be easier to introduce under a unitary system than in the current two-tier local government model.

### **Analysis – LCC Developer Perspective**

55. The County Council's views on the White Paper, as land-owner and developer and investor, are slightly different to the views expressed above as service provider. The comments below set out the Director of Corporate Resources' initial thoughts:

- Overall the White Paper is welcomed, by LCC as landowner, developer and investor, in its aim of creating new beautiful sustainable places.
- The move to a digital planning landscape is long overdue. The attempt to address the lack of certainty provided by the current system is received positively. A National Design Guide will help to take uncertainty out of the planning system.
- For too long the planning system has been under resourced, slow and constrained and anything that help alleviate these 3 issues are met with optimism. The suggestion that under resourcing can be 'principally funded' by developer contributions is both logical and accepted.
- The time taken to adopt a new Local Plan should be mitigated by removing local housing targets and freeing up planning officers' time to concentrate on the detail.
- Moving consultation upstream, away from individual applications to the Local Plan stage, along with the delegation of detailed planning decisions to planning officers where the principle of development has already been established, will assist. Planning officers will not have to re-consider the principle of development but instead can concentrate on the design. The new Local Plan production timetable is welcomed, but some clarity on how under-funded authorities will be penalised for allowing their timetables to slip would be helpful. Perhaps a Planning Performance Agreement, paid by developers for promoting their sites through Local Plans might assist with the resourcing issues on this too.
- How local planning authorities co-operate will become more important as the three new pillars of growth, regeneration and protection may not cleanly follow administrative borders.
- The impact of development on communities is relevant and whilst the current system of a mix of CIL and s106 isn't great, there will need to be a way of ensuring that affordable housing is delivered without it being at the expense of other elements of development. The aims of low carbon/sustainable energy, education, health/social care and the right infrastructure all have costs and the new levy system will have to address these and allow for exceptions when all the principles cannot be afforded.
- The greater use of Development Consent Orders for larger projects should also assist in bringing the timetable for development down, reduce costs and uncertainty and help the country achieve its 300,000 homes a year target.
- There is concern that these changes may be met with scepticism but overall, the certainty that they bring is positive.

### **Concluding thoughts**

56. While the high-level aspirations of creating a simplified planning system are potentially positive, further information is required from government in order to develop its position on the proposals and this is reflected in the differing views of some of the Council's departments, as set out at the Appendix, in response to the consultation. As with any reform of this type and complexity, the detail will be important to understand and it will be important that the County Council responds to further consultations in due course, addressing matters such as:

- How the proposals will work in practice
- The implications of a digital approach to the planning process on local communities
- Funding implications for infrastructure (provision and maintenance)
- The role of statutory consultee and the potential pressure on response times
- The implication of 'deemed approval'

### **Resource Implications**

57. There are no direct financial implications arising from this report, but the proposals have the potential to impact upon the County Council in the following ways:

- The amendments to the developer contributions process, based on land value, could be positive but there is a risk that this is too simplistic as the infrastructure costs for different schemes varies considerably. This could put severe financial pressure on local authorities, particularly where infrastructure needs to be constructed early.
- The changes appear to benefit areas with high land values, which is not proportionate to the cost of infrastructure.
- The County Council would wish to ensure protection against short-term drops in land values. Strong indexation requirements are needed if there are delays in bringing forward development.
- Positive that money is ring-fenced towards infrastructure, but there is a need for flexibility around timing of spend and what money is spent on. The timing between when a planning permission is granted (or land is allocated in a local plan) and when infrastructure is required can lead to significant change in requirements.
- Flexibility is important as some schemes will need to subsidise the cost of infrastructure on other schemes.
- Strongly oppose a minimum threshold for contributions to avoid developers making decisions to avoid paying infrastructure costs.
- Need to be stronger mechanisms to penalise developers who don't pay the levy. This might include interest on delayed payments and full recovery of costs, alongside other measures such as restricting occupancy until payments have been made.
- The proposals need to ensure that income generated increases compared to the existing system, to make sure that local or national government doesn't have to subsidise growth.
- Proposals need to make sure that the contributions secured reflect increasing costs in relation to matters such as increasing construction costs, higher build standards (such as zero carbon aspirations) and supporting those who need help, such as special education and social care requirements
- Proposals include provision to borrow to deliver infrastructure. That is no different to existing although formalising may be helpful to ensure that developers are tied into contributing to infrastructure that has already

been provided. To take this forward, important that this is underpinned by developer commitment / security and an additional uplift to reflect borrowing costs and risk.

- Prefer for affordable housing to be delivered by developers, who are more suited to delivering housing, rather than payments being made to local authorities to deliver schemes. County Council would have a role in delivering social care.

### **Timetable for Decisions**

58. Following consideration by the Scrutiny Commission, the draft County Council response to the Government's consultation on the Planning White Paper will be presented to the Cabinet for approval at its meeting on 18 September 2020. The comments of the Commission will be reported to the Cabinet at that meeting. Consultation responses are required to be submitted by 29 October 2020.

### **Equalities and Human Rights Implications**

59. The White Paper proposes substantial changes to the planning system. A central theme running through the reform is the government's intention to build a more inclusive system where all members of society can get involved in shaping the places where people live, work and visit. This includes improved accessibility to information using improved digital technology. The detailed measures for how this will affect County planning services will emerge in due course.
60. Changes are proposed to design quality, introducing new design codes and frameworks to help ensure that new developments take the opportunity to design out crime, secure environmental improvements and be accessible to all.

### **Recommendation**

61. The Scrutiny Commission is asked to comment on the County Council's draft response to the Government consultation on the Planning for the Future White Paper.

### **Background Papers**

MHCLG *Planning for the Future: White Paper (August 2020)*

### **Circulation under the Local Issues Alert Procedure**

None

### **Officers to Contact**

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**List of Appendices**

Appendix – Draft Response to White Paper Consultation

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### Planning for the Future White Paper (August 2020)

The consultation on the 'Planning for the Future' White Paper contains 26 questions (some with multiple parts). The suggested response to these questions, on behalf of the County Council, is set out below.

<b>1</b>	What three words do you associate most with the planning system in England?
	Complex, everchanging, procedural
<b>2</b>	Do you get involved with planning decisions in your local area?
	<p>Responding as a County Council.</p> <p>This includes our role as:          Local Highway Authority, through the Local Plan making process and as a Statutory consultee in the Planning Application process;          Lead Local Flood Authority;          Waste Disposal Authority, responsible for recycling and waste disposal facilities;          Local Education Authority, responsible for the provision of schools.          The County Council also has land holdings and, in some instances, has responded primarily as a landowner promoting its own sites. Where this is the case, it is clearly articulated.</p>
<b>2(a)</b>	If no, why not?
	N/A
<b>3</b>	Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?
	<p>It is considered likely that, given the increased scale of growth required in England, and more specifically in Leicester and Leicestershire, local communities will want ease of access through social media and the latest technology. The proposed greater use of, and improvements to, digital technology is welcomed. This should be in addition to and not instead of existing forms of notification on consultations as many in our communities, particularly the elderly, may remain unfamiliar with the use of technology and should not be isolated from taking part and expressing their views.</p>
<b>4</b>	What are your top three priorities for planning in your local area?
	<p>High quality and affordable homes, including providing funding for infrastructure</p> <p>Strong economy – providing a choice of quality employment opportunities</p> <p>Sustainability – reduced carbon and biodiversity enhancement</p>

5	Do you agree that Local Plans should be simplified in line with our proposals?
	<p>Yes, simplified but not overly so. We are committed to pro-active plan making and agree that Local Plans should be visual and map-based and set out site or area-specific growth opportunities, constraints and opportunities. We also consider Local Plans need to be evidence based and identify strategic infrastructure requirements.</p> <p>The current challenges of integrating spatial planning and infrastructure provision/wider transport measures, especially highways and transport (including passenger transport) are significant. In many respects, the development of current Local Plans often leaves too many issues to be addressed at the planning application stage, with the content of Infrastructure Plans pitched at too high a level.</p> <p>The White Paper appears to downplay the amount of work that would be required at Local Plan stage to give the same degree of confidence required for a determination to grant outline planning permission.</p> <p>There appears to be a risk that, in response to this, Local Planning Authorities could seek to reduce levels of work required by dispersing growth across smaller, less complex sites rather than focussing on larger and more complicated sites (especially if forced to comply with strict timeframes). Should this risk manifest itself, then this could have at least two perverse outcomes:</p> <p>Overall it would result in less 'sustainable' patterns of development, as smaller sites are not usually capable of providing the same levels of onsite infrastructure/services as larger sites (e.g. schools, shops, etc.), meaning such sites tend to be less self-contained (with resulting higher proportions of external trips), and;</p> <p>It would be a further barrier to addressing cumulative impacts of growth on highways and transport, schools, healthcare facilities, etc. More often than not, such cumulative impacts are amongst the issues of greatest concern to local communities in respect of new development.</p> <p>Evidence, the analysis of data, is so critical to plan-making and the delivery of infrastructure; providing robustness and the ability to test out options, scheme design etc. Clear, appropriate and proportionate evidence should underpin an open and transparent approach for plan-making and delivery in the new planning system. The shortened timeframe is considered very tight and unrealistic given the proposed front loading for the Local Plan process. Reduced timescales are likely to impact upon community involvement in plan making.</p> <p>Strategic planning and infrastructure planning are intrinsically entwined and need to be incorporated within the Local Plan making process. Strategic planning is essential to deal with strategic and cross boundary issues, many of which are more complex and may require key infrastructure delivery as part of the solution.</p> <p>For example, in supporting the aspiration for communities to grow organically and sustainably the ability to create new communities in new sustainable locations is likely to require current greenfield land being developed supported by new infrastructure.</p>

	<p>To involve existing local communities in this process of determining the location of new key infrastructure and new sustainable settlements the strategic plans as well as Local Plans need to be able to embrace, articulate and host this debate. If new key infrastructure is not planned for early enough it will be unable to support the delivery of future planned growth and is likely to stifle future delivery.</p> <p>A simplification could entail the preparation of a strategic plan at a Housing Market Area (HMA) level where a shared strategic issue/s has been identified and needs to be dealt with to bring forward planned growth at pace.</p> <p>In Leicester and Leicestershire all nine local authorities, together with the LLEP, have approved a non-statutory Strategic Growth Plan, which provides a long-term vision beyond the current and emerging Local Plan periods for the future direction of growth to 2050. This enables all partners to be able to consider and put in place arrangements for detailed business cases, working up outline and detailed scheme specifications and drawing down funding for the key infrastructure such as transport, schools and health early, so that land to deliver the future planned growth can be unlocked by the key infrastructure.</p> <p>A single strategic plan at HMA level would help to address strategic planning issues early, would provide confidence and help to reduce risk to all local authority partners and wider infrastructure providers, and would provide increased certainty for other bodies and developers.</p> <p><b>Strategic Property Services on behalf of the County Council as landowner</b></p> <p>Local Plans need to take account of strategic policy drivers at all levels in order to gain a balance between local need and wider national / regional objectives.</p> <p>There needs to be a robust evidence base that will stand up to scrutiny in order to achieve the maximum benefits of plans not just a trade-off between competing views on proposed allocations. To meet the timescales required this would need to be prepared in advance of the plan process beginning and have to rely on a proportion of the evidence being provided by landowner / developers when housing and employment land availability studies are refreshed annually.</p> <p>The system would appear to be geared to a one tier local government structure given the need for a co-ordinated approach to planning and infrastructure (in its widest sense) and the removal of the duty to co-operate.</p> <p>There is a concern that Local Planning Authorities may struggle to deliver within the proposed timescales without additional resources?</p>
6	<p>Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?</p>
	<p>It is helpful to have national standards and this worked well under the now abolished Code for Sustainable Homes and Building for Life standards. There is a risk that this may create a centralised system, promoting 'off-the-peg' solutions, undermining the need for professional judgement. Local discretion and application is essential so that authorities can build upon local distinctiveness and recognise the value and assets of an area's heritage and character.</p>

	<p>The lack of reference in the proposals as to how it is envisaged that infrastructure provision is integrated with delivery of new development is a concern and is not something that it appears could easily be addressed through a national set of development management policies. Local Plans should continue to contain evidence-based policies that provide a robust basis for ensuring that infrastructure is delivered in tandem with growth.</p>
<b>7(a)</b>	<p>Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact?</p>
	<p>Applying the three pillars of sustainability, economic, social and environment needs to be undertaken throughout planning, and ‘soundness’ in planning terms works on the geography of the matter being dealt with at the time, hence it is difficult to see how a consolidated test of ‘sustainable development’ would work in practice. There is a risk that these changes introduce further subjectivity, vagueness and confusion. A clearer and more measurable ‘test’, which could be understood and applied by local communities is preferred.</p> <p>Without knowing what the consolidated sustainable development test is expected to look like, it is not possible to fully answer this question. ‘Sustainable development’ can and does mean different things to different people. A developer’s view on what is sustainable development will be different from an environmentalist’s view. Also note that the alternative approach Government eludes to about making the existing tests of soundness less prescriptive appears at odds with the overarching desire to make Local Plans more rules based, standardised and clear.</p> <p>Note reference made to “...Plans should be informed by appropriate infrastructure planning, and sites should not be included in the plan where there is no reasonable prospect of any infrastructure that may be needed coming forward within the plan period. Plan-making policies in the National Planning Policy Framework will make this clear.” is warmly welcomed. There is a need to fully integrate growth and infrastructure delivery and to put forward ways of dealing with challenges. Indeed, some of the proposals set out within the Planning White Paper pose very real risks of exacerbating the situation.</p>
<b>7(b)</b>	<p>How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?</p>
	<p>A strategic plan at Housing Market Area (HMA) level could consider and set out how strategic issues are to be dealt with, and other ‘themed’ strategic issues could be identified such as strategic warehousing in the golden triangle in the Midlands and be the subject of a strategic plan which is linked to other relevant HMA level plans. Increasingly, regional and sub-regional initiatives such as Midlands Engine create a framework for more local strategic growth plans to be developed within the wider context. These would identify the need and guide the delivery of infrastructure and further identify areas of housing and employment need reducing the need for a formal duty to co-operate. Clearly, a one tier system would be best placed to deliver this effectively given the likelihood that it would cover a greater geographical area and co-ordinate all the various functions.</p> <p>In Leicester and Leicestershire all nine local authorities, together with the LLEP, have approved a non-statutory Strategic Growth Plan, which provides a long-term</p>

	<p>vision beyond the current and emerging Local Plan periods for the future direction of growth to 2050. This enables all partners to be able to consider and put in place arrangements for detailed business cases, working up outline and detailed scheme specifications and drawing down funding for the key infrastructure early, so that land to deliver the future planned growth can be unlocked by the key infrastructure. It will also enable the L&amp;L HMA to deal with key strategic and cross-boundary issues more easily with neighbouring HMAs.</p> <p>A strategic plan at HMA level would help to address strategic planning issues early, would provide confidence and help to reduce risk to all local authority partners and wider infrastructure providers, and would provide increased certainty for other bodies and developers.</p> <p>At HMA level consideration should also be given to creating bodies across the country similar to the Strategic Planning Group and Members Advisory Group in Leicester and Leicestershire. Giving a 'statutory role' in coordinating the delivery of strategic infrastructure / sites. Such bodies would also need to include representatives of all relevant local and national infrastructure providers and would need to be established at least at the HMA level. Links to Regional Flood and Coastal Committees should be considered with a view to who could be tasked with a strategic input on flood risk in their respective catchment areas.</p> <p>The present Duty to Co-operate system places no obligation on LPAs to agree, although the need to deal with strategic issues was strengthened in the NPPF in 2019. Whatever system is introduced, there will still be a need for authorities to engage with each other and for strategic issues affecting matters beyond the LPA boundary to be considered and resolved.</p> <p>The requirement to engage on cross-boundary matters is inherently more challenging in a two-tier authority structure as this adds a layer of additional bureaucracy and complexity. Not only do local planning authorities have to engage with neighbours, but they also have to work with and convince a higher tier authority that their proposals are sensible and that the strategy is worth taking a financial risk for. While there would still be a requirement to engage with neighbouring authorities in a single tier model, those discussions could be at a sub-regional rather than HMA level. With this in mind, the County Council considers that the abolition of the Duty to Co-operate would work better within single tier council structures.</p>
<b>8(a)</b>	Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?
	<p>This is a sensible approach and moves us closer to how housing numbers used to be calculated under regional and structure planning. This approach could save substantial money for local authorities who currently have to commission housing needs studies and spend a considerable amount of time agreeing the scope, methodology and conclusions arising from this process.</p> <p>It will be interesting to see how constraints will be factored into housing number calculations and what happens if an area is not able to produce a plan to meet the housing numbers it has been allocated, particularly if the Duty to Co-operate has been abolished. Neighbouring authorities are unlikely to want to take an authority's unmet need if nationally set housing numbers have considered constraints.</p>

	<p>This proposal will make local level designations even more important, and concern is expressed at the significant resource that will be required to capture and maintain constraints data at a national level.</p> <p>The importance of character and identity to a specific location cannot be underestimated. For example, the New Forest is a beautiful part of the country with unique character and identity which arguably is second to none. In stark contrast there will be other parts of the country with few or no national level environmental constraints, yet to the communities who live there, the beauty and value could be significant, providing local context for lives lived which are positive and fulfilling. This variation in character and identity is a positive feature of England, and this needs to be embedded and reflected in the new planning system.</p> <p>Clarity is needed about how a site's deliverability, including the necessary infrastructure to make that achievable, would be determined in practice through a streamlined (albeit seemingly less evidence-based) Local Plan making system.</p>
<b>8(b)</b>	<p>Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?</p>
	<p>In some respects, yes, as are the location of major economic generators, some of which are not necessarily located within urban areas.</p> <p>Many economic sectors in 2020 are reliant on good access to labour and work cannot necessarily be undertaken remotely from home. Given this, co-location of new homes to jobs still needs to be embraced by the new planning system and considered alongside the quantity of new homes to be accommodated in an area. The interaction between housing and employment land is significant.</p> <p>Furthermore, the text of the Planning White Paper is rather ambiguous on whether physical capacity to accommodate growth (i.e. whether and how much developable land an urban area has actually got in and around it) will be one of the determining factors, or conversely whether larger settlements with greater depths and breadths of services and facilities will be assumed to be better placed to 'absorb' growth regardless of this?</p>
<b>9(a)</b>	<p>Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent?</p>
	<p>Leicestershire County Council is very concerned about the implications for this proposal. Depending upon the detail, there is a risk that an authority would need to anticipate and consider, at a very detailed level, the implications of all the different types and mix of uses that may come forward in a growth area so that infrastructure and other planning requirements are accounted for. This seems an extremely challenging process when the local authority will not be considering a development proposal or be in receipt of a developer's supporting information at that stage. The same concerns are likely to be raised by consultees and members of the public as they will not be able to comment on a specific proposal, or anticipate the issues raised by a particular proposal. As there is unlikely to be developer proposal with supporting information at Local Plan stage, understanding the range of permutations about what might be proposed will be hard to anticipate and difficult to mitigate impacts.</p>



The allocation of land/sites under the current Plan Making system already establishes the 'principle of development' for those sites/locations. Very often however, time is lost at later stages of the planning process due to local communities or other stakeholders seeking to revisit and/or overturn that established principle.

Whilst the White Paper is clear in seeking to eliminate the "outline approval" stage from the planning process in most/all cases, it is much less clear how the issues (and evidence) currently dealt with at the outline application stage would be redistributed to other stages of the planning process (i.e. between the "plan-making" and "reserved matters" stages).

Under the current system, developers have the option to apply for outline of full planning permission, even though their site is allocated for development. This allows them the certainty to seek a planning permission and to understand the full range of conditions and S106 obligations.

Under the present system, the grant of outline planning permission is the main mechanism for identifying a site's specific (as opposed to cumulative) impacts and securing the infrastructure required to address those impacts through planning conditions and/or obligations (e.g. securing safe and suitable access to the site). Under the current system, it is normally too late to deal with these matters at reserved matters stage. Consideration of such matters currently requires multiple assessments, undertaken by various bodies, including developers, local and strategic highway authorities, Lead Local Flood Authorities, etc.

It would be ironic if the White Paper's proposals to streamline the Plan Making process fail to allow sufficient time for such assessments to be carried out and for issues to be addressed, given the White Paper actually states that '*... There will therefore be no need to submit a further planning application to test whether the site can be approved. Where the Local Plan has identified land for development, planning decisions should focus on resolving outstanding issues...*'.

The existing Plan making system very often leaves too many 'outstanding issues' to resolve at outline consent stage, which then slow down a development's progress.

However, the new approach to Local Plans set out in the White Paper runs a very real risk of leaving even more 'outstanding issues' to be resolved at later stages than the current system, adding to, rather than reducing the range of issues that currently need to be addressed at outline application stage.

A more effective change would be to introduce a statutory requirement for Local Plans to set out detailed infrastructure, and other planning requirements when allocating sites and in those circumstances, require applicants to submit a full planning application rather than an outline. This would allow specific planning requirements to be set out as part of allocating sites for development, providing more certainty for all parties and reducing the number of outline planning applications.

The changes propose that 'growth areas' include new settlements and urban extension sites. As such it would be necessary to ensure that strategic masterplans (covering linkages with key infrastructure) and site masterplans would be prepared and be in place as they would be needed to inform quicker determination of detailed planning matters. Without them there would be

	significant concern given the amount of detail currently dealt with through the development management process, and planning inspectors are likely to require more detail in order to be satisfied that detailed planning permission can be granted for substantial sites.
<b>9(b)</b>	Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?
	Leicestershire County Council has some concerns and reservations, and more information will be needed to understand how these proposals will work. For example, clarity is needed on relationship to Environment Bill provisions, biodiversity net gain, offsetting and Local Nature recovery Strategies and resilience to climate change and regulation governing the disposal and development of school playing fields.
<b>9(c)</b>	Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?
	The County Council's preference would be to deliver new settlements through a HMA level strategic plan as this would allow the detailed location, form and design to be considered and planned through the local plan process. This would also allow for local communities to be effectively engaged at an early stage. Experience of NSIP projects elsewhere is that communities can feel disengaged as decisions are being made by people who are not elected as part of a local democratic process.
<b>10</b>	Do you agree with our proposals to make decision-making faster and more certain?
	<p>Most Local Planning Authorities already determine planning applications as quickly as work pressures and resources allow as there is no incentive for delays. Often delays are caused by a requirement for additional information needed from developers, that can take time to assemble. A planning authority will always prefer to seek amendments or further information than to refuse permission. A requirement to make faster decisions should only apply where all the necessary information is available to allow a decision to be made, and that isn't always possible as issues arise in response to consultation or public comments, or where a planning authority are seeking improvements / modifications. It is too simplistic to just shorten determination timescales without understanding this context.</p> <p>The County Council would be concerned if the proposal to introduce faster decisions were at the expense of securing all necessary contributions for infrastructure or if this meant that environmental harm was not being mitigated.</p> <p>Considerable work is undertaken by other bodies to respond and input into planning applications under the current system, most notably Statutory consultees such as Local and Strategic Highway Authorities, the Lead Local Flood Authority and national bodies such as the Environment Agency, Historic England and Natural England. This work is crucial to engage productively with landowners/developers, to help them formulate appropriate development proposals, supported by the necessary infrastructure/services and mitigation. It is equally crucial to ensure that inappropriate developments that do not conform with national and Local Plan policies can be resisted. These are often complicated</p>

matters, meaning that it is not always possible to resolve them within rigid planning application timeframes.

An area of particular concern relates to the White Paper's proposals for enforcing stricter adherence to fixed time periods/deadlines for determination of planning applications regardless of size or complexity. In reality, many strategic sites (especially those of a very large and/or complex nature) require longer and more flexible deadlines due to the inherent nature and quantity of work involved in developing appropriate proposals; alternative timescales are often mutually agreed between developers, the LPA and statutory consultees for this very reason.

Forcing a determination of such schemes within a fixed timescale could have one of several perverse outcomes as follows:

LPAs may feel they have no alternative but to approve proposals that have reached the deadline, even where essential supporting evidence is incomplete and/or there has been insufficient time to identify and agree appropriate packages of supporting infrastructure/measures. This is likely to result in poor quality development proposals 'slipping through the net'.

Conversely, LPAs may simply decide to refuse (or request withdrawal of) applications where outstanding issues have not been fully addressed by the deadline (as opposed to agreeing an extension in conjunction with the applicant, as is typically the case at present). This is likely to increase (rather than decrease) the overall number of planning applications that are refused, as well as those that subsequently progress to appeal, bogging down the system even more than at present.

Additionally, the White Paper's proposals around enforcing adherence to more rigid planning application timescales presume that the LPA or Statutory Consultees are invariably the cause of delays. To the contrary, there are many examples of developments across Leicestershire that have been delayed due to developers or landowners.

By extension, the White Paper's proposals do little to address 'land banking', whereby planning permission is sought by landowners or developers purely to increase the value of their assets/business, without the intent of proceeding to develop the site in the short to medium term. Moreover, even where the landowners/developers have genuine interest in developing a site, delays can be incurred whilst they await the 'right market conditions'. The sunset clauses associated with planning permission typically offer little deterrent to such behaviours, as they can normally be overcome through undertaking relatively minimal works on site.

In short, neither LPAs, statutory consultees or local communities should be 'penalised' where they are not the source of delay; however, it is unclear how developers/landowners would be similarly held to account for failing to meet the more rigid timescales proposed within the White Paper. Proposed reform should recognise the challenges and complexity of the planning process and the work involved by all parties as each strives to overcome hurdles and make positive decisions.

<b>11</b>	Do you agree with our proposals for accessible, web-based Local Plans?
	Yes, the use of new digital civic engagement processes is supported in addition to existing proven effective methods such as exhibitions, public meetings etc. for effective plan-making.
<b>12</b>	Do you agree with our proposals for a 30-month statutory timescale for the production of Local Plans?
	<p>This appears to be an extremely challenging timescale, particularly when considered against the intention to front-load local plan-making. It is important that sufficient time is allowed to fully engage with communities and to carry out all the necessary work that would have been carried out as part of outline planning applications. There is a danger that the Local Plan process is being made too simplistic and that in turn could mean that key planning issues, especially those relating to environmental impact, will be disregarded.</p> <p>The proposed five stage approach with meaningful public engagement at two stages (stages 3&amp;4) does not include sufficient time to undertake the increased consultation outlined in the ambition stated in the Planning White Paper.</p> <p>The Examination stage provides integrity, fairness and scrutiny, and it is considered should be retained as a valuable component of the plan-making process. This is preferred to an audit which risks suboptimal plans being produced by a Local Planning Authority.</p> <p>The planning inspectorate would need to be appropriately resourced to ensure the adoption of plans is not delayed.</p>
<b>13(a)</b>	Do you agree that Neighbourhood Plans should be retained in the reformed planning system?
	<p>Yes, it is important that this relatively new level of plan making is retained as this is the mechanism through which local communities can articulate consensus in their locality about their preferred locations for planned growth and design preferences.</p> <p>There is a risk that the proposal to align neighbourhood planning with the new simplified plan-making process will mean that communities will feel less engaged and less able to influence what happens in their local area.</p> <p>In Leicestershire by Jan 2020 there had been 38 neighbourhood plans made and 85 are in preparation, demonstrating good take up by communities of the preparation of neighbourhood plans. By a community coming together and preparing a neighbourhood plan it ensures that the local community can inform the Local Plan, rather than a select number of strong voices from a community.</p>
<b>13(b)</b>	How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?
	The neighbourhood planning process can be developed to meet the Government's objectives by seeking preferences on scope and appetite within a locality for small plot development, design steer etc. For example, is there appetite within the

	<p>community for modern 'one-off' statement buildings? Is the existing character and identity highly valued and similar designs sought?</p> <p>Town and parish councils and others involved in the neighbourhood planning process, will have detailed knowledge of their local population forming their community. Often those who are of retirement age have more time to give to their community, and this should be supported. As such digital tools need to be used in addition to, not instead of, existing paper-based methods to maximise the number of people in the community able to engage with planning if they wish.</p>
<b>14</b>	<p>Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?</p>
	<p>Yes, agree with measures to enable masterplans and design codes for sites for substantial development to include a variety of development types by different builders to enable them to come forward at the same time. The involvement of Homes England in this process could help.</p> <p>There should be a stronger emphasis on the build out of development so as to mobilise necessary and much needed infrastructure more quickly for the communities that need it. This would help support social and economic growth and facilitate the recovery from the impact of Covid-19.</p> <p>The focus should not just be on build out rates, but also on the time it can sometimes take for a development to begin on site post-planning permission being granted. Any Planning reforms need to address circumstances where, for example, a landowner/developer may have sought planning permission purely to boost the value of their assets/businesses, with little or no intention of commencing development swiftly thereafter. In such cases, developers can currently fulfil 'commencement of development' timescale requirements through undertaking relatively minimal on-site activity, whilst delaying the start of construction-proper until the 'right market conditions' arise.</p> <p>Consider the use of incentives and penalties to complete within a timeframe of start on site. The incentive need not necessarily be financial, for example, entry into a national award for 'beauty and timely delivery' with the kudos and recognition from the award providing the developer with visibility for future schemes. Consideration could be given to a tax-based system to incentivise the speed at which homes are built.</p> <p>The proposed measures should not penalise local planning authorities in situations where developers chose to not develop allocated sites for commercial reasons, in cases of non-compliance there should be sanctions available to the LPA.</p>
<b>15</b>	<p>What do you think about the design of new development that has happened recently in your area?</p>
	<p>There are some superb examples of good design in recent new developments in Leicester and Leicestershire such as the SportsPark at the Loughborough University Science and Enterprise Park in Charnwood Borough, at Lubbethorpe, the new Sustainable Urban Extension to the west of Leicester in Blaby District, the Collingsgate residential development at Coalville in North West Leicestershire district and the mixed use development at Great Central Square, in Leicester City.</p>

	<p>There are also examples of new housing developments that have not been particularly high quality. Sometimes the pressure to build homes quickly often overtakes the need for high quality, sustainable development. National design standards, such as the now abolished Code for Sustainable Homes were helpful as developers get used to national requirements and can apply these in different local authority areas.</p> <p>A careful balance needs to be struck between affordability of homes and their 'beauty', this has not always been evident locally.</p>
<b>16</b>	<p>Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?</p>
	<p>Modal shift to sustainable modes of transport such as walking, cycling and the use of public transport has been a long-term ambition in Leicestershire. In June 2019 the Council signed up to the Climate Change declaration and consideration is being given as to how we can, through our own actions and the services we provide, become carbon neutral by 2030, reducing the impact of climate change.</p> <p>Climate change mitigation needs to be fully embraced wherever possible, accepting that there may be instances where in order to deliver planned growth new infrastructure, such as new roads, will be required to unlock land which is currently inaccessible.</p> <p>In practical terms, as it relates to planning, this means ensuring that all new builds are zero carbon, that they are designed and built to withstand the existing and future extreme weather events (e.g. heat and rain) caused by climate change, that new developments do not increase the risk of harm from climate change, that they result in a net biodiversity gain, preferably on the development site, that they reduce dependency on the motor vehicle and enable the use of active and public travel modes, that they support the switch to electric and other ULEVs for all forms of transport, car, van, HGV, Bus etc. That land is designated in recognition of the natural capital functions it provides be that natural flood management, carbon sink and storage, clean air, human mental and physical wellbeing, provision of biodiversity etc.</p> <p>The beauty street trees bring to the street scene is appreciated though the management and maintenance of trees, surfaces and street furniture needs to be taken into account. In recent years, within the context of austerity measures, street trees have been resisted in schemes in Leicestershire.</p> <p>A key part of sustainability is to make sure that people can live in homes in a sustainable way, with low energy usage / bills. National sustainable construction standards, such as decentralised energy sources (designing homes with solar panels, wind turbines or with high levels of insulation, for example) would help to engrain this thinking in the house building industry and allow these costs to be built in when land owners are negotiating with developers.</p> <p>Establishing the right mix of affordable housing that enables people to live their lives for longer and to maintain independence from entering care systems is also a key priority for sustainability in our area.</p>

<b>17</b>	Do you agree with our proposals for improving the production and use of design guides and codes?
	<p>Yes, quality design is regarded as important; it is recognised it will support quality, transparency and consistency, and should enable the delivery of growth to be more palatable in locations where the concept of growth is not warmly welcomed. It is also recognised that they can give clear guidance on the aspirations the developer has to meet and provides the potential to build homes that meet purchasers' expectations and secure economic returns.</p> <p>Note the challenges presented in two-tier areas, where the Local Planning Authority as one body is free to develop codes that have the potential to impose significant future maintenance liabilities on separate bodies such as County Highway Authorities. In going forward, Government needs to set out clearly how this issue will be addressed.</p>
<b>18</b>	Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?
	<p>RIBA, the RTPI, TCPA, the Building Better, Building Beautiful Commission etc all provide steer and advice on raising the bar with regards to design in addition to the National Design Guide (Oct 2019), the anticipated National Model Design Code and the anticipated revised Manual for Streets. A new body may not be necessary, rather closer and more regular working relationships developed and maintained with these bodies.</p> <p>Many Chief Planning Officers have the expertise and desire to champion design coding and building better places, and if freed up from the regulatory development management process it is likely more resource could be directed to such activity.</p>
<b>19</b>	Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?
	<p>Yes, and for the opportunity for design and environmental standards to not just be more deeply embedded in their activities and programmes of work but for more partnership working with Homes England on our current and future strategic sites.</p> <p>There could be a role for Homes England to monitor design quality and to take steps to engage with local authorities to make sure improvements are embedded in policy and decision making.</p> <p>This could also be achieved through a wider reform of Homes England in order that it was more reactive to the changing needs of the market and better relate to the commercial drivers which influence the decisions of landowners and developers, thereby acting as a more effective link between government and the industry and making an greater contribution to the delivery of strategic objectives.</p>
<b>20</b>	Do you agree with our proposals for implementing a fast-track for beauty?
	<p>This is a highly subjective term as not everyone has the same opinion about what constitutes a 'beautiful' form of development. There is less ambiguity over what is 'high quality' development as parameters and guidance can be set and 'high quality' far less open to interpretation. It is often not appropriate for a building or a</p>

	<p>development to be beautiful, perhaps it is a functional or an employment development. Those types of schemes should not be penalised, however, as they can still be good quality, sustainable, and be sensitively located. These are often more important characteristics than whether someone considers a structure to be pretty or attractive.</p> <p>A focus could be to work with partners, including volume and smaller house builders on the design for Modern Methods of Construction (MMC), to ensure locality variation which is appropriate to local character and identity is achieved.</p> <p>There is a risk that fast-tracking ‘beauty’ will open the door for developers to argue that their scheme is beautiful when this might not be agreed by the local planning authority or local community.</p> <p>It is necessary for development to be of high quality and well designed and where possible complement existing built development. However, there is a need for a degree of individuality and variation that adds to the attractiveness of a place as opposed to local stereotyping which would have a negative impact.</p> <p>Furthermore, good design is about getting the right balance between form and function. Function should be at the heart of considerations, as it is not enough for a building to look good if it doesn’t perform as it should for the users of the building, both inside and outside as well as in its function of addressing climate change, improving biodiversity and protecting the environment.</p> <p>There appears to be a risk that in fast-tracking beauty other matters, such as infrastructure provision and flood risk mitigation, will be marginalised and/or overlooked.</p> <p>The concept of master planning for growth area sites is welcomed and supported, but the White Paper is lacking clarity on how masterplans should be brought forward in parallel with streamlined Local Plan development. Masterplans can be challenging to develop and difficult to agree. This is especially the case for many larger sites with multiple landowners and/or developers, where decisions are often driven by the particular interests of the individual landowners/developers (i.e. the financial attractiveness and/or viability of specific parcels of land) rather than by what makes most sense for the site as a whole, for example where best to allocate land for a school or to provide for the routing of transport infrastructure.</p> <p>Sometimes it is not appropriate or necessary for a development to be beautiful. However, if it is high quality, sustainable, sensitively located and accords with policy, that should still be a form of development that could be fast-tracked.</p> <p>A beautiful building isn’t necessarily high quality, sustainable or in an appropriate location.</p>
21	When new development happens in your area, what is your priority for what comes with it?
	<p>As a County Council in a two-tier area we provide advice to the relevant district council in Leicestershire on infrastructure funding required to support the proposed development should it be granted planning permission. This is frequently extensive given the County Council is the Local Highways Authority, requires funding for schools (extensions or new schools), etc. as a direct result of the proposed development.</p>



	<p>County Councils rely upon district councils to secure the requested funding through their negotiation with the developer or their agent. This often causes conflict and tension in a two-tier system, especially where a district council prefers to allocate funds towards infrastructure not provided by the County Council. The County Council supports the delivery of increased affordable homes for communities.</p> <p>Up to date robust evidence is very important. If evidence undertaken to support the Local Plan can provide a steer as to the relative importance of the priorities in a certain area then it would enable a fairer, swifter and more appropriate outcome to be achieved.</p>
<b>22(a)</b>	<p>Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?</p>
	<p>The amendments to the developer contributions process, based on land value, could be positive but there is a risk that this is too simplistic as the infrastructure costs for different schemes varies considerably. This could put severe financial pressure on local authorities, particularly where infrastructure needs to be constructed early. A mechanism for cross funding to areas where infrastructure is required would be needed.</p> <p>Within Leicestershire itself significant variations in land values exist, so although the principle is attractive the way in which it would operate is important, with the need for flexibility to fund infrastructure where it has been identified in a strategic plan / Local Plan.</p> <p>There is concern that while the cost of infrastructure across the country is relatively consistent, the value of land is substantially less in northern counties, such as Leicestershire, compared with the south of England. This means that the money available to improve infrastructure will be less.</p> <p>There is potential in two tier areas for the levy to be spent on infrastructure which hasn't been prioritised by all partners. This is a significant risk for the County Council which is responsible for the costlier forms of key infrastructure, namely new roads and schools.</p> <p>It is unclear how Conservation Covenants fit in – (proposed in Environment bill to allow establishment of offsetting sites).</p> <p>In principle the concept of a consolidated CIL looks attractive. However, for a system to work on a national level local authorities would have to cede control to national government and rely on it to distribute the funds to where their need had been identified in local plans. This would require a full nationwide CIL assessment to be up to date at all times which is unrealistic.</p> <p>It would also be impractical to charge on the basis of the uplift in development land as this would penalise smaller sites which attract higher values whereas land within large developments, which require the greatest level of infrastructure attract a lower end price even when current S106 costs are ignored.</p>

In order to level up the disparities between regions there does need to be a mechanism that allows additional funding to be diverted to poorer areas as developments in those areas would generate far less revenue than wealthy areas.

Overall CIL appears to work best for the single tier model based on a roof tax per plot. By taxing the risk exists that it becomes unattractive for some landowners to bring forward land for development.

The County Council would wish to ensure protection against short-term drops in land values. Strong indexation requirements will need to be built into the proposals to compensate there are delays in bringing forward development.

The County Council strongly opposes a minimum threshold for contributions to avoid developers making decisions to avoid paying infrastructure costs.

The reforms need to include strong mechanisms to penalise developers who don't pay the levy. This might include interest on delayed payments and full recovery of costs, alongside other measures such as restricting occupancy until payments have been made.

Whilst the current Section 106 system is imperfect, this is perhaps a reflection that more time is needed at the Local Plan development stage to ensure matters of contributions and site viability are resolved rather than leaving this to the latter stages of determining planning applications. The proposed Infrastructure Levy may allow such problems to be 'papered over' at the planning determination stage, but this may store up other problems, for a later stage, especially if there is a threshold below which the levy would not apply or if there is a decoupling of the amount of money raised by the proposed levy (be that in a high or low land value location) from any assessment of the actual infrastructure costs required.

There is a risk that local communities could be impacted more severely by new development under the proposals that at present, for instance if sufficient money is not secured to fund infrastructure and community facilities. . This risk is greatest in two tier local authority areas, where Local Planning Authorities are not responsible for providing key public services in respect of roads, passenger transport, schools, waste disposal and other services.

It is unclear whether the proposed levy would only apply to off-site infrastructure provision, or conversely how it would take account of new on-site infrastructure that also provide wider benefits (e.g. a development road that also provides a bypass around a settlement).

It is unclear how the proposed levy would interact with works directly delivered by developers on behalf of Highway Authorities under Section 278 of the 1980 Highways Act (In Leicestershire this section of the Act is used to enable developers to work on the public highway as if they were the Local Highway Authority. The landowner/developer funds and undertakes all works themselves, bearing responsibility for all risks and liabilities. No financial contribution is paid to the authority, beyond fees to cover its reasonable costs, e.g., in respect of site inspections).

Any new system of charging should be mandatory on all LPA's rather than optional to avoid ambiguity in the system.

<b>22(b)</b>	Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?
	<p>The preference would be to set locally at the Housing Market Area (HMA) level, enabling funds to be shifted within wider county area to where the priorities lay regarding the delivery of key infrastructure.</p> <p>If rates were set nationally, there is the potential for a more equitable and fairer tariff. However, rates would need to reflect local variations in the development land market to avoid situations where areas with low land values having very little money for infrastructure whereas those with high land values being able to invest heavily in infrastructure.</p> <p>In many respects rates set locally within specific guidelines would probably work best on the basis that the levy was a per plot charge not a tax. The challenge is bringing forward sites with low land values while still securing the necessary funding for infrastructure. For this reason, the wealthier areas need to fund infrastructure in the less affluent areas.</p> <p>In two-tier areas, if the LPA were responsible for setting the rate of the local levy, it may choose (and for good reason) to set one that is too low to cover the costs of infrastructure provided at the County level, such as new roads, schools, flood management infrastructure or waste recycling and disposal facilities. Equally, the LPA may have different priorities for spending the funding raised through the levy to other bodies responsible for infrastructure/service provision. It is essential that reforms work for all types of planning authorities. Agreement of rates by upper tier authorities is essential to reflect where the financial risk is the greatest.</p>
<b>22(c)</b>	Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?
	<p>The proposals need to ensure that income generated increased compared to the existing system, to make sure that local or national government doesn't have to subsidise growth.</p> <p>Proposals need to make sure that the contributions secured reflect increasing costs in relation to matters such as increasing construction costs, higher build standards (such as zero carbon aspirations) and supporting those residents who need additional support from local services, such as special education and social care requirements</p> <p>A development can only proceed if the infrastructure needed to support can be funded by the developer as local authorities rarely have access to other funding sources.</p> <p>The levy should seek to capture sufficient funds to meet the required levels of proposed future infrastructure investment whilst still leaving the scheme viable. This is not an easy balance to strike and is often the reason why S106 negotiations take so long to resolve. The benefit of S106, on the other hand, is that this allows for compromise and agreement to be reached. If a system is introduced that does not allow local flexibility and compromise, there is a risk that sites that need development and regeneration will not come forward because they will be unaffordable.</p>

<b>22(d)</b>	Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?
	<p>Local authorities already can borrow for infrastructure. Formalising this in relation to developer contribution will be welcome to ensure that the costs incurred in advance of development can be recovered with greater certainty. To make this attractive to local authorities it is important that borrowing is underpinned by developer commitment / security and an additional uplift to reflect borrowing costs and risk.</p> <p>It is not a desirable position that infrastructure is put in place before a development, which never materialises.</p> <p>In two tier areas the highest value infrastructure requirements are delivered by the County Council, often in its role as Local Highways Authority or Local Education Authority. Under current local governance arrangements, the risks to the County Council are considered significant. At present there is no arrangement to share risks with district councils even though it is the district councils that make planning application decisions. Borrowing increases the risks borne by the County Council.</p> <p>It is unclear what would happen in situations where the amount of levy expected to be received doesn't equate to the amount that essential infrastructure is expected to cost. Under the existing S106 provisions, that can be negotiated as part of the agreement. Authorities will be reluctant to borrow if income is not expected to secure prompt and full repayment through the development process. There should not be a scenario where local authorities have to bid to some shortfall fund to 'top-up' the levy amount raised, for example in an area where because land values are low, the sum raised by the proposed levy is insufficient to meet the area's infrastructure needs to support development and properly mitigate its impacts.</p>
<b>23</b>	Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?
	<p>Yes, full funding is required for infrastructure to support planned growth. Given change of use through permitted development rights will lead to more people being service users of the transport network, schools, health centres etc the reformed Infrastructure Levy needs to capture funds through this route.</p>
<b>24(a)</b>	Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?
	<p>Both on-site and off-site affordable housing provision is required to increase the overall provision for our communities; it is the overall quantum that is important in sustainable locations so those who occupy the new affordable homes have access to jobs, services and green spaces.</p> <p>Given the current shortfall in affordable housing there is a continued need for both on-site and off-site provision. The aim should be to meet the target level of need identified in a LA area whilst delivering viable development opportunities. For this reason a comprehensive viability appraisal should be undertaken in respect of the overall local plan housing allocation as part of the plan process to identify potential delivery risks.</p>

<b>24(b)</b>	Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a 'right to purchase' at discounted rates for local authorities?
	<p>The County Council prefers for affordable housing to be delivered by developers, who are more suited to delivering housing, rather than payments being made to local authorities to deliver schemes. County Councils have a role to play in delivering social care.</p> <p>An exception to this would be the scenario where a small development is not suitable for affordable housing. In this instance an in-kind payment should be made to allow additional affordable housing to be secured in a different location.</p> <p>The result of either securing the affordable housing as an in-kind payment or as a discounted right to purchase will have a similar effect on the amount of funding available to fund other infrastructure in that both options will impact the GDV of the development site in the same way as affordable housing secured through a S106.</p>
<b>24(c)</b>	If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?
	Yes. For example the in-kind payment should be assessed on the basis of a set proportion of the sale price of the market plots based on floor area.
<b>24(d)</b>	If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?
	Yes. The overall site will need to be built out in accordance with an approved design guide which will form part of the planning conditions thus securing the quality of development.
<b>25</b>	Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?
	<p>Yes, this is essential</p> <p>As a minimum there is a need for flexibility around timing of spend and what money is spent on. The timing between when a planning permission is granted (or land is allocated in a local plan) and when infrastructure is required can lead to significant change in requirements. Flexibility is important as some schemes will need to subsidise the cost of infrastructure on other schemes.</p> <p>Greater flexibility will give local authorities more control over the delivery and funding of infrastructure to support growth. Payments need to include a degree of flexibility to address increases in infrastructure construction costs, slow house building, and any borrowing needed.</p> <p>There is potential in two tier areas for the levy to be spent on infrastructure which hasn't been prioritised by both authorities. This is a significant risk for the County Council which is responsible for the more expensive forms of infrastructure, namely new roads and schools.</p>

	<p>In Leicester and Leicestershire all nine local authorities, together with the LLEP, have approved a non-statutory Strategic Growth Plan, which provides a long-term vision beyond the current and emerging Local Plan periods for the future direction of growth to 2050. This enables all partners to be able to consider and put in place arrangements for detailed business cases, working up outline and detailed scheme specifications and drawing down funding for the key infrastructure early, so that land to deliver the future planned growth can be unlocked by the key infrastructure.</p> <p>This presents a difficult situation where so many partners are involved, as it requires commitment and steadfastness of all partners to the longer term to invest funding in early yet essential preparatory work, prior to delivery of the infrastructure in the medium to longer term. A difficult 'ask' when there are other pressing priorities on spend for all partners.</p> <p>A strategic plan at HMA level would help to address strategic planning issues early, would provide confidence and help to reduce risk to all local authority partners and wider infrastructure providers, and would provide increased certainty for other bodies and developers.</p> <p>Local authorities should be bound to deliver the infrastructure required as a minimum to support the growth /allocations detailed in the local plan and mitigate identified impacts. Without this safeguard in the two tier system County Councils could be left to fulfil its statutory functions unsupported by CIL funding.</p> <p>Any funds secured over and above that could be used to deliver the net gain to which the white paper aspires with the local authority free to determine how it is spent.</p>
<b>25(a)</b>	If yes, should an affordable housing 'ring-fence' be developed?
	<p>Affordable housing should not be ring fenced or prioritised above other infrastructure, such as new roads and schools, as they are equally important to creating sustainable development. It should be for the local authority responsible for delivering infrastructure to determine how money spent rather than being constrained by a 'ring-fence'.</p>
<b>26</b>	Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?
	<p>The elderly, those with conditions which mean ICT is difficult or not appropriate to use and the less affluent, could be negatively impacted by the proposals in this Planning White Paper if the digital technologies are a replacement rather than an addition to existing means of communication and community engagement.</p> <p>There should be no adverse impacts to individuals or groups having protected characteristics.</p>



## **SCRUTINY COMMISSION – 14 SEPTEMBER 2020**

### **COVID 19 RECOVERY UPDATE – CHIEF EXECUTIVE'S DEPARTMENT**

#### **REPORT OF THE CHIEF EXECUTIVE**

##### **Purpose of the Report**

1. The purpose of this report is to provide the Commission with a detailed update on progress made within the Chief Executive's Department in implementing its interim recovery plans following the outbreak of the Covid-19 pandemic, and to set out initial proposals for longer term recovery planning and strategic change in accordance with the Council's Recovery Strategy.

##### **Policy Framework and Previous Decisions**

2. The County Council's Covid-19 Recovery Strategy (2020-21) sets out the key principles, governance structures and phases upon which recovery of the Council's functions and services will be based. This will help ensure a joined-up, consistent and well-informed approach throughout the recovery process, which will ultimately feed into future departmental service and business planning.
3. Interim recovery plans continue to support the Council's functions and services. Full recovery plans are now prepared and these are being kept under review to respond to changing circumstances.
4. The Cabinet considered reports regarding the impact of the coronavirus pandemic at its meetings in March, April, May and June. These have covered issues such as the impact of the virus across Leicestershire, the Council's plans to respond, joint working with partners, and the financial implications for the Authority. Regular briefings have also been provided to all members of the Council.

##### **Background**

5. In March 2020 the country went into lockdown to control the spread of Covid-19 and ensure the rise in infection rates were minimised to protect the NHS services' ability to respond to the health needs of the population. This has had a substantial impact on people and services.

6. In response to the pandemic, and in accordance with legislative changes and Government guidance for local authorities, Council services have been reviewed and amended to enable continued service delivery. In particular, critical services were prioritised along with those services that are essential to support the most vulnerable.

### **Services and other Key issues**

7. Set out below is how the various sections making up the Chief Executive's Department have responded.

### **Strategy and Business Intelligence**

8. The Strategy and Business Intelligence service leads for the Council on the following service areas. In each area staff have been deployed to support the Council's response to Covid19 and to prepare for recovery. All staff across these services have been working from home since the Covid-19 lockdown began.
  - (i) Business intelligence (BI)
9. BI provides the Council with the insight, evidence and performance information it needs to function effectively and efficiently.
10. Whilst significant parts of the service have continued delivering 'business as usual' activity there has been substantial demand for evidence, analysis and data to support the Council and the Local Resilience Forum's (LRF) response to Covid19. This has included the timely analysis of data relating to Covid19 incidence, mortality, hotspot mapping and outbreak response in the County in support of the Director of Public Health.
11. The Service has designed and analysed many new surveys including a staff skills survey to inform the redeployment of staff, staff wellbeing surveys, staff availability trackers in support of frontline services and surveys of funeral directors, care providers and volunteers.
12. The lockdown maps and postcode checker were implemented by the BI Service under tight time pressures. The service also managed the shielding programme data flows and tracked school attendance during the lockdown, especially amongst the vulnerable cohorts. In addition, the BI service is working with the Leicester and Leicestershire Local Enterprise Partnership (LLEP) on compiling evidence to underpin economic recovery. There have been some challenges in working from home given the more specialised IT requirements for BI work, but these have been overcome to some extent with the support of IT Services. There are ongoing discussions with IT to continue to improve the remote working arrangements, especially when working with large and complex datasets. The Head of BI is chairing the LRF's Multi Agency Information Cell for recovery.



(ii) Policy, Communities and Equalities and Diversity

13. This unit is responsible for leading and co-ordinating the preparation and implementation of the Strategic Plan; supporting engagement with communities and the implementation of the Communities Strategy; and supporting the Council's commitment to equality, diversity and human rights.
14. The Service has played a leading role in the LRF's work on 'community, volunteering, faith and engagement' (CVFE) with the Head of Service chairing the LRF's CVFE Cell. The Service has overseen the LRF's work to provide food and other support to those shielding and has supported and helped organise the contribution of volunteers to the pandemic response. The Service has led work to understand and address the impact of Covid19 on BAME groups. It has also worked closely with the Head of Transformation to ensure the Council's Recovery Strategy and Plan are closely aligned to the Council's Strategic Plan. The Service also designed and administered the Council's Covid19 Community Fund which distributed £1.5m to community groups across the County within a very short period. The Service is now managing the transition of the CVFE cell to recovery, and a draft community recovery cell and sub-cell structure has been produced pending sign off by the LRF.

(iii) Economic Development and Growth

15. The Unit is responsible for overseeing the effective delivery of growth across Leicestershire, securing the Council's strategic and departmental outcomes and managing financial risk to the Council arising from growth and large scale projects.
16. The Growth Unit is coordinating a Council wide input to supporting economic recovery as well as working with the LRF, LLEP and partners in the subregion. Activity is focused on short term interventions for town centres and businesses, as well as longer term commitments to delivering infrastructure for places and communities and supporting skills and employment initiatives designed to support those affected by the pandemic.
17. The Service is designing and administering a £750k business recovery fund utilising repurposed funding from the Business Rate Pool. The Service continues to work with stakeholders to ensure housing growth is supported by appropriate infrastructure and that the financial impacts and associated risks of growth on the Council are well managed.

(iv) Resilience

18. The Council hosts the Resilience Service which supports partnership and Council work to prepare for, manage and respond to emergencies, maintain business continuity, and secure recovery from emergency incidents
19. Following a lengthy period during 2019 supporting preparations for a potential no-deal EU Exit the Resilience Service has been fully occupied supporting the LRF and Council response to Covid19, as well as preparing for and responding

to, as necessary, other incidents. The Service has supported the LRF's Strategic Co-ordination Group and Strategic Recovery Co-ordination Group which have been overseeing response and recovery respectively, in addition to the tactical groups a large number of topic-specific cells which have set up as part of the response and recovery structures. It has also supported the Council's Resilience Planning Group and associated business continuity and recovery work. Capacity is being increased to ensure preparations for the forthcoming winter are robust, including to take account of the likelihood of two or more concurrent events happening (e.g. Covid19, seasonal influenza, EU Exit, cyber attack, flooding, snow etc).

### **Planning, Historic and Natural Environment**

20. The Planning, Historic and Natural Environment Service area has continued to operate at nearly normal capacity during the Covid-19 pandemic. Updates for each of the four service areas are provided below:
  - (i) Planning
    21. The County Planning function deals with minerals and waste planning applications, planning applications submitted by or on behalf of the County Council; preparation of the minerals and waste local plan, site monitoring and enforcement.
    22. The Service has responded positively to the challenges faced by the pandemic. All staff have been working remotely since March and technology has already been in place to allow planning applications to be received and processed in the normal way. There has been some minor disruption to site monitoring, mainly due to problems gaining access to quarry and waste sites as a result of social distancing restrictions, but these have eased over recent weeks.
    23. In terms of income, planning application fees are behind what would be expected for this time of year. We suspect this is because applicants and consultants have not been able to prepare planning applications due to staff being unavailable or because site access has been difficult. It is possible that some site operators are taking a more cautious approach to investment at this stage. The situation will be kept under review, but it is likely that fee income will be at least 25% (£50,000) below budget at year end.
  - (ii) Planning Obligations:
    24. This is a new team that has been set up following a recent restructure of the service. A new Team Manager has been appointed and he began his role this month. Additional staff will be recruited over the coming months.
    25. The new Planning Obligations Team will co-ordinate all matters relating to developer contributions and S106 agreements. This includes liaising with district councils in relation to policies and individual planning applications. The team ensures that contributions are recovered and that money is spent in accordance with planning permissions.

26. The Covid-19 pandemic has slowed down some of the recruitment activity for the new team. However, day to day processing of casework has been unaffected. Initial concerns that house builders would be unable to pay their S106 contributions on time have so far not materialised and the team has had some significant successes in recovering historic debt over recent weeks. The impact of the pandemic on developer contributions will continue to be closely monitored.

(iii) Heritage

27. The new heritage team provides advice to district planning authorities in relation to archaeology and historic buildings matters. This work is provided under informal service level agreements with most of the County's districts. Workload during the Covid-19 has remained fairly constant and while there has been some impact upon staff being able to carry out detailed site visits, the overall impact on service provision has been minimal.

(iv) Ecology

28. The ecology team provides advice on biodiversity to most of the district planning authorities to assist them with assessing planning applications. As with the heritage team, this work is provided under informal service level agreements. Workload in this area has remained stable during the pandemic and been largely unaffected. The team has managed to recruit two new Planning Ecologists during recent months, which will help with keeping on top of workloads.

## **Regulatory Services**

Regulatory Services comprises of 3 critical services as detailed below:

(i) Trading Standards

29. Since lockdown the Trading Standards Service has remained operational and it continues to experience high demand for its existing services, with additional enforcement responsibilities brought about by the pandemic.
30. On 18 July 2020, The Health Protection (Coronavirus, Restrictions) (England) (No. 3) Regulations 2020 provided upper tier local authorities new powers to respond to a serious and imminent threat to public health and to prevent coronavirus transmission. These Regulations include powers to:
- restrict access to, or close, individual premises
  - prohibit certain events (or types of event) from taking place
  - restrict access to, or close, public outdoor places (or types of outdoor public places)
31. This new function is high profile for the Trading Standards Service requiring collaboration with a range of resilience forum partners and support from

colleagues in Legal Services. Consequently, other areas of trading standards enforcement work have ceased or reduced in output.

32. Officers continue to support the Council's procurement process to reduce the risk of obtaining non-compliant PPE intended for use by Council employees or other stakeholders. Again, these are additional functions brought about by Covid 19.
33. National data continues to show a significant increase in telephone, internet and doorstep scams since the start of the pandemic. This overall increase in consumer fraud will continue to place additional burdens on the service.

(ii) Registration Services

34. The backlog of birth registrations is reducing as with death registrations. Notices of marriage, civil partnership formations and wedding ceremonies are all now taking place. However, there will be an overall reduction in income due to the postponement of all services during lockdown, apart from death registrations. The financial position on income will be better understood in the third quarter of this financial year. All registration offices have now reopened to service users, by appointment only. The team are currently working towards the reintroduction of citizenship ceremonies and the service will initially offer an affirmation/short ceremony by the Superintendent Registrar, probably in groups of ten attendees.

(iii) The North Leicestershire and Rutland Coroner's Service

35. Coroners staff continued to provide a service throughout the pandemic. Inquests are underway although there are social distancing challenges to resolve around jury inquests and there may be a need to relocate these hearings to a larger court room, which inevitably will bring in additional costs.

## **Legal Services**

36. The section provides comprehensive in-house legal advice supporting staff across the Council in the performance of their functions and responsibilities. Governance and member decision-making are also supported.
37. The bulk of Legal Services staff rapidly moved to homeworking at the early stages of the Covid 19 lockdown. Business support staff remained at County Hall to facilitate essential support services that cannot be undertaken remotely.
38. The key priority was to ensure, as far as possible, a "business as usual" approach in accordance with revised arrangements put in place externally e.g. by the Courts, so the Council's statutory functions in relation to vulnerable people could be supported. The need to ensure staff wellbeing was recognised and supported. No Legal staff were furloughed.
39. Significant additional Covid19 legal work arose (and continues to arise) in a number of areas. In particular:

- concerning the need for existing Council contracts to be renegotiated to incorporate more appropriate terms for the particular service/product being supplied to the Council to protect the Council's position;
  - increases in Court of Protection works as a result of the number of adults - often in a residential care - who were considered vulnerable owing to mental capacity and other issues who needed to be subject of a court order for their own safety.
40. This increased work was such that it could not be absorbed within existing staff numbers and accordingly two successful bids were made to fund additional temporary staff for the adult social care and contracts teams. There is now an increase in the legal work affecting vulnerable children arising from family pressures as a result of the Covid 19 lockdown. Work is underway on finalising a business case to support the engagement of temporary staff to manage this.
41. While all members have received details in the regular briefings provided by the Chief Executive which has included legal work that has been undertaken, the following examples of specific Covid 19 legal work is highlighted:

<b>Contractual</b>	Dealing with a wide variety of contractual issues related to the non-performance of contractual obligations arising from the pandemic, in particular in relation to construction projects.
<b>Education</b>	Advising over 100 Leicestershire schools on a wide variety of Covid related matters. Developing systems and procedures for remote conduct of school admission appeals.
<b>Property and Environment</b>	Dealing with the property issues for the establishment of Covid testing sites on County Council land. The processing of the legal requirements for traffic control measures funded through Covid 19 funding from the Government.
<b>Employment</b>	Advising on employment issues arising from the pandemic including redeployment of staff and furlough arrangements.
<b>Litigation</b>	Dealing with remote and hybrid court hearings and dealing with threatened judicial reviews due to alleged failures to deliver services.
<b>Adult Social Care</b>	The emergency Covid 19 temporary legislation (in force for 2 years) included provisions amending certain sections of the Care Act 2014, in relation to statutory requirements being relaxed from duties to powers explained by detailed statutory guidance which required legal advice within short timescales. The Adults and Communities department has been concerned about the impact of lockdown on vulnerable adults, resulting in increased applications to the Court of Protection.

	In addition, there has been a significant increase in the number of referrals being made to the adult safeguarding board, which requires ongoing legal advice and support.
<b>Child Care</b>	At the start of lockdown all care proceedings in the family courts were paused and hearings rescheduled due to the impact of the social distancing measures on court space. These courts had to change in the main to remote hearings which had a significant impact on the workloads within the childcare team. Emergency secondary legislation changed adoption processes, fostering and children's homes regulations. This was complex and required detailed advice to the Children & Family Services Department and ongoing legal support. As well as the increased instructions being received as a result of the impact of lockdown, the return of children to school after several months absence is also likely to result in an increase in child protection referrals from those schools.
<b>General</b>	Advising on a range of legal issues related to health and safety including PPE issues, risk assessments and social distancing requirements. Developing legal procedures for the enforcement of the new local lockdown regulations. Advising in relation to data sharing agreements to secure testing information. Advising on grant terms for assistance to local community groups. Acting as legal advisors to the Recovery Programme group.

### **Democratic and Member Services and Civics**

42. The majority of services provided by both service areas have continued on-line during this period with limited disruption as detailed below. The bulk of staff began homeworking in late March and early April with attendance at County Hall limited to two or three staff needed to provide IT support for meetings and webcasting on an ad hoc basis. This arrangement is likely to continue going forward.

(i) Council meetings.

43. New Government Regulations relating to meetings has meant that all meetings of the Cabinet, Scrutiny, and Regulatory bodies have been able to go ahead despite the lockdown and County Hall having to be closed. At the outset, these meetings were held via Skype which had limited functionality meaning that meetings were largely audio based. Following consultation with Group Leaders a decision was made to move to Microsoft (MS) Teams. With support from IT colleagues and consultants, Trustmarque, MS Teams was successfully introduced in July. The full Council meeting was successfully conducted with all members, apart from the Chairman, joining remotely on-line. All formal

meetings are now webcast live via Youtube and public access to meetings has also therefore continued.

44. Democratic Services have continued to provide support to partnership bodies such as ESPO and the Combined Fire Authority on a traded basis using the same on-line approach.

(ii) Resilience.

45. Democratic Services staff have provided support to the County Council's Resilience arrangements servicing meetings of the Crisis Management Team led by the Chief Executive. In addition, staff facilitated the weekly All Member Briefings held every Tuesday which provided an update on departmental issues as they developed during the pandemic.

(iii) Member Services and Civic Duties.

46. Member Services have largely continued as normal. The Council's Civics work has been affected by Covid 19, as a large number of planned events for the Chairman and Lord Lieutenant had to be cancelled. Nevertheless, staff have worked to ensure, where possible, significant events were moved on-line. Details of some of these key events include:

a) VE Day 75

- A dedicated webpage was produced to mark VE Day that went live at the beginning of May. The webpage included historical information about why we mark VE Day and ideas on how to celebrate the 75<sup>th</sup> Anniversary from home, adhering to social distancing guidelines. See the webpage [here](#).
- The Lord-Lieutenant of Leicestershire and Chairman of the County Council recorded video messages that were posted on the webpage. The Civic Affairs team also worked with Leicester Cathedral to help put together an online service to mark the event.
- The Lieutenancy Twitter and Linked In accounts posted special VE themed tweets all week leading up to Friday, 8<sup>th</sup> May, including video messages, images from VE Day in 1945 and extracts of King George VI's speech.
- During this period, there were 572 visits to the webpage, the Cathedral service received 387 views and the Twitter account received 22, 288 VE related posts.

b) Armed Forces Day

- The usual Armed Forces Day Service and Parade was cancelled, and all content was moved online. However, the Civic Affairs team promoted the national #SaluteOurForces campaign to build a local 'virtual' parade on Flickr. The idea was to ask people to send in a photo of themselves saluting with #SaluteOurForces, and the Civic Office uploaded them. The campaign was really successful and saw salutes from LCFC players, Leicester Tigers players, the local Universities, County Council

employees, primary schools and the National Space Centre as can be viewed here.

- Another dedicated webpage was put together with video messages from the Lord-Lieutenant and Station Commander of RAF Wittering (view link). The webpage also shared stories from local serving Armed Forces personnel and a video of last year's parade through Leicester City Centre.
- Armed Forces Flag Raising was cancelled at County Hall; instead, the LCC webpage paid tribute to all veterans who have raised the flag over the past 5 years. The Armed Forces Flag was still raised over County Hall for the week.
- During the period, the website received 654 views, Flickr received 1,306 views, Linked In 3,437 views and Twitter posts were viewed 74,031 times

#### c) VJ Day

- The Civic Team put together another a webpage dedicated to VJ Day 75 commemorations (view link) and put together an informative VJ 75 brochure that was emailed out to all key contacts.
- The material included some moving tributes from relatives of Far East Prisoner of War Survivors and a public plea for help with compiling a single roll of honour for all from Leicester and Leicestershire who were killed in WWII.
- The Civic Office collaborated with Leicester City Council and Leicester Cathedral on a virtual service, which included a contribution from HRH The Duke of Gloucester. As part of the virtual Cathedral service His Royal Highness read an extract from the speech given by HM King George VI on the occasion of Victory over Japan.
- The Lieutenancy Twitter account posted VJ Day tweets for the week leading up to 15th August, including case studies of local Far East Prisoners of War (FEPOW) survivors, images from the time and an extract from King George VI's speech.
- The webpage received 618 views, the Cathedral Service 274 views, the Council Twitter account received 19,471 comments and Linked In received 2,864 views.

### Recovery

47. The **Strategy and Business Intelligence Service** has adjusted quickly to a situation whereby all staff are working from home. Essential business as usual activity (for instance much business intelligence activity, and the work of the Growth Unit) has continued but large parts of the service have redirected their resources, skills and expertise to supporting Covid19 work on health and economic intelligence, support for the shielded and other vulnerable people, economic recovery, and leading and supporting the LRF's response structure and key response and recovery workstreams.
48. The **Planning, Historic and Natural Environment Service** has continued to work 'business as usual' during the pandemic, with staff working remotely and being able to use technology to access documents, contact applicants and other stakeholders, view sites, prepare reports and to take part in meetings. In



terms of recovery, this current way of working has become the new normal and teething problems have eased now that some of the technology problems have been resolved. Managers have adapted the way they support colleague and staff have, in the main, become accustomed to working flexibly. The situation is being kept under review to preserve staff wellbeing, performance and service-user satisfaction.

49. **Legal Services** through its education and employment team has been providing advice to HR and Transformation Unit colleagues to ensure that Corporate strategy complies with the Council's statutory responsibilities as an employer.
50. In common with the rest of the Council it has been necessary to work with colleagues in Corporate resources to equip the service with the requisite IT facilities to enable homeworking.
51. As we move into the Autumn and Winter seasons with home working now fully embedded a rota system is now in place to assist staff whose home working situation and/or facilities impact on productive working e.g. poor IT connectivity so that they can attend at County Hall using the designated recovery desks.
52. The **Democratic and Members Services** teams and their work is flexible enough to allow home working though there is a need for some sort of rota to have a limited presence in the office to undertake certain activities and support those staff working from home. As the new ways of working have been so successful our focus in Phase 2 will be for a 'new normal' that embraces virtual meetings for private meetings and for formal meetings and briefings so far as possible.
53. This 'new normal' will be incorporated into the planned review of the Constitution and the advice notes and protocols for members/the public in readiness for the next Council.
54. As the MS Teams platform is constantly evolving the Section will look at the upgrades available to improve the experience of members and the public of meetings. With IT colleagues it is intended to explore a facility which will allow for webcasting without a physical presence in County Hall. Linked to virtual meetings the aim would be to continue a paperless or at least 'paper light' approach.
55. **Regulatory Services** has continued to work throughout this crisis period and the demands on the service have been significant. There has been a need to prioritise certain activity and this has only been possible through the support and flexibility of staff. As we move to recovery the demands on the service are likely to increase and there will be a need to stand up some of those business as usual services that have reduced during this period. As with other Sections of the Department the need to manage staff wellbeing and morale as well as ensuring IT systems are operating effectively will be key.

### **Lessons learnt and strategic change proposals**

56. The key priorities for the Department will be:
- a) A fundamental review of the Departmental Business Plan having regard to the four recovery themes in the corporate recovery strategy (new ways of working, financial sustainability, digital value and environment and net carbon neutrality);
  - b) ensuring staff well-being recognising the various pressures arising from time to time associated with home working;
  - c) a review of business continuity plans recognising these were not always sufficiently detailed or up to date to cope with this type of rare and ongoing event. The Department is now more prepared and capable, at short notice, to operate flexibly and in a different way;
  - d) ensuring all the necessary IT kit is available to staff and any issues can be speedily rectified. This will require the Department to invest in upgrading existing IT and Case Management systems as well as new investments to ensure it operates as effectively as possible.

### **Resource Implications**

57. The additional Covid-19 temporary posts previously mentioned are funded for 12 months. Legal services management will review caseloads in the run-up to the expiry of the funding to determine the need for this funding to continue for a longer period.
58. There will be a need to provide additional IT facilities to support homeworking e.g. Licences to support MS Team meetings the, case bundling software required for court work and a new case management system. Where possible the Department would seek to manage these within existing budgets through compensatory savings.
59. Work to manage the cost implications of COVID-19 pandemic within the authority's overall financial envelope is underway and several measures have been implemented including:
- Implementation of non-essential spend controls in relation to recruitment; procurement and external expenditure;
  - Utilisation of external grant funding and increased income to reduce the funding gap; and
  - Limiting the approval of new projects to essential requirements and/or delivery of cost reductions.

### **Equalities and Human Rights Implications**

60. There are no equality and human rights implications arising from this report.

**Background Papers**

None.

**Circulation under the Local Issues Alert Procedure**

This report has been emailed to all members of the County Council.

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**List of Appendices**

None

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## **SCRUTINY COMMISSION – 14 SEPTEMBER 2020**

### **COVID 19 RECOVERY UPDATE – CORPORATE RESOURCES DEPARTMENT**

#### **REPORT OF THE DIRECTOR OF CORPORATE RESOURCES**

##### **Purpose of the Report**

1. The purpose of this report is to provide the Committee with a detailed update on progress made within the Corporate Resources Department in implementing its interim recovery plans following the outbreak of the Covid-19 pandemic, and to set out initial proposals for longer term recovery planning and strategic change in accordance with the Council's Recovery Strategy.

##### **Background**

2. The County Council's Covid 19 Recovery Strategy was reviewed by the Council's Scrutiny Commission before being approved at a meeting of the Council's Cabinet on 23<sup>rd</sup> June 2020.
3. The Recovery Strategy describes the Council's recovery as a staged approach that includes an interim recovery position for the functions and services of Corporate Resources and also fuller recovery through a service planning exercise beginning in the Autumn; this will be in response to what the Department understands the impacts of the pandemic to be and emerging government legislation and guidelines.
4. In considering the Recovery Strategy for Corporate Resources thought has been given to both recovering those services the Department is directly responsible for delivering to residents, schools and businesses, and supporting the Council's recovery and transformation as an organisation moving forward as a cohesive group of support services. Both will be considered in this report.

##### **Services and other Key issues**

5. In terms of Interim Recovery, the majority of the Department's functions and services, particularly internal support services, have adapted successfully to working remotely in both the short and medium term. It is noted that they have continued to deliver the same level of service to the

same standard to support the organisation. Although the staff survey conducted in May 2020 did not specifically raise concerns across the Department in terms of flexible working, continuing to operate in this way for a protracted period may start to impact on staff wellbeing. This situation will continue to be monitored.

6. **Country Parks** recovered rapidly following the relaxation of government guidelines around parks and open spaces in April 2020 and have seen a steady increase in visitor numbers. The period of closure has had the unforeseen but positive impact on many of the natural environments rejuvenating over the period, including the sight of a family of Otters at Watermead County Park.
7. **School Food**, part of Leicestershire Traded Services, also recovered rapidly and continued to provide food for the schools that remained open to key workers.
8. A smaller number of services initially diverted a significant proportion of their resources to the response and recovery work and continue to do so to support the wider organisation:
  - a. **The Commissioning Support Unit (CSU)**, alongside their existing functions undertook the procurement and design of a distribution hub for PPE to partner organisations across Leicestershire, Leicester and Rutland. The CSU are continuing to deliver and oversee the distribution of PPE and it is recognised that the partnership will need to transition to a more sustainable model for this.
  - b. A significant proportion of the **Communications Team** resource was dedicated to delivering effective and coordinated communications in the wake of Covid 19 and the subsequent lockdowns as response structures were put in place. Ensuring that capacity exists to deal with any concurrent requirement and 'stepping down' the Covid 19 structures to revert to supporting the Council's strategic priorities remains a challenge.
  - c. **IT & Digital** have continued to deliver the core infrastructure in terms of security, networking and compliance, as well as supporting the rapid recovery of Council services, for example, delivering the 'Waste Bookings System' and other online forms. The service has upgraded the core remote access infrastructure, delivered a new contact centre telephony solution, and diverted capacity to rolling out Microsoft Teams to support ways of working. It has also built and rolled out around 2000 additional laptops and additional mobile phones to bolster operational resilience.
  - d. **Strategic Finance** have had additional pressures as a result of COVID relating to an increase in demand in additional payments to providers over and above the usual routine, including advanced payments and also additional payments to fund critical activities such as purchasing PPE. In addition to this the

services have had to deal with an increased number of specific issues with providers and as a result they have had to pull together wider communications, both providing written guidance as well as in workshops. Similarly, East Midlands Shared Services (EMSS) have seen and needed to respond to additional demand as a result of the pandemic and the uncertainties around it.

- e. In response to requirements coming from departments to comply with government policy and guidance, the Transformation Unit diverted project management and business analysis resources to coordinate and support the delivery of activity to the departmental cells, as well as coordinating the Council's overall recovery effort and transition into full recovery with a focus on the Strategic Change Plan (SCP).
9. The loss of commercial income for several services within Leicestershire Trading Services and Operational Property where services are predominantly hospitality based or delivered to schools, have caused a significant financial impact on the Department. The impact, although mitigated by short-term government support such as furlough, is expected to last into the medium term and in some cases major service change may be required.
  10. The Fit for the Future rollout has been temporarily on hold due to the impact of the COVID pandemic on all organisations. The programme has been revised and the finance and procurement elements will go live in November 2020. The intention is that the HR and Payroll modules will follow in January 2021.

### **Recovery**

11. To support the Council's Covid 19 Recovery Strategy, Corporate Resources undertook an exercise in which each Head of Service evaluated their existing service plans in the context of the immediate impact of Covid 19 and inline with the Covid 19 Guidance for Interim Recovery Planning agreed by the Council's Crisis Management Group (CMG) in May 2020.
12. These revised service plans and an additional action plan which outlined any immediate steps which needed to be taken were then scrutinised by the Director of Corporate Resources in a series of meetings with each Head of Service and their respective Assistant Director. In those meetings progress was monitored, key issues were discussed, actions agreed, and longer-term recovery principles were examined for each service area aligned to the Strategy.
13. Another round of Head of Service meetings are scheduled with the Director of Corporate Resource in early Autumn to focus fully on developing these longer term principles.

14. The current position is that the majority of services in Corporate Resources have been stood back up and with the adoption of flexible and remote working, coupled with designed processes in areas such as IT & Digital, previous service levels and performance levels are being achieved.
15. Exceptions to this are hospitality-based services which rely on commercial income:
  - a. Food Court in County Hall – The catering options available at County Hall have been reduced reflecting the current customer base reducing to 150 a day. This operation is being staffed by a smaller team from the current 16 permanent members on staff with the rest being on furloughed. Given the current volume of sales, the likely timetable for staff to return to County Hall and the costs being incurred, options are currently being considered to mitigate the considerable loss of income.
  - b. School Food - The School Food team has been providing approximately 4,000 meals daily in 160 schools during the Covid lock down period. Regardless of uptake, schools have been charged for an average of the free school meals and universal school meals that they were having before lockdown and staff have been furloughed. In terms of the 2020/21 forecast outturn it is considered that there will be a contribution to the Council's MTFS, but this depends on a number of unknowns including labour costs; the cost of disposables and the uptake in paid meals where an 85% uptake has been modelled. Various steps have been taken to mitigate the risks in this area and the challenges of the new academic year. Rather than recruit to specific vacancies the service will utilise mobile staff as well as taking advantage of the Government's Job Retention scheme following the period of furlough. The Service will work with schools to minimise variations where possible by providing operational advice and guidance, but will also ensure that schools are appropriately charged for any contract variations that will be necessary, for example, if meals are to be served in disposables or if additional staff are required to fulfil a staggered lunch or any 'bubble' arrangements. Finally, the Service will increase promotional activity of hot and healthy meals to parents building on the strength of the brand and the Gold Food for Life Catering Mark.
  - c. Beaumanor Hall and Park - The Park and the Hall are currently closed with the majority of staff on furlough. The property and grounds are still being maintained and there is a skeleton staff working from home taking and rearranging bookings for weddings and events etc. The school's residential outdoor activities aspect of the service has been very popular over recent years. However, at the present time this service has



closed. Future operating options are under consideration. Doing nothing is not an option given the considerable losses that are likely to be incurred over the remainder of the year.

- d. Beacon Hill - Beacon Hill café reopened on 19<sup>th</sup> June 2020 to provide a take away service from Wednesday's through to Sundays and started a limited eat in service on 15<sup>th</sup> July 2020. Since that time weekly takings are steadily increasing. A phone line is booked to be installed to allow the site to go cashless and a new till system is being installed to provide more detailed data to maximise returns. The Service is confident that customers will continue to return and with better data the contribution from the Café can be maximised. Sales will be monitored and staffing structures adjusted as required.
- e. Century Theatre - The theatre is currently closed with no immediate plans to reopen although the service is monitoring government advice. Several options for the future of the theatre are being investigated bearing in mind that the new café will be opening in October. The possibility of the School Music service being based at the theatre is being investigated, allowing them to use the space for teaching, rehearsals and performances whilst providing the opportunity for storage in some of the other buildings at Snibston.
- f. Sites Development Service - The Sites Development Service is a traded service within LTS, that provides external landscaping, fencing and surfacing works to schools, academies and other external clients. Works also include cyclical repairs and maintenance services to corporate and vacant sites. The team have undertaken very limited traded work during the first quarter of 2020/21 due to restrictions on site working practices within close-proximity. The main school and academy client-base have also restricted site access to maintenance operatives and contractors during this period. The service is now operating closer to full capacity.

### **Lessons learnt and strategic change proposals**

- 16. The Corporate Resources Department provides both front line services and supports the organisation in terms of key back office functions. In terms of front line services the first part of the report highlights the key services and future challenges. The impact of the pandemic in both health and economic terms will be immense, and there is little doubt the Council will look significantly different in five years' time. The support services will play a key role in shaping the future direction of the Council. This is clearly going to be challenging given the extra demand on support services at a time when resources will be reducing. The key themes the Department will need to focus on over the short and medium term are:

- a. Finance – The report elsewhere on the agenda sets out the scale of the financial challenge. The focus will range from the short-term introduction of a range of expenditure controls to ensuring we continue to plan in the medium and longer.
- b. Digital/IT – Providing simple and quick to use technology to ensure that we reach, communicate and promote our services across multiple channels so that more of our services are online and available any time of the day and week and are accessible to our customers to meet their needs accepting their various abilities. Examples include providing essential Covid information, with over 410,000 visits to this information since March, a new waste booking service that avoided significant traffic management costs and disruption (approximately 11k visits per week), plus a new click and collect service for libraries.
- c. People and Property. – Act on the findings of the wellbeing survey through supporting services to take local actions as well as developing a corporate action plan. Short term this includes working to provide enhanced support to employees including redeployment and re-skilling. Longer term this will involve delivering on a Ways of Working programme which aims to bring together workplace, technology, working practices and people to drive the Council forward as a modern, effective and productive organisation.
- d. Transformation - The Strategic Change Portfolio remains an important focus to facilitate and support collaboration by support services to further transform the organisation as we move to full recovery. The portfolio contains four pillars including the three themes outlined in the paragraphs above, in addition to a pillar to deliver on the Council's carbon reduction commitments. In order to support the Departments further, the Transformation Unit are progressing the application of a Cost Reduction model methodology that utilises a collaborative and evidence-based approach to identify new savings opportunities.

### **Resource Implications**

- 17. The challenges outlined above have had clear implications for the Medium Term Financial Strategy. The key implications as of July 2020 can be summarised as:
  - a. Supporting Remote Working – The rapid move to flexible and remote working as required incurred extra costs of around £2.0m. This included ensuring that staff had access to appropriate technology and software to allow them to continue to be as effective and efficient as possible remotely and additional IT support was required in order to process this

demand, as well as ensuring the infrastructure was fit for purpose. In addition, £600k of cost has been incurred through Work from Home Allowance, a dedicated fund for staff to buy supplementary office or IT equipment to better suit their working environment. As well as having an impact on maintaining service delivery this also linked very strongly with promoting wellbeing.

- b. Loss of Trading Income – During the COVID-19 pandemic much of the traded activity the Department undertakes ceased or was dramatically reduced as laid out in paragraph 15 above. The impact of this financially is currently predicted to be circa £3.4m, of which School Food accounts for £1.5m and Beaumanor Hall and Outdoor Activity Centre a further £1.0m.
  - c. Fit for the Future Delay – A delay to the project timescales and go live dates have had a knock on impact on the assumed benefits from the delivery of this project. The financial impact of this is £1.5m.
18. Mitigating actions have been taken to minimise the impact of challenges that have arisen in the Department as a result of the COVID-19 pandemic. These include:
- d. Furlough Scheme – The Council has been proactive in applying the rules laid out in the scheme to staff who were funded through traded income. This will lead to £2.2m of income from the scheme by October 2020 to offset the staffing costs, taking into account the reduction in contributions through September and October.
  - e. Review of Trading Services – Reviews of staffing, running costs and predicted sales forecasts are being finalised for each element of the Council’s commercial offerings and as business cases are being drawn together the Department is ensuring that the right options are being considered in the short term, but with the flexibility to adapt to changing market conditions in the medium and longer term.
  - f. Ways of Working Programme – Productivity and efficiency have been maintained in part by bringing forward the Ways of Working Programme. Through IT the Department has ensured that staff had access to the right technology to work effectively and that the infrastructure was optimised to support flexible service delivery. Property Services have optimised our office space including County Hall and support to staff through HR policies and a wellbeing support offer have been coordinated through the programme.

19. It should be noted that early supplier payments which were paid in some cases earlier than stated in contractual terms, to support businesses at the peak of the crisis, have had minimal financial consequences at this stage and Strategic Finance have started a phased return to normal payment terms.

**Background Papers**

None

**Circulation under the Local Issues Alert Procedure**

This report has been emailed to all members of the County Council.

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**List of Appendices**

None