

Minutes of a meeting of the Cabinet held at County Hall, Glenfield on Friday, 15 September 2023.

PRESENT

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

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

Mrs H. L. Richardson CC
Mrs. P. Posnett MBE CC
Mr. R. J. Shepherd CC
Mr. P. Bedford CC

In attendance (including via MS Teams)

Mr. R. Ashman CC, Mr. L. Hadji-Nikolaou CC, Mrs R. Page CC, Mr. J. Poland CC, Mr. C. Smith CC, Mrs M. Wright CC

261. Minutes of the previous meeting.

The minutes of the meeting held on 23 June 2023 were taken as read, confirmed and signed.

262. Urgent items.

There were no urgent items for consideration.

263. Declarations of interest.

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

With regard to agenda item 9 (Community Admission Bodies - Voluntary Action Leicestershire and the Bradgate Park Trust) the following declarations were made -

Mr. N. J. Rushton CC declared a registerable interest as the Chair of the Bradgate Park Trust and undertook to leave the meeting during consideration of that item.

Mrs D. Taylor CC declared a registerable interest as a member of the Bradgate Park Trust and undertook to leave the meeting during consideration of that item.

Mr. R. Shepherd CC declared a non-registerable interest as a member of the Local Pension Board.

264. Leicestershire and Rutland Safeguarding Adults Board Annual Report 2022/23.

The Cabinet considered a report of the Independent Chair of the Leicestershire and Rutland Safeguarding Adults Board (LRSAB) presenting the Board's Annual Report for 2022-2023. A copy of the report, marked 'Agenda Item 4', is filed with these minutes.

Comments of the Adults and Communities Overview and Scrutiny Committee, which had considered a report on the matter at its meeting on 4 September, were circulated separately and a copy is filed with these minutes.

Members commended the Annual Report and thanked Ms. Seona Douglas, Independent Chair of the Board, for attending the Cabinet meeting.

RESOLVED:

- a) That the comments of the Adults and Communities Overview and Scrutiny Committee be noted;
- b) That the Leicestershire and Rutland Safeguarding Adults Board Annual Report for 2022/23 be noted.

REASONS FOR DECISION:

The LRSAB is a statutory body and local authorities have a duty to ensure that the Board is enabled to operate effectively.

It is a requirement of the Care Act 2014 that the LRSAB Annual Report be reported to the Leader of the Council together with the Chief Executive of the local authority, the Chairman of the Health and Wellbeing Board, the Police and Crime Commissioner and local Healthwatch.

In Leicestershire and Rutland the Annual Report has traditionally also been presented to the Cabinet and the Adults and Communities Overview and Scrutiny Committee. Presenting the Annual Report enables the Cabinet to comment on the content of the Annual Report and consider whether the report identifies matters that it wishes to address in relation to the effectiveness of safeguarding within the work of the Authority.

265. Medium Term Financial Strategy - Latest Position.

The Cabinet considered a report of the Director of Corporate Resources regarding the Council's short and medium term financial position in light of the current economic climate and the latest revenue budget monitoring position, and seeking approval for changes to the 2023-2027 Capital Programme. A copy of the report, marked 'Agenda Item 5', is filed with these minutes.

Comments of the Scrutiny Commission, which had considered a report on the matter at its meeting on 6 September, were circulated separately and a copy is filed with these minutes.

Mr. Breckon CC commented on the severe financial pressures facing local government and expressed his support for the recommendations.

RESOLVED:

- a) That the comments of the Scrutiny Commission be noted;
- b) That the significant financial challenges faced by the County Council, including the Period 4 monitoring position from the current financial year be noted;

- c) That the proposed approach outlined in the report to updating the Medium Term Financial Strategy be approved;
- d) That the revised Capital Programme for 2023/24 to 2026/27 as set out in Appendix C to the report be approved.

(KEY DECISION)

REASONS FOR DECISION:

To approve the intended approach to the development of plans to address the latest financial position.

To agree the revised Capital Programme for 2023-27 which required amendment as a result of the latest forecast financial position.

266. Investing in Leicestershire Programme Annual Performance Report.

The Cabinet considered a report of the Director of Corporate Resources regarding the performance of the Investing in Leicestershire Programme (IILP) for the 2022/23 financial year. A copy of the report, marked 'Agenda Item 6', is filed with these minutes.

Comments of the Scrutiny Commission, which had considered a report on the matter at its meeting on 6 September, were circulated separately and a copy is filed with these minutes.

Mr. Rushton CC noted that the IILP provided some much-needed income for the Council which was significantly underfunded.

RESOLVED:

- a) That the comments of the Scrutiny Commission be noted;
- b) That the performance of the Investing in Leicestershire Programme for the period April 2022 to March 2023 as set out in the Annual Performance Report, be noted.

REASONS FOR DECISION:

The report fulfils the requirement to report annually on the performance of the portfolio to both the Cabinet and the Scrutiny Commission, to demonstrate that the Programme is being managed professionally and prudently and in line with the CIPFA (Chartered Institute of Public Finance and Accountancy) Prudential Code, and HM Treasury guidance and the Strategy approved by Council in February 2023.

267. Airfield Business Park Development Proposal - Final Phase.

The Cabinet considered a report of the Director of Corporate Resources regarding development proposals for the revised final phase of Airfield Business Park in Market Harborough and seeking approval for the allocation of resources to support the submission of a planning application for light industrial units, to proceed to tender to construct the final phase of the scheme and, subject to the outcome of that tender exercise, for the Director of Corporate Resources to proceed with the development. A copy of the report, marked 'Agenda Item 7', is filed with these minutes.

Comments of the Scrutiny Commission, which had considered a report on the matter at its meeting on 6 September, were circulated separately, along with comments from the local member, Mr. P. King CC. A copy is filed with these minutes.

RESOLVED:

- a) That the comments of the Scrutiny Commission be noted;
- b) That £16.5m be allocated from the Investing in Leicestershire Programme for the further development of 105,974 sq. ft of Airfield Business Park ('the development') as detailed in the report and the appended indicative Masterplan, subject to the satisfactory outcome of the tender exercise referred to in c) below;
- c) That a tender exercise be undertaken for the construction of part of the development:
- d) That the Director of Corporate Resources be authorised
 - (i) to undertake all necessary preparatory work to enable the submission of a planning application for the proposed development;
 - (ii) following consultation with the Cabinet Lead Member for Resources, to consider the outcome of the tender exercise in respect of the development and determine whether to proceed with the development;
 - (iii) subject to (ii) above, to select a preferred contractor(s) and enter into such contracts and undertake such work as is necessary and appropriate to enable the development to be delivered.

(KEY DECISION)

REASONS FOR DECISION:

The development of the Council-owned land will support the delivery of both new business accommodation, completion of the final development phase of a brownfield site, generation of local job opportunities, support the local economy and delivery of 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.

268. Corporate Complaints and Compliments Annual Report 2022/23.

The Cabinet considered a report of the Chief Executive regarding the Corporate Complaints and Compliments Annual Report for the period 1 April 2022 to 31 March 2023. A copy of the report, marked 'Agenda Item 8', is filed with these minutes.

RESOLVED:

That the Corporate Complaints and Compliments Annual Report, covering the period 1 April 2022 to 31 March 2023 be noted.

REASONS FOR DECISION:

To note the increase in volume of corporate complaints received and the key themes emerging.

269. Community Admission Bodies - Voluntary Action LeicesterShire and the Bradgate Park Trust.

(Mr. N. J. Rushton CC and Mrs D. Taylor CC, having each declared a registerable interest in the report - Mr. Rushton as Chair of the Bradgate Park Trust, Mrs Taylor as a member of the Bradgate Park Trust - left the meeting during consideration of this item).

Mr. L. Breckon CC - in the Chair

The Cabinet considered a report of the Director of Corporate Resources regarding the proposed transfer of Voluntary Action LeicesterShire (VAL) pension fund assets and liabilities to the County Council, and for the proposed transfer of Bradgate Park Trust (BPT) pension fund assets and liabilities equally to Leicestershire County Council and Leicester City Council. A copy of the report, marked 'Agenda Item 9', is filed with these minutes.

Members noted that the Local Pension Committee, which had considered a report on the matter at its meeting on 8 September, had approved the transfers.

RESOLVED:

- a) That the transfer of Voluntary Action LeicesterShire pension fund assets and liabilities to the County Council be approved;
- b) That the transfer of Bradgate Park Trust pension fund assets and liabilities equally to the County Council and Leicester City Council be approved;
- c) That the Director of Corporate Resources, following consultation with the Director of Law and Governance, be authorised to sign the pass-through agreements for the above transfers on behalf of the County Council.

REASONS FOR DECISION:

The transfers will increase the County Council's asset share in the Leicestershire Pension Fund (as a result of the positive funding position for VAL and the BPT) and would reduce overall risk to the Fund, as well as removing pension risk from VAL and the BPT.

(Mr. N. J. Rushton CC and Mrs D. Taylor CC returned to the meeting).

Mr. N. J. Rushton CC - in the Chair

270. A511 Growth Corridor - Making of Compulsory Purchase Order and Side Roads Order for Land Required.

The Cabinet considered a report of the Director of Environment and Transport regarding the latest position with costs and delivery timescales for the A511 Growth Corridor scheme and seeking approval for the compulsory acquisition of land and rights for the scheme. A copy of the report, marked 'Agenda Item 10', is filed with these minutes.

The Director advised that minor changes had been made to the plans at Appendices A and B to the report (amended copies of which are filed with these minutes).

RESOLVED:

- a) That a Compulsory Purchase Order to be known as "The Leicestershire County Council (A511 Growth Corridor) Compulsory Purchase Order 2023" (CPO) be made under Sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and the Acquisition of Land Act 1981 to secure the compulsory acquisition of the land shown coloured pink and the new rights over the land shown coloured blue on the CPO Maps at Appendix A to the report;
- b) That a Side Roads Order to be known as "The Leicestershire County Council (A511 Growth Corridor) (Side Roads) Order 2023" (SRO) be made under Sections 14 and 125 of the Highways Act 1980 to construct new highways and public rights of ways, stop up, divert, improve or otherwise deal with a highway including public rights of ways and the closure and creation of private means of access as shown in the SRO Maps at Appendix B to the report;
- c) 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) finalise and make, if necessary, any minor or technical amendments, modifications and deletions to the CPO Maps and SRO Maps should this be considered appropriate;
 - (ii) finalise the CPO and the SRO (collectively referred to as "the Orders"), and the Statement of Reasons;
 - (iii) in accordance with the Cabinet authority dated 29 March 2022, continue to take all necessary steps to make (including any associated or ancillary applications to the Secretary of State under the Acquisition of Land Act 1981 (including in respect of open space) if considered necessary), publish, and obtain confirmation of the Orders including (but not limited to) the publication and service of all statutory notices and presentation of the Council's case at any Public Inquiry or through written representations, to secure the confirmation of the Orders (with or without modifications) by the Secretary of State for Transport and implement the Orders associated with the A511 Growth Corridor scheme;
 - (iv) continue, in accordance with the Cabinet authority dated 29 March 2022, discussions and negotiations with landowners and stakeholders with a view to reaching voluntary agreements with landowners and to purchase and/or reserve land and rights by agreement for the A511 Growth Corridor;

- d) That the latest position with regard to costs and timescales for the scheme, set out in Part B of the report, be noted.

(KEY DECISION)

REASONS FOR DECISION:

The Cabinet in March 2022 authorised the Director of Environment and Transport to, among other things, take the necessary steps to make, secure confirmation of and implement the Orders necessary for the A511 Growth Corridor scheme. At that point in the scheme's development it was not known exactly which areas of land these Orders would pertain to, although a preferred route had been identified. The planning permission granted in January 2023 confirmed the route of the proposed Bardon Link Road element of the project. Improvements to be undertaken along the wider A511 corridor will be constructed under permitted development rights. An application was submitted pursuant to Section 73 of the Town and Country Planning Act 1990 on 20 June 2023 and is expected to be approved in September 2023. This application seeks to amend the drainage design associated with the new Bardon Link Road by reducing the size of the balancing pond south of the railway embankment and utilising the area to the north of the railway embankment for additional informal flood storage. The revised design requires less permanent land take, whilst also offering project benefits in terms of earthworks cost savings and a more varied habitat creation through an extension of the existing wet woodland and increased wetland/aquatic habitats north of the railway embankment. The proposals for land take for the A511 Growth Corridor scheme have been finalised. In the interests of clarity for affected landowners, the Cabinet should formally note and approve the requirements subject to minor amendments.

Authorising the Director of Environment and Transport and the Director of Corporate Resources in consultation with the Director of Law and Governance to proceed with the making, securing confirmation and implementation of the Orders will help ensure this is done within the planned timescale. The land areas represented in both the CPO and SRO Maps, for example, may require minor modifications following responses received to the notices served under Section 5A Acquisition of Land Act 1981 seeking information as to ownership of land and rights.

To note the latest position since progress with the scheme was last reported to the Cabinet in March 2022.

271. Vertical Traffic Calming Proposal - Walton Way, Mountsorrel.

The Cabinet considered a report of the Director of Environment and Transport regarding the implementation of proposed vertical traffic calming measures (seven pairs of speed cushions and a single speed table at the junction with West Cross Lane) along Walton Way, Mountsorrel. A copy of the report, marked 'Agenda Item 11', is filed with these minutes.

With the permission of the Chairman, Mr. L. Hadji-Nikolaou CC, the local member, spoke on the report and explained the views of the Parish Council and local residents who had asked for the funds to be used differently. Mr. Hadji-Nikolaou accepted the Director's response as outlined in the report.

RESOLVED:

That the implementation of the vertical traffic calming measures as shown on drawing number ES0023/H2/40/1, attached as Appendix A to the report, be approved.

REASONS FOR DECISION:

The scheme satisfies a Section 106 (planning) obligation attached to a development at Mountsorrel Lane, Rothley to implement traffic calming on Walton, Way, Mountsorrel and would be in the interest of road safety by reducing vehicle speeds.

As the Local Member, Mr. L. Hadji-Nikolaou CC, did not support the proposals the Cabinet's determination was required.

272. Physical Activity Programme Reductions.

The Cabinet considered a report of the Director of Public Health regarding consultation on a revised delivery model for physical activity programmes. A copy of the report, marked 'Agenda Item 12', is filed with these minutes.

RESOLVED:

- a) That the commencement of consultation on the draft physical activity delivery model be approved;
- b) That a further report be submitted to the Cabinet in December 2023 regarding the outcome of the consultation exercise and a proposed final model.

(KEY DECISION)

REASONS FOR DECISION:

The Medium Term Financial Strategy 2023/24-2026/27 includes a requirement for savings via a review of physical activity delivery.

Following a review of the current delivery model, a revised delivery model is proposed which will achieve the required savings. The Cabinet's approval enables formal consultation on the revised model to take place.

273. Collections Development Policy and Access Policy for the Record Office for Leicestershire, Leicester, and Rutland.

The Cabinet considered a report of the Director of Adults and Communities regarding the revised Collections Development Policy and Access Policy for the Record Office for Leicestershire, Leicester and Rutland (ROLLR). A copy of the report, marked 'Agenda Item 13', is filed with these minutes.

Comments of the Adults and Communities Overview and Scrutiny Committee, which had considered a report on the matter at its meeting on 4 September, were circulated separately and a copy is filed with these minutes.

RESOLVED:

- a) That the comments of the Adults and Communities Overview and Scrutiny Committee be noted;

- b) That the Collections Development Policy for the Record Office for Leicestershire, Leicester and Rutland be approved;
- c) That the Access Policy for the Record Office for Leicestershire, Leicester and Rutland be approved.

REASONS FOR DECISION:

The current Collections and Access policies have expired and are due for renewal. The policies must address the key requirements set out in the Accreditation standard, administered by The National Archives. These two policies are key elements of Archive Service Accreditation and are used by the Record Office for Leicestershire, Leicester and Rutland (ROLLR) to guide its activity and ensure consistency, transparency, effective use of resources and adherence with archive sector ethics.

The Collections Development Policy, attached as Appendix A, sets out the vision and purpose for the ROLLR collections remit, including loans, transfers, donations, purchases, and bequests.

The Access Policy, attached as Appendix B, sets out the ROLLR's commitments to create a culture where people of all backgrounds and experiences feel appreciated and valued, providing access for everyone.

These policies support the Adults and Communities Department's ambition to "Save and make accessible the cultural and historic heritage of the County," which is also a key commitment in the Adults and Communities Strategy "Delivering Wellbeing and Opportunity 2020-2024".

274. Leicestershire and Rutland Safeguarding Children Partnership Annual Report 2022/23.

The Cabinet considered a report of the Director of Children and Family Services regarding the Annual Report 2022-2023 for the Leicestershire and Rutland Safeguarding Children Partnership. A copy of the report, marked 'Agenda Item 14', is filed with these minutes.

Comments of the Children and Families Overview and Scrutiny Committee, which had considered a report on the matter at its meeting on 5 September, were circulated separately and a copy is filed with these minutes.

Mrs Taylor CC said that she was pleased to see continued work on mental health and wellbeing issues, also included as a priority for 2023/24.

RESOLVED:

- a) That the comments of the Children and Families Overview and Scrutiny Committee be noted;
- b) That the Leicestershire and Rutland Safeguarding Children Partnership Annual Report for 2022/23 be noted.

REASONS FOR DECISION:

Leicestershire County Council is one of the statutory Safeguarding Partners who have a shared and equal statutory duty with the local Integrated Care Board and Chief of Leicestershire Police to agree and make arrangements to work together to safeguard and promote the welfare of all children in Leicestershire.

It is a statutory requirement, as set out in Working Together 2018, that the Safeguarding Partners publish a report at least once every twelve months on the arrangements and their effectiveness.

The multi-agency safeguarding arrangements locally are managed through the Leicestershire and Rutland Safeguarding Children Partnership that covers the counties of Leicestershire and Rutland. They were updated and published in October 2022.

In Leicestershire and Rutland, the Annual Report has traditionally been presented to the Cabinet and the Children and Families Overview and Scrutiny Committee.

Presenting the Annual Report enables the Cabinet to comment on the content of this document and consider whether it identifies matters that it wishes to address in relation to the effectiveness of safeguarding within the work of the Authority.

275. Exception to Contract Procedure Rules to Provide Adoption Support Fund - Therapeutic Services.

The Cabinet considered a report of the Director of Children and Family Services regarding an additional exception to the Council's Contract Procedure Rules to directly award contracts to therapeutic service suppliers to supply therapy to eligible adoptive and special guardianship order families under the Adoption Support Fund (ASF). A copy of the report, marked 'Agenda Item 15', is filed with these minutes.

RESOLVED:

That an additional exception to the Contract Procedure Rules to enable the Director of Children and Family Services to agree the direct award of contracts to therapeutic service suppliers referred to in paragraph 18 of the report for the provision of therapy to eligible adopted children up to no later than 30 November 2023 and with a maximum combined expenditure of £362,045 from 1 July 2023 to 30 November 2023 be approved.

REASONS FOR DECISION:

The County Council's Contract Procedure Rules (Part 4G of the Constitution) require that, where the estimated value of a contract exceeds £177,897, formal tenders must be invited. Based on the requirements for the provision of therapeutic services to eligible adopted children, the need for the Council to undertake a compliant procurement process has been identified.

The approval of an exception to the Contract Procedure Rules enables service provision to be maintained to eligible adoptive children up until 30th November 2023 whilst the Council undertakes a compliant procurement process in order to establish a framework agreement for therapeutic services from 1 December 2023.

The exception agreed in September 2022 expired on 30 June 2023. Invoices containing the ASF cost code have since been placed on hold and have not been paid pending an extension to the exception. Currently there are approximately 45 invoices that are on

hold. Work started on the therapeutic services framework procurement in November 2022 to have a framework in place by 1st July 2023 but there were delays in the procurement process caused by delays in developing and finalising the specifications.

The framework tender was published on 31 July with a tender deadline of 11 September. The Department will work with the commissioning support unit to ensure the tender evaluations, award and mobilisation processes are completed during September, October and November for the new framework to commence on 1 December 2023.

276. Items referred from Overview and Scrutiny.

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

277. Exclusion of the Press and Public.

RESOLVED:

That under Section 100A of the Local Government Act 1972, the public be excluded for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 3 and 10 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:

- Exception to Contract Procedure Rules to Provide Agency Cover.

278. Exception to Contract Procedure Rules to Provide Agency Cover.

The Cabinet considered an exempt report of the Director of Children and Family Services regarding an exception to the Council's Contract Procedure Rules to use five suppliers, outside of the current corporate contract to supply temporary qualified social workers to provide agency cover in Children and Family Services. A copy of the report, marked 'Agenda Item 19', 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:

That an exception to the Contract Procedure Rules to enable the Director of Children and Family Services to agree the direct award of contracts to the five suppliers identified in paragraph 22 of the report for the temporary provision of qualified social workers, with the contracts running until 31 March 2024 with a maximum combined spend of £1.5m be approved.

REASONS FOR DECISION:

The County Council's Contract Procedure Rules (Part 4G of the Constitution) require that, where the estimated value of a contract exceeds £177,897, formal tenders must be invited.

Where an exception to the Contract Procedure Rules is required for contracts over £177,897, Rule 6 (b)(ii) provides that Cabinet approval be obtained to the exception where this is justified on its merits. The proposed contracts with the five agencies are expected to have a combined value not exceeding £1.5m up to 31 March 2024, each of which is likely to be over the £177,897 threshold.

The circumstances and financial considerations surrounding the proposal, explained the report, mean that other procurement processes are not possible within the timescales, due to the provider not being able to meet demand within timescales in order to ensure business continuity.

The Department has been unable to source all of the necessary staff required via the Council's existing agency arrangements due to both demand and availability of agency social workers via its corporate contractor and needs to ensure there are sufficient qualified social workers available.

Work with the Council's existing corporate contractor for agency staff is taking place to source more qualified social workers. This has progressed over the last 12 months but is still unable to meet demands for the provision of qualified social worker agency staff.

11.00 am - 12.23 pm
15 September 2023

CHAIRMAN