

Minutes of a meeting of the Cabinet held at County Hall, Glenfield on Tuesday, 26 October 2021.

PRESENT

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

Mr. B. L. Pain CC
Mrs D. Taylor CC
Mr. O. O'Shea JP CC
Mr. L. Breckon JP CC

Mrs H. L. Richardson CC
Mrs. P. Posnett MBE CC
Mr. P. Bedford CC

In attendance

Mrs. C. Radford CC, Mr. R Shepherd CC, Mrs. M. A. Wright CC, Mr. T. Parton CC, Mrs. B. Seaton CC, Mr. M. T. Mullaney CC, Mrs. R. Page CC and Mr. J. Poland CC (all via Microsoft Teams). Mr. R. Ashman CC.

58. Minutes of the previous meeting.

The minutes of the meeting held on 17 September 2021 were taken as read, confirmed and signed.

59. Urgent items.

The Chairman advised that there was one urgent item for consideration, a report of the Chief Executive titled "Development of Hinckley and Bosworth Borough Council's New Local Plan – Latest Position". The report was urgent because the issue had arisen after the agenda for the meeting had been circulated and it was the intention of Hinckley and Bosworth Borough Council to publish a Regulation 19 Local Plan in November for consultation.

60. 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. O. O'Shea CC declared a personal interest in agenda item 12 (Development of Hinckley and Bosworth Borough Council's New Local Plan – Latest Position) as a member of Hinckley and Bosworth Borough Council (minute 69 below refers).

61. Strategic Plan 2022-26.

The Cabinet considered a report of the Chief Executive seeking approval to commence consultation on the draft Strategic Plan 2022-26. A copy of the report, marked 'Agenda item 4', is filed with these minutes.

Mrs. Posnett CC said that the draft Strategy presented the Council's long-term vision and aspirations for the next four years. She encouraged people to participate in the consultation to support the Council in improving the lives of local people.

RESOLVED:

- (a) That the draft Strategic Plan be approved for consultation;
- (b) That a further report be presented to the Cabinet in March 2022 regarding the outcome of the consultation and seeking agreement for the revised draft Strategic Plan to be submitted to the County Council for approval.

(KEY DECISION)

REASONS FOR DECISION:

The current Strategic Plan is due to expire in 2022 and therefore a revised draft Plan, covering 2022-26, has been developed.

It is intended that a 12-week consultation exercise on the Plan be undertaken between 1 November 2021 and 21 January 2022. This will include consideration by all of the Council's Overview and Scrutiny Committees and the Scrutiny Commission, in addition to residents, community groups and partners. Following the consultation, it is intended that a final version of the Plan would be presented to the Cabinet in March 2022, followed by the County Council in May.

62. Draft Communities Strategy: Leicestershire County Council Collaborating with our Communities - Our Communities Approach 2022-26

The Cabinet considered a report of the Chief Executive seeking approval to commence engagement on the draft Communities Strategy 2022-26. A copy of the report, marked 'Agenda item 5', is filed with these minutes.

Members noted that the consultation would run in parallel with that for the Strategic Plan.

Mrs. Posnett CC commended the draft Strategy and said that communities had shown how well they worked together during the pandemic. She added that the Council wanted to support and assist people to continue doing this and in achieving the aims for their local communities.

RESOLVED:

- (a) That the draft Communities Strategy "Leicestershire County Council collaborating with our Communities - Our Communities Approach 2022-26" be approved for engagement;
- (b) That a further report be presented to the Cabinet in March 2022 regarding the outcome of the engagement and seeking agreement for the revised Communities Strategy 2022-26 to be submitted to the County Council for approval.

(KEY DECISION)

REASONS FOR DECISION:

The current Communities Strategy is due to expire in 2021 and therefore a revised Communities Strategy covering 2022-26, has been developed.

It is intended that a 12-week engagement exercise will be undertaken between 1 November 2021 and 21 January 2022. This will include consideration by the Council's Scrutiny Commission, in addition to stakeholders and communities including council departments and staff groups, voluntary sector groups, faith groups, parish and town councils and the general public, to enable them to contribute to the further development of the draft Approach. Following on from the engagement exercise it is intended that a final version of the Strategy will be presented to the Cabinet in March 2022 followed by the County Council in May.

63. National Bus Strategy.

The Cabinet considered a report of the Director of Environment and Transport concerning the implementation of 'Bus Back Better' the National Bus Strategy (NBS), setting out the financial implications and seeking approval for the Leicestershire Bus Service Improvement Plan (BSIP) which would inform the proposals for an associated Enhanced Partnership plan and scheme. A copy of the report, marked 'Agenda item 6', is filed with these minutes.

Members noted that the costings accompanying the BSIP were still 'indicative' as very little time had been available to develop detailed figures. The Director emphasised that the extent of delivery of the ambitious plans would be dependent on the level of Government funding available and added that, in the short-term, the existing Passenger Transport Policy and Strategy would be used to assess the need for support where bus services were no longer commercially viable.

Mr. O'Shea CC added that the publication of the NBS was a radical change in Government transport policy. He welcomed the Leicestershire BSIP and commended officers for the work undertaken in such a short timeframe.

RESOLVED:

- (a) That the initial financial implications and ongoing funding requirements arising from implementing the NBS and associated Leicestershire BSIP, including the appointment of an Enhanced Partnership Scheme Manager and support team, as set out in paragraph 14 of the report, be noted;
- (b) That the outcomes of the public engagement survey undertaken by the Authority in respect of the NBS, as attached at Appendix A and summarised in paragraphs 36 to 47 of the report, be noted;
- (c) That the Leicestershire BSIP, as attached at Appendix B and summarised in paragraphs 53 to 59 of the report, be approved;
- (d) That the Director of Environment and Transport be authorised to submit the Council's longer-term BSIP funding requirement (as set out in Appendix C and summarised in paragraphs 60 to 65 of the report) to the Department for Transport by 31 October 2021;

- (e) That with regard to the Enhanced Partnership Plan and Scheme (EPS) for Leicestershire (set out in paragraphs 48 to 52 of the report) -
 - i. The requirement to issue a statutory notice of the EPS to Bus Operators in November, providing them with a 28-day period for objection, be noted;
 - ii. That subject to no objections being received during this period, the undertaking of a public consultation on the EPS be approved;
- (f) That the Council's Passenger Transport Policy and Strategy be amended to take account of the formal establishment of the EPS and the delivery of the BSIP;
- (g) That a further report be submitted to the Cabinet in March 2022 presenting the outcomes of the consultation, progress with implementation of the NBS and the associated formalisation of an Enhanced Partnership.

(KEY DECISION)

REASONS FOR DECISION:

To comply with the requirements of the NBS and the guidance, which requires the County Council to publish its BSIP by the end of October 2021. Compliance with the NBS and the guidance will ensure the Authority is still able to access DfT bus recovery funding, be eligible for the NBS implementation support funding and also be eligible to access a further share of the £3bn funding that the Government is making available to fund delivery of the NBS.

Engagement with stakeholders is an important part of the process for developing an approach to the delivery of bus services. It helps to ensure that the Authority takes account of customer and user expectations and delivers the most appropriate service levels, consistent with the budget available.

As a new approach for the delivery of improvements to bus services, flexibility is required to enable the Authority to be 'fleet of foot' in evolving the BSIP in light of experience with its implementation, whilst still ensuring appropriate levels of oversight and governance are in place. The delegations in place to the Director regarding the future review and update of the BSIP will achieve this.

64. Leicestershire Domestic Abuse Reduction Strategy 2022-24.

The Cabinet considered a report of Director of Children and Family Services seeking approval for the approach being taken to discharging the duties placed on the Council under the Domestic Abuse Act 2021, including the development of the draft Leicestershire Domestic Abuse Reduction Strategy 2021-24. A copy of the report, marked 'Agenda item 7', is filed with these minutes.

Mrs. Taylor CC recognised the increase in domestic abuse during the pandemic and the impact on families, particularly children. She added that the Government funding received would be used to provide therapeutic support and safe accommodation and encouraged people to participate in the consultation to help identify what further support was needed for people in Leicestershire. She recognised that it could be traumatic for people to be involved and reassured them that if they did, services would be in place to support them.

RESOLVED:

- (a) That the approach to developing the Leicestershire Domestic Abuse Reduction Strategy 2021-24 including formal consultation be approved;
- (b) That it be noted that the Department of Levelling Up Housing and Communities has stipulated that where authorities are aware of gaps in service provision, commissioning can begin and direct awards made before the Strategic Needs Assessment is published and that, accordingly, commissioning to address these gaps has commenced before the Strategic Needs Assessment is published and the Final Strategy approved;
- (c) That a further report be submitted to the Cabinet in December 2021 regarding the outcome of the consultation.

REASONS FOR DECISION:

The Domestic Abuse Act 2021 places a number of statutory duties on the County Council and the report is the Council's response to discharging those duties.

65. 0-19 Healthy Child Programme - Procurement of New Service Model.

The Cabinet considered a report of the Director of Public Health regarding the outcome of the consultation on the proposed new service model and seeking approval of the final service model so that procurement could commence. A copy of the report, marked 'Agenda item 8', is filed with these minutes.

Mrs. Richardson CC welcomed the better integration between the Council and providers. She added that she was pleased that the proposed service model would provide additional checks in the 0-11 service which provided opportunity to pick up children's developmental needs, particularly in the transition between primary to secondary education, and that the 11-19 service would aim to address mental health and emotional wellbeing as well as substance misuse.

Mrs. Taylor CC said that she was pleased to see that the feedback from the consultation had informed the new service model and that the Children and Family Services and Public Health Departments were working closely together on this agenda.

RESOLVED:

- (a) That the comments of the Health Overview and Scrutiny Committee, detailed in paragraphs 42 to 43 of the report, be noted;
- (b) That the outcome of the consultation on the proposed model for the 0-19 Healthy Child Programme be noted;
- (c) That the Healthy Child Programme Service model as detailed in paragraphs 44 to 50 of the report, and attached at Appendix A, be approved;
- (d) The Director of Public Health, in consultation with the Director of Corporate Resources, be authorised to commence the procurement process and, following consultation with the Director of Law and Governance, to enter into any contractual

arrangements necessary to bring into effect the provision of the new Healthy Child Programme Service model with effect from 1 September 2022.

(KEY DECISION)

REASONS FOR DECISION:

The Healthy Child Programme (HCP) contains statutory functions that the Director of Public Health via the grant must commission or provide. This includes five universal health visiting checks for families and delivery of the National Child Measurement Programme in schools.

The Government's review - 1001 Critical Days – conducted in March 2021 recommended best practice across the health system to ensure babies, children and their parents get the best possible start in life by adding two additional touch points (3-4 months contact and 3-3 ½ years review) for Health Visiting.

The current contract is due to expire on 31 August 2022 and cannot be extended.

The service model will enable improvements to integrate universal health services with early years and other education and social care services to improve the health and wellbeing of children and young people through health and development reviews, health improvement and parenting support.

Covid-19 has exacerbated some of the issues with the current service offer and there is a need to review and improve the HCP preventative offer to address the increases in demand and ensure interventions are in place to ease demand on other services such as Emergency Departments and children's mental health services.

66. Exception to Contract Procedure Rules - Urgent Action Taken by the Chief Executive in Relation to the Appointment of a Supplier to Provide Enhanced Substance Misuse Services in line with the Public Health England Universal and Inpatient Detoxification Grants.

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 Turning Point Ltd and Framework Housing (Edwin House) to provide services in connection with substance misuse. A copy of the report, marked 'Agenda item 9', 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 Turning Point Ltd and Framework Housing (Edwin House), to provide services under the Public Health England Universal and Inpatient Detoxification Grants for up to 15 months, be noted.

REASONS FOR DECISION:

The Council's Constitution (Contract Procedure Rule 6 (b)(ii)) 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 it being reported to the Cabinet.

The direct award of contracts to Turning Point Ltd and Framework Housing (Edwin House) were required to enable the projects to progress in line with the grant conditions and for Leicestershire to benefit from the additional funding.

67. Response to the Oadby and Wigston Borough Council New Local Plan Issues and Options Consultation.

The Cabinet considered a report of the Chief Executive regarding the content of Oadby and Wigston Borough Council's New Local Plan Issues and Options Document and seeking approval for comments to be submitted to the Borough Council as the views of the County Council. A copy of the report, marked 'Agenda item 10, is filed with these minutes.

RESOLVED:

- (a) That the comments set out in the Appendix to the report be forwarded to Oadby and Wigston Borough Council as the views of the County Council on the New Local Plan Issues and Options document;
- (b) That Oadby and Wigston Borough Council be advised that the County Council considers that partnership working arrangements between the Borough Council, the County Council and other partners, need to be formalised early in the preparation of its new Local Plan.

REASONS FOR DECISION:

The response sets out key comments for consideration by Oadby and Wigston Borough Council in preparing its new Local Plan. It seeks to ensure alignment with the strategic outcomes of the County Council's Strategic Plan, the Leicester and Leicestershire Strategic Growth Plan, and to influence the content of the Local Plan in the interests of local communities, including to ensure that the Local Plan provides a policy framework that is as robust as possible for securing the provision of the infrastructure and services required to support its successful delivery.

The County Council wishes to formalise partnership working arrangements with Oadby and Wigston Borough Council and other partners in recognition of the preparatory work required to be undertaken with other districts in the south of the County and with Leicester City Council.

68. Items referred from Overview and Scrutiny.

There were no items referred from Overview and Scrutiny.

69. Urgent item - Development of Hinckley and Bosworth Borough Council's New Local Plan - Latest Position.

The Cabinet considered a report of Chief Executive concerning the development of Hinckley and Bosworth Borough Council's New Local Plan. The matter was urgent as the issue had arisen after the agenda for the meeting had been circulated and Hinckley and Bosworth Borough Council (HBBC) intended to publish for consultation a Regulation 19

Local Plan in November. A copy of the report, marked 'Agenda item 12', is filed with these minutes.

The Leader said that the Council wished to continue to work collaboratively with HBBC to develop a sound Local Plan with the appropriate infrastructure in place to support growth, thereby protecting residents from the effects of speculative development.

Members supported the comments and hoped that HBBC would delay its planned Regulation 19 consultation until the necessary evidence work had been undertaken.

RESOLVED:

- (a) That the County Council continues to work with HBBC to develop a Local Plan that is sound (in planning terms) and deliverable; but
- (b) That HBBC be advised that if it decides to publish a Regulation 19 Local Plan that does not satisfactorily address the County Council's concerns, the County Council will raise a formal objection as part of the statutory Regulation 19 consultation process, and at Examination in Public.

REASONS FOR DECISION:

HBBC's new Local Plan will set out the Borough Council's development strategy to 2039. Given its location close to Leicester and close functional connectivity to communities living and working in Blaby, Charnwood, and North West Leicestershire, 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).

HBBC has advised that it intends to submit its Regulation 19 Local Plan to its full Council meeting in November 2021 for approval to consult. As set out in Part B of the report, there are significant concerns and reasons why this would be premature. In the event that HBBC proceeds on that basis, there are concerns that a Planning Inspector is likely to find the Plan unsound at Examination in Public.

It is not in the best interests of the County Council (nor indeed of the L&L HMA more widely) for the HBBC's Local Plan to be found unsound. This could lead to greater levels of 'unplanned' speculative development, the impacts of which are far more challenging to address, particularly cumulatively (for example, in respect of cumulative impacts on the transport system and on education provision). Thus, it is important that the County Council supports the development plan process. A plan-led approach offers the greatest opportunities to address the challenges of growth delivery as compared to seeking to deal with the impacts of ad-hoc, 'unplanned' growth.

Notwithstanding the County Council's normal, supportive approach to plan making, in the current circumstances it is important to ensure that HBBC is clear on the potential consequences should it proceed to publish a Regulation 19 Plan without addressing the County Council's concerns set out in the report.

70. Exclusion of the Press and Public.

RESOLVED:

That under Section 100A of the Local Government Act 1972, the public be excluded for the remaining item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 3 and 5 of Part 1 of Schedule 12A of the Act and that, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

71. Commissioning and Procurement of Home Care Service Post-November 2021 - Proposed Interim Arrangements.

The Cabinet considered an exempt report of the Director of Adults and Communities concerning proposed interim arrangements for extending the commissioning and procurement of the Home Care Service for Leicestershire (HCfL). A copy of the report, marked 'Agenda item 14', is filed with these minutes. The report was not for publication by virtue of paragraphs 3, 5 and 10 of Schedule 12A of the Local Government Act 1972.

RESOLVED:

- (a) That the comments of the Adults and Communities Overview and Scrutiny Committee, detailed in paragraphs 48 to 52 of the report, be noted;
- (b) That the Director of Adults and Communities be authorised to make direct awards to current home care providers, who were unsuccessful or who chose not to bid under the HCfL framework, for existing packages of care in order to provide service continuity beyond 1 November 2021;
- (c) That pending re-opening of the HCfL framework the Director of Adults and Communities be authorised to agree direct awards to current home care providers, who were unsuccessful or who chose not to bid under the HCfL framework, in relation to new work as required on a temporary interim basis after 1 November 2021 where framework providers have been first offered but not accepted the work;
- (d) That the intention to re-open the HCfL framework at the earliest practicable opportunity from November 2021 to ensure sufficient supply of home care across all parts of Leicestershire over the lifetime of the framework be noted.

REASONS FOR DECISION:

There are 34 current providers who will not transition to the new framework and currently support 595 people in receipt of home care. A direct award is required to enable these providers to continue provision after existing contracts end on 31 October 2021, where they agree to do so. This will provide continuity of care.

Due to the decision to delay home care procurement for 12 months (for reasons related to the Covid-19 pandemic), the time available for implementation and mobilisation of the new HCfL framework has been limited to nine weeks. This means that new providers on the framework are likely to need time to build capacity for taking on new work. This is particularly pertinent to demand relating to 2021/22 winter pressures. The ability to place

new packages of care with current providers who are not on the new framework post-1 November 2021 will minimise the risk of unmet needs across the County.

Authorising the Director to agree direct awards avoids the need to return to the Cabinet for approval on each occasion as would currently be required under the Council's Contract Procedure Rules (6(b)(ii)).

Re-opening the HCfL framework at the earliest opportunity from November 2021 will aim to ensure that there is sufficient supply across the whole County over the lifetime of the contract and that the interim arrangements described above remain strictly time limited.

2.00 - 2.46 pm
26 October 2021

CHAIRMAN