

Minutes of a meeting of the Cabinet held at County Hall, Glenfield on Tuesday, 19 December 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

Mr. R. Ashman CC, Mr. J. Poland CC, Mr. C. Smith CC

299. Minutes of the previous meeting.

The minutes of the meeting held on 24 November 2023 were taken as read, confirmed and signed.

300. Urgent Items.

The Chairman advised that there was one urgent item for consideration, a joint report of the Chief Executive and Director of Environment and Transport titled "Charnwood Borough Council's Local Plan".

301. 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. D. Taylor CC declared a non-registrable interest in agenda item 7 (Review of the Lightbulb Partnership) and agenda item 14 (Charnwood Borough Council's Local Plan) as a member of Charnwood Borough Council.

302. Medium Term Financial Strategy 2024/25 - 2027/28 - Proposals for Consultation.

The Cabinet considered a report of the Director of Corporate Resources which set out the proposed Medium Term Financial Strategy (MTFS) for 2024/25 to 2027/28, for consultation and scrutiny. A copy of the report marked 'Agenda Item 4' is filed with these minutes.

Mr. L. Breckon CC reiterated the Council's worsening financial position and stressed that it was necessary to keep scaling back to make services deliverable. He encouraged the public to take part in the consultation on the MTFS.

Members agreed that it was necessary to acknowledge the fact that the Council was very efficient and did the best it could with the money it had available. However, it was also

felt that there needed to be a real shift in how statutory duties were to be delivered in the future as it was not sustainable to continue to use reserves to fund the deficit. As well as responding to the consultation, Mr. O. O'Shea CC urged members of the public to contact their local MPs with their concerns as it was hoped that this would help in obtaining a fairer funding deal for Leicestershire.

RESOLVED:

- a) That the proposed Medium Term Financial Strategy, including the 2024/25 revenue budget and capital programme, be approved for consultation and referred to the Overview and Scrutiny Committees and the Scrutiny Commission for consideration;
- b) That the Director of Corporate Resources, following consultation with the Cabinet Lead Member, be authorised to-
 - i. agree a response to the provisional Local Government Finance Settlement;
 - ii. decide on the appropriate course of action with regard to the Leicester and Leicestershire Business Rates Pool in 2024/25 and, subject to agreement by all member authorities, to implement this;
- c) That each Chief Officer, in consultation with the Director of Corporate Resources and following consultation with the relevant Lead Member(s), undertake preparatory work as considered appropriate to develop the savings set out in the draft MTFs and to identify additional savings in light of the financial gap in all four years of the MTFs, to enable the Cabinet and Council to consider further those savings to be taken forward as part of the MTFs and implemented in a timely manner;
- d) That a further report be submitted to the Cabinet on 9 February 2024.

(KEY DECISION)

REASONS FOR DECISION:

To enable the County Council to meet its statutory requirements with respect to setting a balanced budget and Council Tax precept for 2024/25 and to provide a basis for the planning of services over the next four years.

To ensure that the County Council's views on the provisional Local Government Finance Settlement are made known to the Government.

To enable the County Council (alongside the pooling partners) to respond to the Department for Levelling Up, Housing and Communities (DLUHC) in respect of the Business Rates Pool within 28 days from the draft Local Government Finance Settlement.

To enable early work to be undertaken on the development of new savings to address the worsening financial position.

To consider feedback from consultation on the draft MTFs and the views of the Overview and Scrutiny bodies and the final recommendations to be made to the County Council.

303. Street Lighting - Proposed Service Changes.

The Cabinet considered a report of the Director of Environment and Transport which noted the outcome of the recently undertaken consultation regarding dimming streetlights in the County. The Cabinet was asked to approve the implementation of an 18-month trial to dim County streetlights to 30% intensity from 20:00 hours and to note the exemptions to the trial based on the risk assessment. A copy of the report marked 'Agenda Item 5' is filed with these minutes.

Mr. O. O'Shea CC gave assurance that the Council would work with the Police and emergency services during the pilot to ensure that this was a safe system and risk assessments would continue to be undertaken on a regular basis, with flexibility to increase lighting if required. A review would be undertaken at the end of the pilot.

RESOLVED:

- a) That the outcome of the public consultation regarding dimming streetlights, undertaken between 6 July and 3 August 2023, be noted;
- b) That the proposal to trial dimming streetlights to 30% intensity from 20:00 hours for an 18 month period be approved;
- c) That delegated authority to the Director of Environment and Transport be approved to make alterations to the dimming of streetlights during the 18 month trial period, following feedback from the Leicestershire Police and other key stakeholders in accordance with the approved risk assessment.

(KEY DECISION)

REASON FOR DECISION:

The Medium Term Financial Strategy (MTFS) 2023/24 – 2026/27 identified potential savings by reducing the street lighting service. The following savings would be achieved:

- a) Reduced carbon emissions and light pollution
- b) Reduced energy consumption
- c) Reduced energy costs.

304. Improving Passenger Transport through Bus Service Improvement Plan Plus and Network North Funding.

The Cabinet considered a report of the Director of Environment and Transport which advised of the award of grant funding to the County Council for passenger transport services, set out an approach to using these funds, and presented a revised Passenger Transport Policy and Strategy to support this. A copy of the report marked 'Agenda Item 6' is filed with these minutes.

Mr. O. O'Shea CC thanked officers for the work that had been undertaken to ensure the grant funding was received. He gave assurance that the best use of the funding would be made.

RESOLVED:

- a) That the revised Passenger Transport Policy and Strategy (PTPS), attached to the report as Appendices A and B, be approved;
- b) That the Director of Environment and Transport be authorised:
 - i. to use the Bus Service Improvement Plan (BSIP+) grant of £1,790,000 for 2023/24 and £1,790,000 for 2024/25 and additional £4,050,000 one-off revenue funding for 2024/25 from the Department of Transport to develop a reshaped Leicestershire supported passenger transport network, including working with transport operators through the Enhanced Partnership;
 - ii. following consultation with the Cabinet Lead Member, to amend the PTPS as necessary with regard to the mechanism for determining support for passenger transport services to reflect prevailing market forces.

REASONS FOR DECISION:

The recent funding awards from the Government provide a unique opportunity to explore how the Council, working closely with local bus operators through its Enhanced Partnership (EP), might take a different approach to providing supported passenger transport services across Leicestershire and, therefore, enable a more resilient and secure commercial network.

The revised PTPS would enable the Council to take a more flexible approach to help support communities and their high priority journey needs through efficient use of its budgets and utilising the commercial bus market through the EP to maximise a sustainable service offer to passengers and help stabilise the commercial market.

Given the Council's very challenging financial position, controls are required to ensure that it is not exposed to any new financial risks. The revised PTPS would also reinforce the mitigation of risks to the Council's own budgets, caused by fluctuations and uncertainty in levels of future Government funding for passenger transport services, by setting out a revised mechanism for determining the strength of case for consideration of providing support for services.

305. Review of the Lightbulb Partnership.

The Cabinet considered a report of the Director of Adults and Communities which advised of a review of the Lightbulb Service and partnership which provided an integrated housing offer focused on health and wellbeing outcomes, presented options for the development of the Service and sought approval for the preferred option. A copy of the report marked 'Agenda Item 7' is filed with these minutes.

The Lightbulb Service was operated via a partnership between the County Council and district councils. The draft Business Case for the Lightbulb Partnership Arrangements 2024-2026 was attached as Appendix A to the report. The final Business Case would be presented to the Cabinet in February 2024.

The Cabinet agreed with urging Charnwood Borough Council to sign up to the partnership in order for the benefits of the County Council and district councils working together to be fully realised.

RESOLVED:

- a) That the review of the Lightbulb Service and draft Business Case for Lightbulb Partnership Arrangements for 2024-2026 be noted;
- b) That, subject to the outcome of engagement with partner agencies, Option 3 for the operation of the Lightbulb Service from 2024 to 2026 be approved, noting that this will involve the minor adaptations service being transferred from the County Council to be delivered through the core Lightbulb hub and spoke model;
- c) That, in the event that all partner authorities are in agreement with Option 3 for the operation of the Lightbulb Service from 2024 to 2026, the Director of Adults and Communities, following consultation with the Cabinet Lead Member, be authorised to approve the final Business Case;
- d) That a further report be presented to the Cabinet in Spring 2024 to approve the revised Business Case and alternative options in the event of there being a lack of consensus from the Partnership authorities on the implementation of Option 3.

REASONS FOR DECISION:

The County Council has a Service Level Agreement (SLA) with Blaby District Council which expires on 31 March 2024. This agreement allows a level of delegation of statutory functions of the Local Authority for assessment and provision of services to Blaby District Council as part of the Lightbulb Service and an integration of housing and social care interventions to increase people's independence and optimise their living environments. For this to continue a new partnership agreement needs to be in place from April 2024.

A review of the current arrangements has been undertaken and identified several service and partnership improvements that could be taken forward in the new agreement. The draft options proposed seek to address the current inconsistency of delivery across the county and make the most of opportunities to include more joint service provision in the way of minor adaptations. Option 3 would give consistency of approach across the county and agree the transfer of the minor adaptations service to the programme.

306. Physical Activity Programme Reductions.

The Cabinet considered a report of the Director of Public Health which presented the outcome of the consultation on the proposed new service model for physical activity and sought approval of the final model and to proceed to the grant award stage. A copy of the report marked 'Agenda Item 8' is filed with these minutes.

RESOLVED:

- a) That the outcome of the public consultation on the proposed new model for physical activity across Leicestershire, in particular the risks identified during the review and set out in the report, be noted;
- b) That final service model for physical activity, detailed in paragraphs 20-25 of the report, be approved;

- c) That the Director of Public Health, following consultation with the Director of Law and Governance, be authorised to implement the final model for physical activity as set out in the report and proceed to prepare grant agreements to commence on 1 April 2024.

(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 revised model focuses provision on population-based approaches, encouraging a wide range of residents to be active and providing signposting to local opportunities, and specialist evidence-based programmes to support inactive people who have existing health conditions to be more active.

Whilst concerns were raised through the consultation regarding the reduction of funding for physical activity programmes in general, there was support for retaining a focus on both population-based and targeted approaches.

307. Interim Commissioning Arrangements for Sexual Health Services across Leicestershire and Rutland for 2024/25.

The Cabinet considered a report of the Director of Public Health which presented the outcome of the tender exercise for sexual health services and requested approval to offer a direct award of contracts to provide an interim service for one year, to commence from 1 April 2024, for the provision of the Integrated Sexual Health Service and the Long Acting Reversible Contraception Service. A copy of the report marked 'Agenda Item 9' is filed with these minutes.

RESOLVED:

That the tender outcome be noted, and approval be given to the interim service plans to offer a direct award contract for one year, for the period 1 April 2024 – 31 March 2025, to

- i. one provider for the continuation of the Integrated Sexual Health Service (ISHS) provision
- ii. multiple primary care providers to continue to deliver Long Acting Reversible Contraception (LARC) across Leicestershire and Rutland.

REASONS FOR DECISION:

The Council has a statutory responsibility to provide comprehensive open access sexual health services for the population.

The current contracts for the provision of sexual health services across Leicestershire and Rutland end on 31 March 2024.

A tender process was unsuccessful for the ISHS and LARC lots. A direct award contract for 12 months will allow for continued provision of a sexual health service whilst a retender process is undertaken.

308. Response to Melton Borough Council's Local Plan Update - Issues and Options Consultation.

The Cabinet considered a report of the Chief Executive which advised on the content of Melton Borough Council's Issues and Options Regulation 18 Local Plan Partial Update consultation and sought approval for the response 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 County Council's response to the Melton Borough Council's Issues and Options Regulation 18 Local Plan Partial Update consultation, set out in paragraphs 36 to 74 and the appendix to the report, be approved;
- b) That the Chief Executive, following consultation with the Cabinet Lead Member, be authorised to make any minor amendments to the consultation response prior to its submission by 7 January 2024.

REASON FOR DECISION:

The proposed response sets out key comments for consideration by Melton Borough Council in the early stage of its partial update to the Local Plan. It seeks to ensure alignment with the outcomes of the County Council's Strategic Plan and the Leicester and Leicestershire Strategic Growth Plan (SGP), and to influence the content of the Local Plan in the interests of local communities, including to ensure that the Local Plan provides as robust as possible policy framework for securing the provision of the infrastructure and services required to support its successful delivery.

309. New Forest Primary School to Serve the Coalville Area - Expressions of Interest from Academy Proposers (Sponsors) and Proposed Delegation to the Director of Children and Family Services.

The Cabinet considered a report of the Director of Children and Family Services which advised of the Expressions of Interest received from academy proposers (also known as academy sponsors) to operate a new 420-place forest primary school (academy) to serve the southeast Coalville area of Leicestershire and sought approval for the Director of Children and Family Services to make a recommendation to the Secretary of State for Education regarding a preferred proposer for the new primary school. Authorisation was also sought for the Director to recommend sponsors to the Secretary of State for Education in respect of future free school applications. A copy of the report marked 'Agenda Item 11' is filed with these minutes.

RESOLVED:

- a) That it be noted that Expressions of Interest have been received from academy proposers to operate the new 420-place forest primary school (academy) to serve the southeast Coalville area;

- b) That the Director of Children and Family Services, following consultation with the Cabinet Lead Member, be authorised to:
- i. make recommendations to the Secretary of State for Education regarding the appointment of preferred proposers for the new forest primary school (academy) to serve the southeast Coalville area;
 - ii. make recommendations to the Secretary of State for Education regarding the appointment of preferred proposers/sponsors for all future free school (academy) applications;
- c) That it be noted that further information will be provided to the Cabinet and local members once the decision on a preferred sponsor has been taken and confirmed by the Regional Director, acting on behalf of the Secretary of State for Education.

REASONS FOR DECISION:

The Education Act 1996 places a statutory duty on the County Council to ensure a sufficient supply of school places.

The new 420 place forest primary school to serve the Coalville area is scheduled to open in August 2024 (2024/2025 academic year).

Seeking Expressions of Interest from suitable academy proposers (sponsors) is in keeping with the requirements placed upon the County Council by Section 6A (the Free School Presumption) of the Education and Inspections Act 2006, as introduced by the Education Act 2011.

The process of assessing Expressions of Interest from academy proposers includes representation from the Department for Education (DfE) to ensure an alignment of views between the DfE and the County Council on the suitability and relative merits of applicants.

Upon completion of the Expressions of Interest process, the County Council will be able to assess the organisations which have applied and confirmed their expertise, capacity, experience and other credentials necessary to run the new school. A representative panel, comprising senior officers from the County Council, elected members and representatives from the DfE, supported by the School Organisation Service is expected to reach its decision of the preferred academy sponsor to operate the school by January 2024.

Delegation of authority to the Director of Children and Family Services will enable the recommendation of the chosen academy provider to be submitted promptly to the DfE to consider which provider will then be approved. As the school is proposed to open in August 2024 it is hoped to identify a provider as soon as possible.

The delegation to the Director of Children and Family Services to make recommendations to the Secretary of State in respect of future applications will expedite the process.

310. Exception to Contract Procedure Rules - Request to Direct Award to Intuitive Thinking Skills to Enable Utilisation of Grant Spend.

The Cabinet considered a report of the Director of Public Health which sought approval for an exception to the Council's Contract Procedure Rules to enable a direct award to Intuitive Thinking Skills to provide an Individual Placement and Support service. This would be in accordance with the stipulations and grant agreement made available by the Office for Health Improvement and Disparities. A copy of the report marked 'Agenda Item 12' is filed with these minutes.

RESOLVED:

That a direct award for up to two years, for the period from 1 April 2024 to 31 March 2026, to Intuitive Thinking Skills (ITS) be approved to provide the Individual Placement and Support service for Leicestershire and Rutland.

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.

A grant award for an Individual Placement and Support service to the Council was made by the Officer for Health Improvement and Disparities (OHID) in November 2023. As part of the process, the Council was required to state which provider would be awarded the work and the exact mechanism for delivery. This process and the associated timescales prohibited the Authority from carrying out a competitive tender. The two-year award starting from April 2024 also restricts the time available to procure, recruit and implement a new service. The award from OHID has been made subject to the Cabinet approving a direct award to ITS.

The direct award of contract to ITS will allow progress in line with the grant conditions and will enable Leicestershire residents to benefit from the additional funding.

Intuitive Thinking Skills has been leading on this area for the last two years and has local experience and relationships already in place, thereby strengthening the implementation process.

311. Items referred from Overview and Scrutiny.

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

312. Charnwood Borough Council's Local Plan.

The Cabinet considered a joint report of the Chief Executive and Director of Environment and Transport which advised of the current position of the Charnwood Borough Council's Local Plan, the initial outcomes in respect of the latest period of the public consultation and the associated potential effect on the Interim Transport Contributions Strategy. This item was urgent as Charnwood Borough Council had sought a response from the County Council by 5 January 2024. A copy of the report marked 'Agenda Item 14' is filed with these minutes.

The Cabinet noted comments from Mr. M. Hunt CC, a copy of which is filed with these minutes.

The Cabinet stressed the need for appropriate infrastructure to be in place and hoped that Charnwood Borough Council would work with the County Council to develop a viable plan.

RESOLVED:

- a) That the latest position regarding the Charnwood Borough Council's Local Plan Examination be noted, including:
 - i The latest evidence indicating that the adoption of the Local Plan is expected to result in a funding gap of at least £120m in terms of funding for highways and transportation measures and infrastructure from developer contributions; and
 - ii That to date, still no agreement with Charnwood Borough Council has been reached that would give effect to the implementation of the Interim Transport Contribution Strategy (ITCS), and neither has the Borough Council proposed any alternative approach to securing developer contributions to mitigate the cumulative and cross-boundary impacts arising from the Local Plan's spatial strategy;
- b) That it be noted that Charnwood Borough Council as the authority responsible for making the Local Plan and ensuring its effective delivery, is required to demonstrate that the Plan objective to increase the use of sustainable travel modes can still be fulfilled;
- c) That the principles set out in paragraphs 35 to 38 of this report be agreed as a basis for the responses to Charnwood Borough Council or the Inspectors as part of the ongoing local plan examination process and the Director of Environment and Transport, following consultation with the Cabinet Lead Member, be authorised to respond to requests for information arising from or relating to the Examination of Charnwood Borough Council in line with these principles;
- d) That the Director of Environment and Transport, following consultation with the Cabinet Lead Member, be authorised to update the draft ITCS as required, ahead of consultation, to take account of the issues set out within the report at paragraphs 32 to 50 below;
- e) That the Director of Environment and Transport, following consultation with the Cabinet Lead Member, be authorised to make such refinements to the ITCS as might be required for it to become the Transport Contributions Strategy, at the point of the Charnwood Local Plan being adopted.

REASONS FOR DECISION:

Charnwood Borough Council undertook a further consultation on additional Local Plan evidence from 27 September to 8 November 2023. The consultation included information on the whole plan viability as well as the approach to mitigating transport impacts of

growth arising from the Local Plan spatial strategy. The viability evidence suggested the ability of the Plan to provide sufficient developer contributions to deliver education, highways and transport requirements was limited. The County Council responded, as did a number of other organisations and individuals.

It is the responsibility of Charnwood Borough Council to consider the consultation responses and respond as appropriate. In addition, as the Local Plan-making authority, Charnwood Borough Council is also responsible for demonstrating that the proposed spatial strategy appropriately reflects a wide range of factors and considerations including sustainability and viability.

Charnwood Borough Council has approached the County Council for support in responding to the queries arising from the consultation and any subsequent required responses to the Inspector. The delegated authority to respond will allow sufficient time for the County Council officers to consider the consultation responses and any subsequent impact on the approach to managing highways and transport impacts through the transport strategies and ITCS.

Non-implementation of the ITCS, and the absence of any alternative approach from Charnwood Borough Council, risks further developer contributions being missed and continued difficulties in covering shortfalls to key infrastructure mitigation, increasing levels of financial risk to the County Council. It is therefore necessary for the County Council to work with Charnwood Borough Council to analyse the consultation responses and amend the Strategy or agree an alternative approach as necessary to ensure implementation can take place.

As previously agreed, the County Council will undertake a 6-week consultation on the ITCS, to provide an opportunity for interested parties to view the proposed mechanism and underpinning evidence. As a number of comments have already been received, it is proposed to review the current draft of the ITCS in light of those and make amendments as necessary prior to the consultation.

2.00 - 3.23 pm
19 December 2023

CHAIRMAN