

Minutes of a meeting of the Cabinet held at County Hall, Glenfield on Tuesday, 26 April 2022.

PRESENT

Mrs D. Taylor CC (in the Chair)

Mr. B. L. Pain CC	Mrs. P. Posnett MBE CC
Mrs. C. M. Radford CC	Mr. R. J. Shepherd CC
Mr. L. Breckon JP CC	Mr. P. Bedford CC
Mrs H. L. Richardson CC	

Apologies

Apologies for absence were reported on behalf of Mr. O. O'Shea CC. It was noted that Mr. N. J. Rushton CC was attending the meeting via MS Teams and would not therefore be able to vote on any items.

In attendance.

Mr. N. J. Rushton CC, Mr. R. Ashman CC, Mr. T. Parton CC, Mrs B. Seaton CC, Mrs M. Wright CC, Mr. M. Hunt CC, Mrs A. J. Hack CC, Mr. M. Mullaney CC, Mr. J. Poland CC.

121. Minutes of the previous meeting.

The minutes of the meeting held on 29 March 2022 were taken as read, confirmed and signed.

122. Urgent items.

There were no urgent items for consideration.

123. 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.

Mrs P. Posnett MBE, CC declared an Other Registerable Interest in agenda item 5 "North and East Melton Mowbray Distributor Road - Land Assembly" as a member of Melton Borough Council.

124. Major Road Network - Identification of the Next Priority Corridor.

The Cabinet considered a report of the Director of Environment and Transport regarding study work which had been carried out to identify the Council's next priority Major Road Network (MRN) corridor and recommending the A6 North (N) corridor between the Leicester boundary and Kegworth (including the A6004/ Epinal Way in Loughborough) as the next priority MRN corridor. A copy of the report, marked 'Agenda Item 4', is filed with these minutes.

Members noted representations which had been received on the matter, from: Hathern Parish Council, Mr. Max Hunt CC as Labour Group Transport Spokesperson, Mr. Max Hunt CC and Mrs Betty Newton CC as local members, and Mr. John Marriott, a local resident. Copies of the representations are filed with these minutes.

With the agreement of the Chairman, Mr. Hunt CC spoke on the report as a local member. Mr. Hunt expressed concern about the implications of identifying the A6 (N) as the priority MRN corridor.

The Director, in presenting the report, explained that the objective was to seek funding to improve the route, different parts of which would likely benefit from different approaches. Consultation would take place if funding was obtained and detailed proposals developed.

RESOLVED:

- (a) That the MRN evidence and corridor identification report, Appendix A, which sets out an evidence base to help inform the County Council's next priority MRN corridor, be noted;
- (b) That the A6 North corridor between the Leicester boundary and Kegworth (including the A6004/Epinal Way in Loughborough) be approved as the County Council's next priority MRN corridor for potential investment;
- (c) That the Director of Environment and Transport, following consultation with the Cabinet Lead Member for Environment and Transport, be authorised to carry out further investigation work to enhance the A6 (N) corridor evidence base and to use it to identify potential transport interventions and as a strategic narrative for future investment.

REASONS FOR DECISION:

The decision will enable the Authority to begin to identify the necessary transport infrastructure required on Leicestershire's busiest and 17 most economically important 'A' roads to support long-term growth requirements set out in the Leicester and Leicestershire Strategic Growth Plan. Subject to funding, this will also allow the Authority to proceed with scheme identification and development in accordance with Midlands Connect (MC) and Department of Transport timeframes for business case development.

Due to the costs of the Covid-19 pandemic as well as current market pressures, the funding position nationally for major transport schemes is likely to remain uncertain. The decision will allow the Council to focus its limited resources into one priority corridor, and plan for and maximise the ability to seek investment from a range of sources, including the Government, MC, and private sector funds.

125. North and East Melton Mowbray Distributor Road - Land Assembly.

The Cabinet considered a report of the Director of Environment and Transport regarding the approach to land assembly required to support the delivery of the North and East Melton Mowbray Distributor Road (NEMMDR) scheme, including the implementation of the Compulsory Purchase Order (CPO), and giving the latest position regarding the costs and delivery timescales for the scheme. A copy of the report, marked 'Agenda Item 5', is filed with these minutes.

RESOLVED:

- (a) That the Director of Environment and Transport and Director of Corporate Resources be authorised, in consultation with the Director of Law and Governance and following consultation with the relevant Cabinet Lead Members, to:-
- (i) Agree minor alterations to the scheme that may arise as a consequence of detailed design work,
 - (ii) Continue discussions with landowners and other stakeholders, with a view to reaching voluntary agreement over the purchase and/or reservation of rights over land for the northern and eastern sections of the MMDR where possible,
 - (iii) Take all necessary steps to confirm and implement the CPO and Side Roads Order associated with the scheme pursuant to the Highways Act 1980 and the Acquisition of Land Act 1981;
- (b) That the latest position with regard to costs and timescales for the implementation of the CPO and the scheme be noted.

(KEY DECISION)

REASONS FOR DECISION:

The approach to land assembly, by CPO, carries some financial risk to the County Council. However, to delay land assembly would:

- (a) delay commencement of the project by circa six months;
- (b) extend the construction duration; and
- (c) affect the ecological mitigation programme.

An initial assessment suggests resulting total delays to road opening of circa nine months and an increased cost of approximately £1m, which could be further increased by inflation. The delay may also adversely affect the availability of funding.

The previous Cabinet approvals to implement the CPO were made on the basis that the NEMMDR scheme was fully funded. Implementing the CPO in June 2022 (or otherwise as soon as possible) would be before the approval of the Full Business Case and so would be prior to having a fully funded scheme. It was considered therefore that the approach required the Cabinet's approval.

126. East Midlands Freeport - County Council Membership.

The Cabinet considered a report of the Chief Executive regarding progress towards the incorporation of the East Midlands Freeport covering sites in Leicestershire, Nottinghamshire and Derbyshire and setting out the next steps in that process which included the Council formally joining as a member of the Freeport Company and appointing a member to serve on the Board, conferring authority to incorporate the company, and the Council becoming the Lead Authority and Accountable Body for the Freeport Company. A copy of the report, marked 'Agenda Item 6', is filed with these minutes.

Mr. Bedford CC said that the Freeport would bring growth to the region, support the "levelling up" agenda and create new jobs.

RESOLVED:

- (a) That the latest position and next steps in the incorporation of the East Midlands Freeport company be noted;
- (b) That the Council becomes a member of the Freeport Company with the Leader of the Council as the nominated member to serve on the East Midlands Freeport Board;
- (c) That the Chief Executive and Director of Corporate Resources be authorised to take such actions as are necessary for the Council to implement the above decisions including to incorporate the Freeport Company as initial subscriber;
- (d) That the Council assumes the role of Lead Authority and Accountable Body for the newly incorporated Freeport Company and the Chief Executive, following consultation with the Director of Corporate Resources and Director of Law and Governance, be authorised to make decisions as required i) as Council in the event of conflict of interest arising or as required by the Freeport Company governance arrangements and ii) on behalf of the Lead Authority and Accountable Body.

REASONS FOR DECISION:

To ensure that the Cabinet is aware of the latest position and agree the next steps in establishing the Freeport and for the Council to become a member of and incorporate the Freeport Company.

Government guidance, published on 1st April 2021, on Freeports Governance requires each freeport to have a nominated local authority as its Lead Authority and Accountable Body. The Cabinet previously agreed that the County Council should assume this role for the Interim Board and the proposal is that this should continue to be the case once the Freeport is formally established and incorporated.

Given the likely pace of decisions required to complete the formal incorporation of the Freeport it is practical for the Chief Executive and Director of Corporate Resources to take such decisions as may be required to give effect to the incorporation.

127. Revised Minerals and Waste Development Scheme for Leicestershire.

The Cabinet considered a report of the Chief Executive concerning the Council's revised Minerals and Waste Development Scheme (MWDS). A copy of the report, marked 'Agenda Item 7', is filed with these minutes.

Mr. Pain CC noted the importance of the Scheme in supporting the right infrastructure for sustainable growth and protecting the environment.

RESOLVED:

That the Minerals and Waste Development Scheme be adopted as the new timetable for work on the Review of the Leicestershire Minerals and Waste Local Plan.

REASONS FOR DECISION:

County Councils are required to prepare, maintain and publish a MWDS (often referred to as a Local Development Scheme). The current MWDS, referred to as a Local Development Scheme, dates from 2017 and since its publication the Leicestershire Minerals and Waste Local Plan has been adopted (September 2019). A new MWDS is now needed to set out work on ensuring that the Plan remains up to date.

128. Leicestershire County Council's Statement of Community Involvement.

The Cabinet considered a report of the Chief Executive regarding the outcome of consultation on the draft Statement of Community Involvement (SCI) seeking approval for the adoption of the revised SCI. A copy of the report, marked 'Agenda Item 8', is filed with these minutes.

Mrs Posnett CC commented on the importance of involving local residents in planning matters.

RESOLVED:

That the revised Statement of Community Involvement be adopted.

REASONS FOR DECISION:

It is a legal requirement for planning authorities to prepare an SCI which sets out their policies on involving the community in parts of the statutory planning function, and to review their SCI every five years.

129. Leicestershire Net Zero Carbon 2045 Strategy and Action Plan.

The Cabinet considered a report of the Director of Environment and Transport regarding the key findings from the Net Zero Carbon 2045 Roadmap for Leicestershire research and the content of and proposed consultation on the Leicestershire Net Zero Strategy and Action Plan. A copy of the report, marked 'Agenda Item 9', is filed with these minutes.

Mr. Pain CC spoke of the Council's responsibility to lead in creating a greener Leicestershire. Mrs Taylor CC agreed with Mr. Pain that support from everyone was needed to respond to the challenge and urged people to respond to the consultation on the proposed approach.

RESOLVED:

- (a) That the findings of the "Net Zero Carbon 2045 Roadmap for Leicestershire" research be noted;
- (b) That the draft Leicestershire Net Zero Strategy and Action Plan be approved for consultation.

REASONS FOR DECISION:

To ensure Members are made aware of the evidence base provided by the Net Zero Carbon 2045 Roadmap for Leicestershire research which is intended to inform the local response to the climate emergency for both the Council and its partners.

The approach to consultation and engagement will help to ensure that diverse and representative views on the draft Net Zero Strategy and Action Plan are heard and can shape the final version of the documents.

130. Dates of Council Meetings 2022/23 and 2023/24.

The Cabinet considered a report of the Chief Executive regarding proposed dates for Council meetings from July 2022 to May 2024. A copy of the report, marked 'Agenda Item 10', 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 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)

Wednesday 5 July 2023

Wednesday 27 September 2023

Wednesday 6 December 2023

Wednesday 21 February 2024 (to consider the budget)

Wednesday 15 May 2024 (Annual meeting)

REASONS FOR DECISION:

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

131. Items referred from Overview and Scrutiny.

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

132. Exclusion of the press and public.

RESOLVED:

That under Section 100A of the Local Government Act 1972, the public be excluded for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 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 -

- Appointment of Trustee for a Looked After Young Person
- SEND and Inclusion Programme Partner Proposal.

133. Appointment of Trustee for a Looked After Young Person.

The Cabinet considered an exempt report of the Director of Law and Governance regarding arrangements for officers to act as Trustees of a death grant to be held on behalf of a young person looked after by the Council. 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 and 10 of Schedule 12A of the Local Government Act 1972.

RESOLVED:

- (a) That the Director of Corporate Resources and Director of Children and Family Services (in consultation with the Director of Law and Governance) be authorised to act as Trustees for a death grant payable to the young person referred to in the report subject to the conditions required by the Council's insurers;
- (b) That the Director of Corporate Resources and Director of Children and Family Services jointly (in consultation with the Director of Law and Governance) be authorised to undertake the duties of Trustees for children and young people who are looked after by the County Council and who receive a capital payment;
- (c) That the Council underwrites the sums invested for children and young people as detailed above.

REASONS FOR DECISION:

The young person has been in the care of the County Council, subject to a Care Order, since March 2021. The death of a parent has resulted in a death benefit payable (by the exercise of the discretion of the employer's Pension administrators) to the young person.

The young person is now almost 14 years of age. During their minority it is necessary for a third party to act as Trustee to manage and invest the payment (to be placed in a trust fund) on their behalf. It is recommended that two trustees are appointed in case one trustee is unable to exercise their duties or becomes incapacitated. This also provides additional assurance and safeguards.

The exercise of reviewing how to manage the trusteeship for this young person has highlighted that there is no delegated authority in relation to this issue; to avoid referring these issues to the Cabinet in future similar cases, it was considered that there should be a general delegation to enable the officers identified to act as trustees in such cases. This is likely only to arise in very limited and infrequent circumstances for example, as an inheritance under a will or intestacy, death grants, lifetime gifts, and compensatory payments.

The Council will invest the funds to achieve an interest return. As Council investments are not protected by the Financial Services Compensation Scheme the Council is recommended to underwrite the investment in the very unlikely event of the failure by the investment institution in which the funds are invested.

134. Send and Inclusion Programme Partner Proposal.

The Cabinet considered an exempt report of the Director of Children and Family Services and the Director of Corporate Resources regarding the output of an independent diagnostic assessment of the Council's Special Educational Needs and Disabilities (SEND) and Inclusion services as part of a review of the High Needs Block (HNB) Programme and seeking approval for the implementation of service development and enabling work, including the appointment of a Strategic Partner to lead the design and implementation of a renewed SEND and Inclusion Programme. A copy of the report,

marked 'Agenda Item 15', is filed with these minutes. The report was not for publication by virtue of paragraphs 3 and 10 of Schedule 12A of the Local Government Act 1972.

RESOLVED:

- (a) That the opportunities identified for improvements to services for children and families through the diagnostic assessment and the recommended areas for implementation be supported;
- (b) That the Director of Children and Family Services and the Director of Corporate Resources be authorised, following consultation with the Cabinet Lead Members for Children and Family Services and Resources, to -
 - (i) implement the delivery of service development and associated enabling work outlined in paragraphs 45 to 47 of the report, regarding the future SEND and Inclusion offer for Leicestershire,
 - (ii) proceed to the next phase of the programme and make appropriate contract arrangements with a strategic partner (following the completion of a procurement exercise), as part of an integrated programme team containing a combination of external and internal resources;
- (c) That funding be allocated from the Future Development Fund, High Needs Budgets and Transformation reserves as detailed in paragraphs 22 to 24 of the report to support the development and implementation of the next phase of the programme including the appointment of a strategic partner.

REASONS FOR DECISION:

To note the outcome of the independent diagnostic assessment and respond to the findings.

To enable the appointment of a strategic partner to provide the specialist input required for the SEND and Inclusion Programme to support the Department in making improvements and delivering significant savings.

To agree the necessary funding for the proposed work, including the support from a strategic partner, which will be in addition to that already allocated in the capital programme.

The opportunities and enabling work are the next step in developing and future-proofing SEND and inclusion services so that the right interventions are delivered in the right way, at the right time, to ensure that children and young people achieve the best possible outcomes while also ensuring that the service is financially sustainable.