

Minutes of a meeting of the Cabinet held at County Hall, Glenfield on Tuesday, 23 March 2021.

PRESENT

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

Mr. R. Blunt CC
Mr. L. Breckon JP CC
Mr. B. L. Pain CC
Mr. T. J. Pendleton CC

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

In attendance

Mr. O. O'Shea CC, Mrs B. Seaton CC, Mrs C. M. Radford CC, Dr. Terri Eynon CC

494. Mr. R. Blunt CC

The Chairman noted that it was the last Cabinet meeting before the local elections on 6 May and that Mr. Blunt was not standing for re-election. On behalf of the Cabinet he thanked Mr. Blunt for his work as a County Councillor and as the Cabinet Lead for adult social care.

Mr. Blunt thanked his Cabinet colleagues for their support and said it had been a pleasure to work with them.

495. Minutes of the previous meeting.

The minutes of the meeting held on 5 February 2021 were taken as read, confirmed and signed.

496. Urgent Items.

The Chairman advised that there was one urgent item for consideration, an oral report regarding the Council's membership of the Local Government Association (LGA).

The matter was urgent as it related to a decision which took effect from 1 April and the Cabinet was not due to meet again until 28 May.

With the agreement of the Cabinet the report was taken under agenda item 18 (minute 511 below refers).

497. Declarations of interest.

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

Mr. B. L. Pain CC declared a personal interest in agenda item 4 in relation to passenger transport as relatives owned a local taxi company.

Mrs. L. Richardson CC and Mr. L. Breckon JP CC each declared a personal interest in agenda item 13 regarding the Blaby District Council (Blaby DC) New Local Plan Options Consultation; Mrs Richardson as Chairman of the Planning Committee at Blaby DC and Mr. Breckon as a member of Blaby DC.

498. Environment and Transport 2021/22 Highways and Transportation Capital Programme and Works Programme.

The Cabinet considered a report of the Director of Environment and Transport regarding the Department's 2021/22 Highways and Transportation Capital Programme and Works Programme. A copy of the report, marked 'Agenda Item 4', is filed with these minutes.

Mr. Pendleton CC said that the Capital Programme was under considerable pressure and it was now proposed to re-examine some elements, hence the revised recommendation.

RESOLVED:

That the Environment and Transport 2021/22 Highways and Transportation Capital Programme and Works Programme as approved in the Medium Term Financial Strategy be noted at this stage since there is a need to review elements of the Capital Programme in order to take account of the consequences and affordability of the transport infrastructure requirements of housing and economic growth emerging from Local Plans.

(KEY DECISION)

REASONS FOR DECISION:

To note the Environment and Transport Department's Highways Capital Programme and Works Programme for the 2021/22 financial year.

499. A511 Growth Corridor Proposals - Bardon Link Road.

The Cabinet considered a report of the Director of Environment and Transport concerning the A511 Growth Corridor proposals and seeking permission to undertake consultation to support the future submission of a planning application for the extension of the Bardon Link Road element. A copy of the report, marked 'Agenda Item 5', is filed with these minutes.

Members noted comments from one of the local members, Dr. Terri Eynon CC, a copy of which is filed with these minutes.

Mr. Pendleton CC noted that the scheme was a good example of partnership working with the local planning authority, North West Leicestershire District Council, and would improve traffic flow and air quality in the area.

The Leader added his thanks to Andrew Bridgen MP for his support for the Council's funding bid to the Department for Transport (DfT).

RESOLVED:

- a) That the progress on the A511 Growth Corridor scheme be noted;
- b) That all necessary work continues to progress the A511 Growth Corridor scheme including submission of the Full Business Case to the DfT;
- c) That the Director of Environment and Transport be authorised:
 - i. following consultation with the Director of Corporate Resources and the Cabinet Lead Member for Highways and Transportation, to undertake a pre-submission consultation exercise to support the submission of a planning application in respect of the route of the extension of the Bardon Link Road aligned to the programme for scheme delivery as required by the DfT,
 - ii. to make minor amendments to the A511 Growth Corridor proposals as the Scheme develops.

(KEY DECISION)

REASONS FOR DECISION:

Following the Cabinet decision in November 2019 to support development of a package of measures which meet the criteria for Major Road Network (MRN) funding, ongoing work on the proposals for the A511 Growth Corridor and on the business case process continues to indicate that the scheme represents good value for money.

Undertaking a pre-submission consultation will support the Council in making a preferred route decision for the Bardon Link Road extension that will form the basis of the planning application.

Submission of a planning application is a critical part of the scheme programme that supports meeting timescales for the DfT funding. In order to complete the application process for DfT MRN funding it is necessary for the Council to prepare a business case.

500. Provision of Short Breaks and Supported Living Services.

The Cabinet considered a report of the Director of Adults and Communities regarding changes to the Council's short breaks and supported living services and seeking approval to consult with service users. A copy of the report, marked 'Agenda Item 6', is filed with these minutes.

The Director advised that the consultation proposal had changed slightly from that outlined in the report and would now involve initial engagement with the 17 service users who usually accessed the Smith Crescent Short Breaks Service (Cropston Drive, Coalville) followed by formal consultation in May.

Mr. Blunt CC commended the revised proposals for provision of short breaks and supported living but said it was recognised that it would mean some people having further to travel and the Council would be mindful of feedback from the consultation.

RESOLVED:

- a) That it be noted that the previous residents of The Trees in Hinckley have indicated that they wish to remain in their current accommodation and not return to The Trees;
- b) That the Director of Adults and Communities be authorised to commence a consultation exercise on the following proposals:
 - i. To close Smith Crescent as a place for the provision of short breaks and for short break provision to be provided at the following three locations - Hinckley, Melton, and Wigston;
 - ii. To expand the existing facilities at The Trees for the provision of short breaks taking the total number of beds at the site to 12;
 - iii. To withdraw the current proposals for the development of the Cropston Drive site in Coalville pending the outcome of consultation which would inform revised development proposals for the site.
- c) That a further report be submitted to the Cabinet in summer 2021 regarding the outcome of the consultation and the proposed way forward.

(KEY DECISION)

REASONS FOR DECISION:

The utilisation of the short breaks service at Smith Crescent had been in decline prior to the Covid-19 pandemic. The building has a number of accessibility challenges which cannot be addressed cost effectively and impacts opportunities to maximise occupancy. The consultation exercise will enable the Council to understand whether the needs of the current users of the Smith Crescent Short Breaks Service can be met elsewhere in the County.

Former residents of The Trees have taken the decision not to return to the newly refurbished facility and remain in their alternative setting. Using this accommodation for the provision of short breaks alongside the Council's other short breaks services in Melton and Wigston would provide the Council with sufficient capacity to meet the needs of those eligible to access these services.

The provision of long-stay services at The Trees is not in line with the strategic direction of accommodation based services for adults, where there is a targeted shift away from residential care to a broader range of personalised options such as supported living.

There has been a failure to achieve an economically viable bid to develop the previously agreed proposals for the Cropston Drive site. This along with completed refurbishment of The Trees and the opportunity to review its intended use forms the basis on which to review previously agreed decisions.

501. Recommissioning of Domestic and Sexual Violence and Abuse Services.

On behalf of the Cabinet the Chairman congratulated the Director of Public Health, Mike Sandys, on having been awarded an honorary doctorate by Loughborough University.

The Cabinet considered a report of the Director of Public Health regarding the proposed model for the procurement of domestic and sexual violence and abuse services. A copy of the report, marked 'Agenda Item 7', is filed with these minutes.

Comments of the Health Overview and Scrutiny Committee, which had considered the revised Strategy at its meeting on 18 March, were circulated separately and a copy is filed with these minutes.

Mr. Breckon CC said that the Scrutiny Committee was supportive of the new model in principle and noted that the commissioning partners also needed to agree the proposals.

RESOLVED:

- a) That the outcome of the consultation, including the views of the Health Overview and Scrutiny Committee, on the proposed model for Domestic and Sexual Violence and Abuse Services (DSVA) be noted;
- b) That the new model for the provision of DSVA as detailed in the report be approved, noting that the model will also require approval of the commissioning partners;
- c) That the Director of Public Health in consultation with the Director of Corporate Resources be authorised to award contracts for the elements of the DSVA model relating to the provision of domestic violence and abuse locality support service and domestic abuse accommodation-related support with effect from 1 April 2022;
- d) That it be noted that the commissioning and procurement of other elements of the new DSVA model will be carried out by Leicester City Council and the Police and Crime Commissioner as set out in the report.

REASONS FOR DECISION:

Following a review of the current service model, combined with a review of need across the sub-region, a revised delivery model is proposed across Leicestershire, Leicester and Rutland, with the aim of meeting future demand within available resources.

Delegation to the Director of Public Health will ensure that procurement is completed to timescale and contracts will be in place for 1 April 2022.

502. Healthy Weight Strategy for Leicestershire.

The Cabinet considered a report of the Director of Public Health regarding the outcome of consultation on the Healthy Weight Strategy for Leicestershire and seeking approval of the Strategy. A copy of the report, marked 'Agenda Item 8', is filed with these minutes.

RESOLVED:

- a) That the outcome of the consultation on the draft Healthy Weight Strategy for Leicestershire be noted;
- b) That the Healthy Weight Strategy for Leicestershire be approved.

REASONS FOR DECISION:

The Council has a statutory duty to take appropriate steps to improve the health of people living in Leicestershire. This includes creating the conditions necessary to support people to achieve a healthy weight.

The Leicestershire Joint Strategic Needs Assessment chapter on Obesity: Physical Activity, Healthy Weight and Nutrition was published by the County Council in September 2019. This recommended that a Strategy be developed for Leicestershire to tackle obesity and support people to maintain a healthy weight.

503. White Papers on Health and Social Care and Mental Health.

The Cabinet considered a report of the Director of Adults and Communities concerning the implications of the recent White Papers on Health and Social Care and Mental Health for the County Council. A copy of the report, marked 'Agenda Item 9', is filed with these minutes.

RESOLVED:

- a) That the implications of the recent White Papers on Health and Social Care and Mental Health for the County Council be noted;
- b) That a response be made to the consultations on the respective White Papers by the Director of Adults and Communities following consultation with the Cabinet Lead Members for Adult Social Care and Health and Wellbeing.

REASONS FOR DECISION:

The White Paper on Health and Social Care includes proposals for adult social care, public health and integrated working across the health and social care system. Some of the proposals will also affect the Health and Wellbeing Board and the Health Overview and Scrutiny Committee.

The White Paper on Reform of the Mental Health Act includes proposals for adult social care which may require changes to workforce requirements, the role of the Approved Mental Health Professional, the provision of community services and commissioning of independent sector services.

504. Airfield Business Park Development Proposal.

The Cabinet considered a report of the Director of Corporate Resources regarding the proposals for the development of the next phase of Airfield Business Park, Market Harborough and the allocation of resources to support the submission of a planning application for light industrial units. A copy of the report, marked 'Agenda Item 10', is filed with these minutes.

Comments of the Scrutiny Commission, which had considered the proposals at its meeting on 15 March, were circulated separately and a copy is filed with these minutes.

Mr. Rhodes CC commended the proposals, noting that that the first phase of the development had been very successful.

RESOLVED:

- a) That the proposals for the further development of 96,717 sq. ft of Airfield Business Park as detailed on the indicative Masterplan and the financial costs and returns estimates as set out in the report be noted;
- b) That it be noted that a planning application for the development would be submitted to the County Council as the planning authority in April 2021;
- c) That £9.5m be allocated for the development from the Corporate Asset Investment Fund subject to the satisfactory outcome of the tender exercise referred to in (d) below;
- d) That a tender exercise be undertaken for the construction of part of the development covering 81,376 sq. ft of the site (phase 3);
- e) That the Director of Corporate Resources be authorised to:
 - i. undertake all necessary preparatory work to enable the submission of a planning application for the proposed development;
 - ii. consider the outcome of the tender exercise in respect of phase 3 and, following consultation with the Cabinet Lead Member for Resources, determine whether to proceed with the development;
 - iii. subject to ii above, select a preferred contractor(s) and enter into such contracts and undertake such work as is necessary and appropriate to enable the development (both phase 3 and 4) to be delivered, including undertaking a further tender exercise in advance of proceeding with phase 4 of the scheme.

(KEY DECISION)

REASONS FOR DECISION:

The development of the Council-owned land will support the delivery of both new business accommodation and income generating assets.

Undertaking a formal tendering exercise will ensure that the Council secures the most competitive build cost price.

The delegation to the Director of Corporate Resources, following consultation with the Lead Member for Resources, will enable the development to proceed immediately subject to a satisfactory outcome to the tender exercise.

505. Strategic Energy Property Strategy.

The Cabinet considered a report of the Director of Corporate Resources regarding the revised Strategic Property Energy Strategy for 2020 to 2030. A copy of the report, marked 'Agenda Item 11', is filed with these minutes.

Comments of the Scrutiny Commission, which had considered the revised Strategy at its meeting on 15 March, were circulated separately and a copy is filed with these minutes.

Members noted that the Council was on target to reach Net Zero Carbon in its own operations by 2030 and Mr. Pain CC thanked the Property Team for its work.

RESOLVED:

- a) That the comments of the Environment and Transport Overview and Scrutiny Committee and the Scrutiny Commission be noted;
- b) That the Strategic Property Energy Strategy and accompanying action plan be approved.

REASONS FOR DECISION:

The County Council's Medium-Term Financial Strategy (2021/22-2024/25) approved by the Council on 17 February 2021, identifies savings requirements relating to improvements in the energy and water performance of the Council's property estate of £350,000 by 2024/25. The Strategic Property Energy Strategy will help deliver those savings and work towards the Council's 2030 Net Zero Carbon target.

506. Local Government and Social Care Ombudsman Report Regarding Provision of Suitable Full Time Education.

The Cabinet considered a report of the Director of Law and Governance and Director of Children and Family Services concerning the Local Government and Social Care Ombudsman's findings in relation to the investigation of a complaint against the Council relating to its duties to ensure children have access to suitable full-time education provision. A copy of the report, marked 'Agenda Item 12', is filed with these minutes.

Mrs Taylor CC said that the Ombudsman was satisfied that the fault was an isolated case and the Council had made every effort to ensure it would not happen again.

RESOLVED:

- a) That the public report of the Local Government and Social Care Ombudsman (LGO) be noted;
- b) That the Director of Children and Family Services be required to implement the recommendations of the LGO as set out in paragraph 20 (a)-(e) of the Report.

REASONS FOR DECISION:

To bring to the attention of members of the Cabinet the facts of the case and to explain the various actions which the Council is taking in light of the Ombudsman's findings.

When a public report is issued by the LGO there is a statutory requirement that it is 'laid before the authority concerned' and there is an obligation for the Council to report back to the LGO to confirm this action has been taken.

507. Response to the Blaby District Council New Local Plan Options Consultation.

The Cabinet considered a report of the Chief Executive regarding Blaby District Council's 'New Local Plan Options' document and the County Council's proposed response to Blaby District Council (Blaby DC). A copy of the report, marked 'Agenda Item 13', is filed with these minutes.

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

Mr. Pendleton CC said that the Council would be looking to work closely with Blaby DC to help provide the necessary infrastructure to support the area's development. The Chairman agreed, noting Blaby DC was working hard on its Local Plan.

Mr. Pain CC said that there was concern among local residents regarding some proposals for the area close to his electoral division.

In response to a separate point made by Mr. Pain, the Chief Executive said that any comments on potential implications of the East Midlands Freeport (recently announced by the Government) would be best made at the next stage of Blaby DC's Local Plan process when more work, including on housing distribution across the County, would have been done.

RESOLVED:

- a) That the County Council's response to the Blaby DC New Local Plan Options document, set out in paragraphs 56 to 73 inclusive and the appendices to the report be approved;
- b) That the County Council seeks to formalise partnership working arrangements with Blaby DC and other partners, including Highways England (in line with the County Council's emerging Infrastructure Policy);
- c) That it be noted that the County Council will need to secure funds with Blaby DC (and other partners) to meet the cost of the work required to identify the infrastructure which will be needed to enable the Blaby District Local Plan to proceed to the Preferred Option stage.

REASONS FOR DECISION:

The emerging locational strategy for the district of Blaby will inform the next stage of local plan making in the district up to 2038 beyond the adopted Local Plan which extends to 2029. Given the location of the district of Blaby close to the City of Leicester and close functional connectivity to communities living and working in Hinckley and Bosworth Borough, Harborough District and Oadby and Wigston Borough, the content of the emerging Local Plan is particularly important to this area and the wider Leicester and Leicestershire Housing Market Area (L&L HMA).

The proposed response sets out key comments for consideration by Blaby DC in preparing its new Local Plan and seeks to ensure alignment with the strategic outcomes of the County Council's Strategic Plan, the Leicester and Leicestershire Strategic Growth Plan (SGP), and to influence the content of the Local Plan in the interests of local communities.

The Council wishes to formalise partnership working arrangements with Blaby DC in recognition of the significant, complex nature of the preparatory work which needs to be undertaken to support the identification and delivery of the emerging new Local Plan and the commitment required by all key partners.

For the County Council to prioritise undertaking significant and complex preparatory work in the current financial climate the financial risk to the County Council needs to be minimised. Therefore, a commitment to joint funding with Blaby DC (and other partners) will be sought, in line with the County Council's emerging Infrastructure Policy.

508. Exception to Contract Procedure Rules - Urgent Action Taken by the Chief Executive in Relation to the Green Homes Grant Local Authority Delivery Scheme.

The Cabinet considered a report of the Director of Public Health regarding urgent action taken by the Chief Executive to agree an exception to the Council's Contract Procedure Rules to enable the direct appointment of E.ON as the Council's partner in the delivery of Phase 1B Green Homes Grant Local Authority Delivery Scheme. A copy of the report, marked 'Agenda Item 14', is filed with these minutes.

RESOLVED:

That the urgent action taken by the Chief Executive to agree an exception to the Contract Procedure Rules to enable the appointment of E.ON to deliver the Phase 1B Green Homes Grant Local Authority Delivery Scheme be noted.

REASONS FOR DECISION:

The Council's Constitution (Contract Procedure Rule 6 (b)) provides that exceptions to the Contract Procedure Rules may be made by the Cabinet where it is satisfied that an exception is justified on its merits and that in urgent cases the Chief Executive (after consultation with the Leader or Deputy Leader save where this is not practicable) may direct that an exception be made subject to this being reported to the next meeting of the Cabinet.

The direct award of a contract to E.ON was required to enable the project to progress and for Leicestershire to benefit from the £2.9m funding.

509. Annual Review of Regulation of Investigatory Powers Act Policy Statement.

The Cabinet considered a report of the Chief Executive regarding the Council's use of the Regulation of Investigatory Powers Act 2000 and the Investigatory Powers Act 2016 for the period from 1 October 2019 to 31 December 2020 and seeking agreement for endorsement of the existing Policy Statement. A copy of the report, marked 'Agenda Item 15', is filed with these minutes.

RESOLVED:

- a) That the Council's use of the Regulation of Investigatory Powers Act 2000 (RIPA) for the period 1 October 2019 to 31 December 2020 be noted;
- b) That the Council's existing Covert Surveillance and the Acquisition of Communications Data Policy Statement on the use of RIPA powers appended to the report) be agreed as fit for purpose.

REASONS FOR DECISION:

The Codes of Practice made under RIPA require elected members of a local authority to review the use of RIPA and to set the Policy at least once a year. They should also consider internal reports on the use of surveillance to ensure that it is being applied consistently with the local authority's Policy and that the Policy remains fit for purpose. (Elected members should not, however, be involved in making decisions on specific authorisations.)

The Council's current Policy Statement was approved by the Cabinet on 24 May 2019. There have been no legislative changes since that date, therefore the Policy Statement remains fit for purpose.

510. Dates of Council Meetings 2021-22 and 2022-23.

The Cabinet considered a report of the Chief Executive regarding the proposed dates for meetings of the County Council. A copy of the report, marked 'Agenda Item 16', is filed with these minutes.

RESOLVED:

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

Wednesday 7 July 2021

Wednesday 29 September 2021

Wednesday 1 December 2021

Wednesday 23 February 2022 (to consider the budget)

Wednesday 18 May 2022 (Annual meeting)

Wednesday 6 July 2022

Wednesday 28 September 2022

Wednesday 7 December 2022

Wednesday 22 February 2023 (to consider the budget)

Wednesday 17 May 2023 (Annual Meeting).

REASONS FOR DECISION:

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

511. Items referred from Overview and Scrutiny.

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

512. Urgent item - Membership of the Local Government Association.

The Chairman reminded members that the County Council had previously given notice to the Local Government Association (LGA) of its intention to leave and had since been on 'rolling notice' for a few years. It was considered that the cost of membership could be better used for other matters. Mr. Rushton added that the Council intended to remain a member of the County Councils Network (CCN) which it considered better represented the interests of Leicestershire.

RESOLVED:

- a) That it be noted that the County Council would be resigning from membership of the LGA with effect from 31 March 2021;
- b) That it be noted that the Council would inform the LGA in accordance with its existing rolling notice to leave.

REASONS FOR DECISION:

Membership of the LGA no longer represents good value for money for the Council.

2.00 - 3.22 pm
23 March 2021

CHAIRMAN