



DATE: 27 June 2023
MY REF: RW/CCouncil
PLEASE ASK FOR: Mrs. R. Whitelaw
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Dear Sir/Madam

I summon you to the MEETING of the LEICESTERSHIRE COUNTY COUNCIL to be held at COUNTY HALL, GLENFIELD on WEDNESDAY, 5 JULY 2023 at 2.00 p.m. for the transaction of the business set out in the agenda below.

Yours faithfully



Chief Executive

AGENDA

1. Chairman's Announcements.
2. To confirm the minutes of the meeting of the Council held on 17 May 2023. (Pages 3 - 28)
3. To receive declarations by members of interests in respect of items on this agenda.
4. To answer questions asked under Standing Order 7(1)(2) and (5).
5. To receive position statements under Standing Order 8.

To consider reports of the Cabinet, Scrutiny Commission, Scrutiny Committees and other bodies:

6. Report of the Cabinet.
 - (a) Hinckley National Rail Freight Interchange. (Pages 29 - 40)



7. Report of the Scrutiny Commission.
 - (a) Overview and Scrutiny Annual Report 2022/23. (Pages 41 - 66)
8. Reports of the Constitution Committee.
 - (a) Report of the Independent Remuneration Panel on Members' Allowances. (Pages 67 - 76)
 - (b) Appointment of Independent Members to the Corporate Governance Committee. (Pages 77 - 78)
9. Report of the Development Control and Regulatory Board.
 - (a) Leicestershire County Council Country Parks Byelaws. (Pages 79 - 92)
10. Appointments in accordance with item 11 of Standing Order 4:
 - (a) To appoint such Cabinet Support Members as the Council considers appropriate.

**MINUTES OF THE MEETING OF THE LEICESTERSHIRE COUNTY COUNCIL
HELD AT COUNTY HALL, GLENFIELD ON WEDNESDAY, 17 MAY 2023**

PRESENT

Dr. R. K. A. Feltham CC (in the Chair)

Mr. R. G. Allen CC, Mr. R. Ashman CC, Mr. T. Barkley CC, Mr. D. C. Bill MBE CC, Mr. G. A. Boulter CC, Mr. S. L. Bray CC, Mr. L. Breckon JP CC, Mr. B. Champion CC, Mr. N. Chapman CC, Mr. M. H. Charlesworth CC, Mr. J. G. Coxon CC, Mr. M. Frisby CC, Mrs. H. J. Fryer CC, Mr. S. J. Galton CC, Mr. D. A. Gamble CC, Mr. K. Ghattoraya CC, Mr. T. Gillard CC, Mr. D. J. Grimley CC, Mrs. A. J. Hack CC, Mr. L. Hadji-Nikolaou CC, Mr. B. Harrison-Rushton CC, Mr. D. Harrison CC, Mr. R. Hills CC, Mr. Max Hunt CC, Mr. P. King CC, Mr. B. Lovegrove CC, Mr. J. Miah CC, Mr. J. Morgan CC, Mr. M. T. Mullaney CC, Ms. Betty Newton CC, Mr. O. O'Shea JP CC, Mr. J. T. Orson CC, Mrs. R. Page CC, Mr. B. L. Pain CC, Mr T. Parton CC, Mr. T. J. Pendleton CC, Mr. L. Phillimore CC, Mr J. Poland CC, Mrs. C. M. Radford CC, Mr. T. J. Richardson CC, Mrs H. L. Richardson CC, Mr. N. J. Rushton CC, Mrs B. Seaton CC, Mr. R. J. Shepherd CC, Mr. C. A. Smith CC, Mrs D. Taylor CC, Mr. G. Welsh CC and Mrs. M. Wright CC

1. ELECTION OF CHAIRMAN.

It was moved by Mr Rushton, seconded by Mr Mullaney and carried:

“That Dr Kevin Feltham be elected Chairman for the period until the next Annual Meeting of the Council.”

Dr Feltham read out and signed his Declaration of Acceptance of Office which was witnessed and signed by the Chief Executive.

2. ELECTION OF VICE CHAIRMAN.

It was moved by Mr Rushton, seconded by Mr Mullaney and carried:-

“That Mr Joe Orson be elected Vice-Chairman for the period until the next Annual Meeting of the Council.”

Mr Orson read out and signed his Declaration of Acceptance of Office which was witnessed and signed by the Chief Executive.

Mr Orson thanked his proposer and seconder for their generous remarks and members of the Council for appointing him as Vice-Chairman.

3. CHAIRMAN'S ANNOUNCEMENTS.

Deaths of Past Chairmen and Former County Councillors

The Chairman reported with great sadness the deaths of three former County Councillors and past Chairmen, Mrs Jackie Dickinson, Mr Roger Wilson and Mr Jim Roberts, and of former County Councillor Mrs Anne Crumbie MBE.

Mrs Dickinson was a member of the County Council from 2005 to 2017 and represented the Enderby Meridian Electoral Division.

She served as Chairman of the Council for the municipal year 2011 to 2012 and was a Cabinet Support Member in 2013. She was Deputy Chairman of the Children and Young People's Service Overview and Scrutiny Committee for a number of years, followed by being a group spokesperson on the Health Overview and Scrutiny Committee. She was also a member of the Scrutiny Commission and Development Control and Regulatory Board.

Mr Wilson was a member of the County Council from 1993 to 2013. He represented the Birstall Electoral Division.

Mr Wilson was Deputy Leader of the Council from 1999 to 2001 and was an original member of the Cabinet, with the portfolio of 'Promoting Better Government for Leicestershire'. After this he mainly served on a number of different overview and scrutiny committees, the Standards Committee, Corporate Governance Committee and Employment Committee. He was Chairman of the Council for the municipal year 2009 to 2010.

Mr Wilson was made an Honorary Alderman of the County of Leicestershire in 2013.

Mr Roberts was a member of the County Council from 1981 to 1997, representing the Belgrave and Stoneygate Electoral Division in Leicester City. He mainly served on the Social Services Committee, Policy and Resources Committee and the Arts, Libraries and Museums Committee. He served as Chairman of the Council for the municipal year 1996 to 1997.

Mrs Crumbie MBE was a member of the County Council from 1985 to 1997. She represented the West Knighton Electoral Division in Leicester City. She mainly served on the Social Services Committee and its subcommittees. She received an MBE for her services to the Red Cross.

Members joined the Chairman standing in silent tribute to the memory of Mrs Dickinson, Mr Wilson, Mr Roberts and Mrs Crumbie.

Chris Tambini

Chris Tambini would be leaving the County Council at the end of the month after more than 20 years, with the last five years as Director of Corporate Resources. He had previously worked in a London Borough, a City Unitary and for PricewaterhouseCoopers.

Chris had led and overseen significant changes during his time with the Council and made a major contribution to modernising and transforming the shape of the Council. He led on a number of successful major change programmes such as the creation of the Investing in Leicestershire Programme and the launch of the Social Care Investment Programme. He also ably led the Corporate Resources Department, reshaping key support services, and made a significant corporate contribution to the leadership and reputation of the Council.

Being with the Council through the austerity years and Covid pandemic Chris had always ensured that robust financial management arrangements had been in place, and that the Council maintained a focus on medium term financial planning. This placed the Council in a far more secure position than would otherwise have been the case. This was recognised by IMPOWER when they rated the Council the most productive in England for three consecutive years.

In 2022, Chris was President of the Society of County Treasurers, which alongside his involvement in various Government working parties including Fair Funding and Special Education Needs reform provided him with national platforms to discuss key public sector issues and promote the Council's interests. Most notable had been Chris's championing of funding reform that exposed the unfairness of the national system and the County Council's low position within it. Chris had developed a deserved reputation and respect outside local government which would stand him in good stead for the future.

Members joined the Chairman in wishing Chris all the best for his future ventures.

Mo Seedat

Mo Seedat, Head of Democratic Services, would be retiring at the end of the month. The Chairman felt sure that members would not want the occasion to pass without placing on record the Council's appreciation of Mo's very special contribution to the operation and sound governance of Leicestershire County Council.

Mo first joined the Committee Services Team in 1982. He was instrumental in establishing the Council's overview and scrutiny function and oversaw its operation for a number of years before becoming Head of Democratic Services in 2014.

The Council had benefitted greatly from Mo's experience and knowledge. He had advised members on a huge range of issues and governance matters and his skill in finding a solution to any difficult situation had been invaluable on many occasions. His calm leadership and professionalism had also ensured that the Council maintained its reputation for good decision-making and high standards of conduct. He had achieved the confidence of members and senior officers alike whilst at the same time leading and supporting junior colleagues in the fine art of applying the Council's constitution.

The Chairman placed on record his personal thanks, and the thanks of his predecessors as Chairman, for Mo's guidance through Council meetings and, on behalf of all members of the Council, wished Mo all the best for the future and for a long and happy retirement.

King Charles III Coronation

On Saturday 6th May King Charles III was crowned, a very special and unique occasion for the Country. The Chairman represented the Council at a special Church Service on Thursday 11th May at St. Mary De Castro Church; some members were also present.

On Saturday 13th May the Chairman hosted a Coronation Big Lunch for the volunteers in Leicestershire communities who help deliver services. It was a fantastic event which everyone enjoyed.

The Chairman read out a Coronation message that the Lord-Lieutenant of Leicestershire received from His Majesties the King and Queen prior to the Coronation. The message read:

“Both my wife and I are enormously grateful to all the communities, families, neighbours and friends who are coming together across the United Kingdom and the Commonwealth to mark our Coronation.

We greatly appreciate everyone’s efforts to organise such celebrations, and very much hope that they will be enjoyable and happy occasions.

As we look towards the future, we feel deeply touched and sustained by the heartfelt good wishes and support of so many kind people around the country.

CHARLES R.

CAMILLA R.”

Armed Forces Day

As a prelude to Armed Forces Day, the Chairman would be hosting an Armed Forces Day Flag-Raising ceremony at the Stand Easy Memorial, on Monday 19th June at 10.30. All members would be invited, and the Chairman hoped that they would be able to join him.

On Saturday 24th June, together with the Lord-Lieutenant and Lord Mayor of Leicester, the Chairman would be attending Armed Forces Day in Leicester City. There would be a parade of service personnel, veterans, and cadets through the streets of Leicester. Following the parade there would be an outside ‘Drumhead Service’ in Green Dragon Square. The Chairman invited members to come into the City and watch this fitting tribute to the Armed Forces and veterans.

County Service

The Chairman would be hosting a County Service later in the year and all Members would receive an invitation in due course.

4. MINUTES.

It was moved by the Chairman, seconded by the Vice-Chairman and carried:

“That the minutes of the meeting of the Council held on 22nd February 2023, copies of which have been circulated to members, be taken as read, confirmed and signed.”

5. DECLARATIONS OF INTEREST.

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

Mr Phillimore CC declared a non-registrable interest in the Notice of Motion on Special Educational Needs and Disabilities (SEND) due to his wife's employment (minute 10(a) refers).

6. QUESTIONS ASKED UNDER STANDING ORDER 7(1)(2) AND (5).

Mr Hunt asked the following question of the Leader or his nominee:

- “1. Many people in the north of the county are concerned that a new settlement of approximately 4,700 homes could be without adequate infrastructure or services, thereby impacting significantly on the north of the county. What reassurance can the Leader offer in response to such concerns and what is the relevant planning process?
2. Is there an adequate local transport strategy to service the East Midlands Freeport and what consideration do such plans have on our decarbonisation commitments?
3. Given that the Passenger Transport Strategy has not been updated and bus services including one Skylink service are threatened, has the authority got a plan for delivering a comprehensive public transport system between the centres of population and employment and the East Midlands Parkway.
4. Can the Leader confirm that the closure and decommissioning of Ratcliffe Power Station is still on track for 2024?
5. Are details of the Freeport secure boundary published and if so where are they accessible.
6. Given that concerns are already breaking out about development regulations within the Outer 45km boundary, could the Leader provide an early report on how planning permits will be determined in conjunction with the Freeport?
7. Is there any evidence that industrial or commercial plans in the county are being held back pending possible transfers into the area of the Freeport offering tax and regulation concessions?”

Mr Breckon replied as follows:

- “1. This site currently has no planning status; it is being promoted through the ongoing review of the North West Leicestershire Local Plan. It is for the District Council to determine if the site is potentially suitable as a housing site when it publishes its Regulation 18 Preferred Options Plan later this year.

The timescale for completing the review is unclear as the District

Council is currently reviewing its Local Development Scheme to take into account, amongst other things, the need to get a better understanding of the implications of the Freeport proposals in respect of infrastructure and other local impacts. This work is ongoing.

The site has been assessed as part of the Strategic Housing and Employment Land Availability Assessment undertaken by the District Council which concluded it was one of a number of potentially available and potentially deliverable sites.

The County Council will continue to work with North West Leicestershire District Council to identify the infrastructure requirements arising from the local plan review.

2. I am aware that the Freeport is in the early stages of discussing joint work with Midlands Connect and the relevant highway authorities to understand the transport impacts of the proposals and ensure connectivity is maximised by all modes of transport. This work will need to fully consider national and local net zero targets.
3. The County Council will work with the Applicants of the Freeport tax sites through the planning process as the applications for each site comes forward to secure appropriate passenger transport provision.
4. Publicly available information in relation to the future of the Power Station refers to decommissioning at various dates. Disclosure of any other information is a matter for Uniper, the owner of the site.
5. The designation of East Midlands Freeport Tax Sites was made by Statutory Instrument made on 1st March:
<https://www.legislation.gov.uk/uksi/2022/184/made>

The Statutory Instrument refers to maps showing the designated tax sites:

<https://www.gov.uk/government/publications/maps-of-east-midlands-freeport-tax-sites>

6. Appended for Mr Hunt's information is the relevant section from the Government's Freeport's Bidding Prospectus (November 2020). Much of the proposed changes to planning law and guidance is yet to be enacted. A Local Development Order (LDO)¹ is being prepared to help shape the plans for redevelopment of the East Midlands Freeport tax site at the Ratcliffe-on-Trent Power Station within Rushcliffe BC. This was subject to consultation which closed on 19th January 2023.
7. The East Midlands Freeport full business case, approved by the Government, is a confidential document but it places a requirement on tax site operators to take appropriate action to mitigate economic

¹LDOs provide permitted development rights for specified types of development in defined locations. They are flexible and locally determined tools that LPAs can use to help accelerate the delivery of appropriate development in the right places. LDOs are intended to enable growth by positively and proactively shaping sustainable development in the LPA area through simplifying the planning process and making investment more attractive.

displacement from the wider local area, especially other economically disadvantaged areas. The Department for Levelling Up, Housing and Communities has published a Policy paper on its strategy for monitoring and evaluating the effectiveness and impacts of Freeports (at programme level) which includes the overall impact of Freeports on economic growth in the wider Freeport areas and displacement is identified as a key research topic.

There is no evidence that industrial or commercial plans in the county are being 'held back' but there is no reliable means of assessing this."

7. POSITION STATEMENTS UNDER STANDING ORDER 8.

The Leader gave a position statement on the following matters:

- Ukrainian Refugees and Asylum Seekers;
- Meeting with Chancellor and F20 Update;
- Devolution Update;
- Coronation of King Charles III;
- Additional Pothole Funding.

The Lead Member for Children and Family Services delivered a position statement on becoming an Anti-Racist Organisation on behalf of the Lead Member for Community and Staff Relations.

A copy of the position statements is filed with these minutes.

8. REPORTS OF THE CABINET.

(a) Youth Justice Plan 2023 - 26.

It was moved by Mrs Taylor, seconded by Mrs Richardson, and carried unanimously:

"That the Youth Justice Strategic Plan 2023 – 2026 be approved."

(b) Dates of Council Meetings.

It was moved by Mr Shepherd, seconded by Mr Rushton and carried unanimously:

"That Council meetings in 2023/24 and 2024/25 be held on the following dates:

- 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)
- Wednesday 3 July 2024
- Wednesday 25 September 2024

- Wednesday 4 December 2024
- Wednesday 19 February 2025 (to consider the budget)
- Wednesday 14 May 2025 (Annual Meeting).”

9. APPOINTMENTS IN ACCORDANCE WITH ITEMS 11 AND 12 OF STANDING ORDER 4:

(a) To appoint the Leader (and to note the members which the Leader proposes to appoint to the Cabinet);

It was moved by Mrs Taylor, seconded by Mr Shepherd and carried:

“That Mr N J Rushton be appointed Leader of the Council for the period until the next Annual Meeting of the Council.”

It was moved by Mr Rushton, seconded by Mr Shepherd and carried:

“That it be noted that the Leader proposes to appoint the members named on List ‘1’ attached to the Order Paper as members of the Cabinet.”

A copy of List 1 is filed with these minutes.

(b) To appoint such Cabinet Support Members as the Council considers appropriate;

It was moved by Mr Rushton, seconded by Mr Shepherd and carried:

“That the following members be appointed as Cabinet Support Members until the next Annual Meeting of the County Council, as provided for in Article 7 of the Council’s Constitution:

Mr R. Ashman CC
Mr T. Parton CC
Mrs M. Wright CC”

37 members voted for the motion; 8 voted against.

(c) To appoint members of the Scrutiny Commission, Boards and Committees.

It was moved by Mr Shepherd, seconded by Mr Bray and carried:

Membership

“That the membership of the Scrutiny Commission, Boards and Committees as set out in List ‘2’ and the Chairmen Elect and Spokespersons named in List ‘3’ attached to the Order Paper be approved.”

Substitutes

“That the Chief Executive be authorised to make and terminate appointments to the Commission, committees, boards and other County Council bodies (not including the Cabinet) in accordance with the wishes of the Political Groups to whom the seat in question has been allocated, subject in the case

of those bodies set out in List '2' to the Group giving one day's notice to the Chief Executive of its wishes."

A copy of List '2' and List '3' is filed with these minutes.

10. NOTICE OF MOTION:

(a) Special Educational Needs and Disabilities (SEND).

Mr Hunt sought and obtained the consent of the Council to move an altered motion.

It was moved by Mr Hunt, seconded by Mrs Taylor and carried unanimously:

- "(a) Leicestershire County Council acknowledges that an increasing number of pupils are requiring a place within a special educational needs or disabilities (SEND) setting or with support in mainstream education.
- (b) The Council acknowledges the financial challenge, which is adversely affecting the delivery of SEND education and transport at the present time and notes that:
- (i) Demand for SEND in Leicestershire is higher than most other comparison authority areas;
 - (ii) Leicestershire's geography, the location of existing SEND places, and reliance on independent sector providers contribute to the constant budget pressures in SEND provision despite significant capital investment delivering c600 new places;
 - (iii) The limited funding historically for mainstream education placed additional pressure on the SEND budget, with many Leicestershire primary and secondary schools being on the funding floor;
 - (iv) The law stipulates that processing Education, Health & Care Plans (EHCP) for a SEND pupil should last no more than 20 weeks. This target is often not met, which creates additional pressure and stress for SEND pupils, their parents, and carers;
 - (v) Some Leicestershire households with SEND pupils are not receiving the level of support that we aspire to deliver;
 - (vi) The Council has been working with Newton Europe – an operational improvement consultant - to develop a plan to manage the financial challenge of the increased demand for SEND in Leicestershire.
- (c) This Council remains concerned that:
- (i) Leicestershire places high numbers of SEND children in the independent sector due to the current lack of sufficient local provision for children with SEN in Leicestershire."

- (ii) Managing costs within the current level of grant funding is not possible given the current levels of demand and deficits on the SEND budget will grow in the current MTFS;
 - (iii) The wider picture is concerning. SEND budget deficits across English local authorities now exceed £3 billion.
- (d) The Council, therefore, resolves to:
- (i) Write to the Prime Minister and Chancellor of the Exchequer to highlight the need to ensure that SEND funding levels fully cover the costs of the current legislative requirements as set out in the SEND Code of Practice;
 - (ii) Ensure a continued focus on the recruitment and retention of skilled and experienced staff to undertake Education, Health and Care Plan (EHCP) assessments in the required timeframe.”

2.00 pm – 3.05 pm
17 May 2023

CHAIRMAN

APPENDIX TO AGENDA ITEM 6

3.6. Planning

- 3.6.1 Bidders will be able to take advantage of the planning reforms set out in the Consultation Response related to permitted development rights and simpler, area-based planning – in particular Local Development Orders (LDOs).
- 3.6.2 The government recognises the advantages that wider planning reform can bring to Freeports development. Therefore, as part of a longer-term programme of reform to England's planning system, the government is exploring the potential to go further in these areas, as well as the potential to test ambitious planning proposals in Freeports, taking advantage of the controlled spaces that they offer.
- 3.6.3 In addition to the measures set out in the Freeports Consultation, the government is actively exploring a new, simpler framework for environmental assessment, as well as intending to review the National Policy Statement for Ports in 2021.

i. Permitted development rights

- 3.6.4 The government has confirmed that it will amend the Part 8 Class B rights used by seaports within Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 so that they are brought into closer alignment with existing rights for airports. This change will allow for a wider range of development and operational activities to take place in seaport areas, specifically in relation to permitting the development of buildings for purposes connected with the operation of the port.
- 3.6.5 This will help to provide planning certainty to developers and enable development plans to progress more quickly through the planning system as developers will be able to benefit from these expanded permitted development rights without the need for local authority planning permission.
- 3.6.6 Some respondents to the consultation suggested additional bespoke amendments to permitted development rights may be appropriate to better support the specific needs of seaport developments. Therefore, in line with the policy consulted on, the government will explore the feasibility of including in the regulations additional amendments to the permitted developments rights of seaports suggested by respondents to the Freeports Consultation.

ii. Simpler, area-based planning

- 3.6.7 The government has confirmed that it will encourage local authorities and prospective bidders to consider how certain planning freedoms – in particular, Local Development Orders (LDOs) – could be used to support appropriate development in Freeport areas. These measures would help accelerate and provide greater planning certainty for defined types of development in Freeport locations. Measures would also empower local authorities to take a strategic approach to Freeports development. Bidders should provide evidence on how their development plans could be supported by an LDO.
- 3.6.8 To support this process, the government is committed to providing further assistance to successful bidders to implement LDOs in their areas and will work in partnership with local authorities to ensure successful delivery. Details of this further assistance will be provided to successful bidders.

iii. Environmental Impact Assessments (EIA)

- 3.6.9 Some respondents to the consultation noted that the threshold to meet the need to conduct an EIA is lower for ports development than other types of similar development. This subsequently affects the scope of permitted development rights for ports as developers cannot use such rights if a development requires an EIA. As part of the wider planning reforms, the government will be considering how environmental assessment can be streamlined across all forms of development while ensuring better outcomes for the environment.

iv. National Policy Statement for Ports (NPSP)

- 3.6.10 In the Consultation Response, the government set out that it will consider whether a review of the National Policy Statement for Ports is appropriate. As per the Secretary of State's ongoing duties in relation to reviewing the National Policy Statement for Ports under the Planning Act 2008, the government intends to review the National Policy Statement for Ports in 2021.

v. Bidder requirements

- 3.6.11 Bidders will need to demonstrate relevant stakeholder support for their proposals to ensure successful delivery. At a minimum, the government would expect the relevant local authorities to:
- a. Be part of the bidding coalition
 - b. Have discussed development plans as part of compiling the bid
 - c. Offer statements of support for implementing a Local Development Order (LDO) or similar mechanism
- 3.6.12 Such cooperation will be vital for ensuring development plans are able to progress smoothly through the planning system. The government expects bids to demonstrate local authority support for commercial property development within tax and customs zones, to support their growth, which could be set out in an LDO. Bidders should also account for where Freeports development affects the local housing market and demonstrate proposals to address those impacts.
- 3.6.13 In addition to the minimum requirements, successful bids should:
- a. Include qualitative proposals explaining how a Local Development Order (LDO) or similar mechanism may be used to support Freeport objectives
 - b. Provide map-based evidence of where underutilised land, including the tax sites, may be redeveloped for the purposes of Freeports development, with the appropriate support of the relevant local authority
 - c. Consider how their Freeport proposals affect local housing markets
 - d. Show how the existing local planning environment can respond or propose an approach to mitigating any adverse impacts (for example, by revising the relevant Local Plan)
- 3.6.14 The government also welcomes bids which present innovative development proposals, including those that are forward leaning on using available land to bring forward infrastructure and support businesses that further the UK's decarbonisation agenda or Net Zero ambitions.

COUNTY COUNCIL MEETING – 17TH MAY 2023

POSITION STATEMENT FROM THE LEADER OF THE COUNCIL

Ukrainian Refugees and Asylum Seekers

The Council has a proud record of reaching out and supporting refugees. We continue to stand side by side with our Ukrainian friends and I am pleased to say we have supported over 1000 Ukrainian guests to build new lives in the county. We are ready to do more, if required.

We have also worked with our partners to manage the challenges presented by the relocation of asylum seekers into both hotels and houses across the county. We recognise that the sudden placement by the Home Office of asylum seekers is placing unfunded demands on council services such as education and social care. Meetings are taking place with the Home Office and we are pressing our case for additional resources to help us support these individuals and families. We have also written to all our MPs highlighting the costs involved, the deficiencies with the Home Office's consultation and engagement process, and pressed them to ensure that the distribution of asylum seekers across the region is fair.

Meeting with Chancellor and F20 Update

Mrs Taylor, Mr Breckon and I met the Chancellor at the end of April to discuss a fairer funding deal that Leicestershire deserves. We put our case forward for a pragmatic temporary solution that targets the lowest funded councils. The Chancellor had a very good grasp of the issues presented and acknowledged the strength of our argument.

It is a positive start, but there is still a long way to go due to the national finances.

We'll be meeting up with Lee Rowley MP, the Minister for Local Government, who was at the meeting with the Chancellor, and look forward to progressing our work with him to achieve a better funding outcome for Leicestershire.

Finally, it would be remiss if I didn't acknowledge the support of the Leicestershire MPs in arranging the meeting and actively supporting us to make the case for a better funding deal.

Devolution Update

Although the current deal on offer from Government for Leicestershire remains at level 2, through no fault of our own, a level 3 deal isn't available.

This has been the position for some time, and it is deeply frustrating for us knowing our original bid for a level 3 deal was the most ambitious from any of the original nine councils invited by Government to bid. On 7th February, the leadership of the county council and its chief officers held a meeting with Dehenna Davison MP, the Minister of State at DLUHC with responsibility for Devolution and County Deals, at her request, to discuss our position. I have to say it was one of the more positive and constructive meetings we have had with Government.

I have now received a follow up letter from the Minister, copied to the City Mayor, which encourages the County and City Council leaderships to be ambitious in pursuing a level 3 deal with Government. I am sure that will be helpful in our ongoing discussions.

Coronation of King Charles III

Further to your announcements, Chairman, I would like to say that in order to help Leicestershire residents celebrate the Coronation of His Majesty The King, we waived the standard fee for applying for a road closure or holding an event on highway land adjacent to the road to facilitate street parties and celebrations. In total we approved 151 applications, comprising 120 road closures and a further 31 for permission to hold an event on highway land. Leicestershire County Council also provided traffic management guidance and advice to event organisers and loaned 220 road-closed signs and over 500 traffic cones to event organisers. I hope our communities across the county had an enjoyable and safe Coronation celebration.

Additional Pothole Funding

Maintaining the 2700 miles of roads in Leicestershire to the standard our residents expect is becoming increasingly difficult. The impacts on our roads of traffic growth, climate change, along with decreasing budgets and the impact of inflation is becoming easy to see, so the additional £3.1m pothole funding made available by the Government is welcome. As with all maintenance money, this additional £3.1 million to reduce potholes will be used where it is most needed and in a way that will deliver the biggest benefit.

This extra money will be used alongside the current road maintenance budget to carry out additional repairs to individual potholes or groups of potholes

through patching works. While the cost of pothole repairs and patching work will vary depending on size, location and traffic management, this latest allocation will help to repair over 30,000 potholes or up to 75,000m² of carriageway patching work.

Mr N. J. Rushton
Leader of the Council

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COUNTY COUNCIL MEETING – 17TH MAY 2023

POSITION STATEMENT FROM THE LEAD MEMBER FOR COMMUNITY AND STAFF RELATIONS

BECOMING AN ANTI RACIST ORGANISATION

The Council has a strong and enduring commitment to equality, diversity and inclusion. This applies to the services we deliver to the communities of Leicestershire as well as the people who work for the Council. As Lead Member I would also like to take this opportunity to thank all three Group Leaders for their support.

This week has been dedicated to anti-racism. There are several events and workshops taking place across the organisation. It is part of the commitment the Council made in February 2022 to work towards becoming an anti-racist organisation.

The Council is on a continuous journey to challenge racism, prejudice, and discrimination in all its forms, and to develop a culture which is welcoming, inclusive, fair and transparent. I'd like to set out some of our achievements in the past 15 months.

- New guidance for managers to respond effectively to incidents of racist abuse of staff. This is part of the commitment to a “zero-tolerance” of racism.
- Representative interview panels and specific support for recruitment to senior positions, to ensure that the best people for the job are selected.
- A robust and thriving staff network for Black, Asian and Minority Ethnic staff. The network provides support for staff and constructive challenge to the organisation.
- Heritage projects with people from the South Asian and Traveller communities to value their experience of living in Leicestershire and promote understanding.
- Analysis of the Census 2021 data to ensure that the workforce is representative of the communities of Leicestershire at all levels.
- Promoting an open culture where issues of race and ethnicity are discussed. The “Big Conversation” is an on-line forum, open to all staff where topics related to equality are shared. In the past year it has covered Anti-Semitism, Traveller prejudice and the Black Lives Matter movement. The authority also encourages staff to become speak-up champions and diversity champions.

The Director of Children and Families is the executive sponsor for this work and chairs a corporate task group dedicated to this work. She is supported by a dedicated senior Anti-Racism policy officer who leads on the day-to-day implementation of the action plan.

If they have not already done so, I would encourage all Members to look at the exhibition boards in the Members' Lounge and also encourage them to attend one or more of the events that are taking place this week. There will also be a special Members' Briefing on 4th of July. This will look at recent reports into the culture of the Metropolitan Police and the Fire and Rescue Services, identifying the lessons all large public sector organisations, and the need to remain vigilant and active in challenging racism and all forms of prejudice.

Mrs P Posnett
Lead Member for Community and Staff Relations

LIST 1**THE LEADER**

LEADER OF THE COUNCIL: Mr N J Rushton CC

THE CABINET

The Leader (elect) has given notice that he proposes to appoint the following members to serve on the Cabinet.

DEPUTY LEADER OF THE COUNCIL: Mrs D Taylor CC (Lead Member for Children and Young People)

OTHER MEMBERS OF THE CABINET:-

1. Mr P Bedford CC
2. Mr L Breckon CC
3. Mr O O'Shea CC
4. Mr B L Pain CC
5. Mrs P Posnett CC
6. Mrs C M Radford CC
7. Mrs L Richardson CC
8. Mr R J Shepherd CC

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LIST '2'

MEMBERSHIP OF COMMISSION, COMMITTEES AND BOARDS**SCRUTINY COMMISSION (11)****Conservative (8)**

- 1 Mrs Page CC
- 2 Mr Poland CC
- 3 Mr Richardson CC
- 4 Mrs Fryer CC
- 5 Mr Gillard CC
- 6 Mr Morgan CC
- 7 Mr Frisby CC
8. Mr Barkley CC

Labour (1)

- 1 Mrs Hack CC

Liberal Democrat (2)

- 1 Mr Mullaney CC
- 2 Mr Galton CC

Membership to include the

- ♦ Leader of the main Opposition Group as Chairman;
- ♦ 3 Commissioners (2 Administration and 1 minority Opposition); and
- ♦ Chairmen of the Scrutiny Committees (5).

OVERVIEW AND SCRUTINY COMMITTEES (7)**A. ADULTS AND COMMUNITIES (7)****Conservative (5)**

- 1 Mr Richardson CC
- 2 Mr Chapman CC
- 3 Mr Champion CC
- 4 Mr Hadji-Nikolaou CC
- 5 Mrs A Wright CC

Labour (1)

- 1 Mr Miah CC

Liberal Democrat (1)

- 1 Mr Boulter CC

B. CHILDREN AND FAMILIES (7)**Conservative (5)**

- 1 Mrs Fryer CC
- 2 Mr Hills CC
- 3 Mr Hadji-Nikolaou CC
- 4 Mr Ghattaroya CC
- 5 Mr Frisby CC

Labour (1)

- 1 Mr Hunt CC

Liberal Democrat (1)

- 1 Mr Welsh CC

C. HIGHWAYS AND TRANSPORT (7)

Conservative (5)	Labour (1)	Liberal Democrat (1)
1 Mr Gillard CC	1 Mrs Hack CC	1 Mr Bill CC
2 Mr Merrie CC		
3 Mr Phillimore CC		
4 Mr Lovegrove CC		
5 Mr Allen CC		

C. ENVIRONMENT AND CLIMATE CHANGE (7)

Conservative (5)	Labour (1)	Liberal Democrat (1)
1 Mr Frisby CC	1 Mr Hunt CC	1 Mr Boulter CC
2 Mr Harrison CC		
3 Mr Chapman CC		
4 Mrs Seaton CC		
5 Mrs Page CC		

D. HEALTH (7)

Conservative (5)	Labour (1)	Liberal Democrat (1)
1 Mr Morgan CC	1 Mrs Newton CC	1 Mr Charlesworth CC
2 Mrs Seaton CC		
3 Mr Pendleton CC		
4 Mr Harrison CC		
5 Mr Hills CC		

DEVELOPMENT CONTROL AND REGULATORY BOARD (11)

Conservative (9)	Labour (0)	Liberal Democrat (2)
1 Mr Phillimore CC		1 Mr Charlesworth CC
2 Mr Lovegrove CC		2 Mr Gamble CC
3 Mr Bannister CC		
4 Mr Grimley CC		
5 Mr Merrie CC		
6 Mr Allen CC		
7 Mr Harrison CC		
8. Mr King CC		
9. Mr Smith CC		

CONSTITUTION COMMITTEE (7)

Conservative (6)	Labour (0)	Liberal Democrat (1)
1 Mr Rushton CC		1 Mr Mullaney CC
2 Mrs Taylor CC		
3 Mr Shepherd CC		
4. Mr Breckon CC		
5. Mr Bedford CC		

6. Mr Poland

EMPLOYMENT COMMITTEE (7)

Conservative (6)

- 1 Mr Breckon CC
- 2 Mr Bedford CC
- 3 Mr Shepherd CC
- 4 Mr Pendleton CC
- 5 Mr Harrison-Rushton CC
6. Mr Champion

Labour (0)

Liberal Democrat (1)

- 1 Mrs Broadley CC

LOCAL PENSION COMMITTEE (5)

Conservative (4)

- 1 Mr Barkley CC
- 2 Mr Grimley CC
- 3 Mrs A Wright CC
- 4 Mr King CC

Labour (0)

Liberal Democrat (1)

- 1 Mr Bill CC

CORPORATE GOVERNANCE (7)

Conservative (5)

- 1 Mr Barkley CC
- 2 Mr Richardson CC
- 3 Mr Orson CC
- 4 Mr Champion CC
- 5 Mr Bannister CC

Labour (0)

Liberal Democrat (2)

- 1 Mr Boulter CC
2. Mr Bill

Committee places (83)

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LEICESTERSHIRE COUNTY COUNCIL CHAIRMEN AND GROUP SPOKEPERSONS

	Conservative		Liberal Democrat	Labour
Scrutiny Commission Commissioners	Mrs Page CC	Mr Poland CC	Mr Mullaney CC	Mrs Hack CC

Overview and Scrutiny		Conservative		Liberal Democrat	Labour
		Chairman (elect)	Deputy Chairman (elect)	Spokesmen	Spokesperson
A.	Adults and Communities	Mr Richardson CC	Mr Chapman CC	Mr Boulter CC	Mr Miah CC
B.	Children and Families	Mrs Fryer CC	Mr Hills CC	Mr Welsh CC	Mr Hunt CC
C.	Highways and Transport	Mr Gillard CC	Mr Merrie CC	Mr Bill CC	Mrs Hack CC
D.	Environment & Climate Change	Mr Frisby CC	Mr Harrison CC	Mr Boulter CC	Mr. Hunt CC
E.	Health	Mr Morgan CC	Mrs Seaton CC	Mr Charlesworth CC	Mr Newton CC
Development Control and Regulatory Board		Mr Phillimore CC	Mr Lovegrove CC	Mr Charlesworth CC	-

Other Regulatory Bodies	Conservative Spokesperson	Liberal Democrat Spokesperson	Labour Spokesperson
Constitution Committee	Mr Rushton CC	Mr Mullaney CC	-
Employment Committee	Mr Breckon CC	Mrs Broadley CC	-
Local Pension Committee	Mr Barkley CC	Mr Bill CC	-
Corporate Governance Committee	Mr Barkley CC	Mr Boulter CC	-

Chairmanship

The Council's Constitution makes provision for the leader of the largest opposition party to be ex officio the Chairman of the Scrutiny Commission.

The membership of the Scrutiny Commission includes the Chairmen of the five Scrutiny Committees.

The appointment of Chairman and Deputy Chairman are matters to be determined by the bodies themselves, but the nominations are reported to the Council (shown as "Chairman or Deputy Chairman elect").

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REPORT OF THE CABINET

A. HINCKLEY NATIONAL RAIL FREIGHT INTERCHANGE

Introduction

1. This report concerns the proposed Hinckley National Rail Freight Interchange (HNRFI), a large multi-purpose rail freight interchange and distribution centre.
2. As a “Nationally Significant Infrastructure Project” the HNRFI proposal is not being considered by the local planning authority (Blaby District Council) but via a Development Consent Regime, which has a six-stage process. The Planning Inspectorate is at the centre of the process, which is currently at pre-examination stage. At this stage, the public and organisations can register as Interested Parties by making a Relevant Representation, a summary of their concerns on the application.
3. The County Council’s Relevant Representation was approved by the Cabinet and submitted to the Planning Inspectorate on 23 June. This report enables the Council to note the content of the Relevant Representation, which is attached as Appendix A to this report.

Background

Policy context

4. In December 2014 the National Policy Statement for National Networks (NPS) was issued by Government; this sets out the need for, and Government’s policies to deliver, development of nationally significant infrastructure projects on the road and rail network. In relation to Strategic Rail Freight Interchanges (SRFIs), the Government recognises the transfer of freight from road to rail has an important part to play in a low carbon economy and concluded a compelling need for an expanded network of SRFIs.
5. This NPS forms the primary basis for the Secretary of State (SoS) making decisions on development consent applications for nationally significant infrastructure projects (NSIPs) in England on national networks.
6. The Government (Department for Transport) has recently undertaken consultation on a new National Networks National Policy Statement which closed on 6 June 2023. It includes more guidance in relation to resilience and adaptation to climate change, as well as mitigating environmental impacts and enhancing biodiversity. The Government has indicated that while the review is undertaken, the current NPS remains relevant Government policy for the purposes of the 2008

Planning Act, and for any applications accepted for examination before designation of the amendments the original NPS should have effect. This is the case for the HNRFI proposal.

7. Under Section 104 of the Planning Act 2008 the SoS must decide an application for a national networks NSIP in accordance with the NPS unless he/she is satisfied that to do so would:
 - (i) Lead to the UK being in breach of its international obligations;
 - (ii) Be unlawful;
 - (iii) Lead to the SoS being in breach of any duty imposed by or under any legislation;
 - (iv) Result in adverse impacts of the development outweighing its benefits;
 - (v) Be contrary to legislation about how the decisions are to be taken.
8. The National Planning Policy Framework (NPPF, July 2021) is still considered to be an important and relevant consideration in decisions on NSIPs but only to the extent relevant to the project.
9. The 2021 Midlands Connect Strategy refresh advocates the movement of more goods by rail rather than road, reducing carbon emissions by up to 76%.
10. The non-statutory Strategic Growth Plan (SGP) for Leicester and Leicestershire which sets out a vision for growth to 2050, was approved by the Cabinet and partners in late 2018. The SGP sets out employment land that is needed between 2011 and 2031/2036 in addition to housing need. The SGP includes the Leicestershire International Gateway concept where there are major employment opportunities, directly referring to East Midlands Airport and the East Midlands Gateway Strategic Rail Freight Interchange (SRFI).
11. The 'Warehousing and logistics in Leicester and Leicestershire: managing growth and change' study (April 2021) specifically focuses on strategic warehousing (units over 9,000sqm of floorspace) such as the warehousing proposed at the HNRFI. This provides updated evidence for road and rail based strategic warehousing provision and in the period to 2041 looks for one further SRFI in Leicester and Leicestershire. Broad 'Areas of Opportunity' are identified in the study to steer future strategic warehousing and logistics proposals. The HNRFI sits within one of these broad 'Areas of Opportunity'.
12. In November 2021 the County Council became a signatory to the Leicester and Leicestershire Statement of Common Ground (SoCG) relating to Strategic Warehousing and Logistics needs (September 2021). The SoCG will help to inform an approach to meeting the Leicester and Leicestershire need which maintains an appropriate supply across the Areas of Opportunity in terms of geography and

trajectory. This is required to help demonstrate a collective Duty to Co-operate on this matter.

13. In September 2022 the County Council became a signatory to the Leicester and Leicestershire SoCG relating to Housing and Employment Land Needs (June 2022). This SoCG includes the provision of employment land which covers smaller scale warehousing (beneath 9,000sqm), and the unmet employment need for Leicester (23ha) is directed to Charnwood Borough in order to meet the overall objectively assessed need for employment land within the Leicester and Leicestershire Functional Economic Market Area.

The principle of Strategic Rail Freight Interchanges (SRFI)

14. Strategic Rail Freight Interchanges (SRFI) are large multi-purpose rail freight interchange and distribution centres linked into both the rail and trunk road system. They have rail-connected warehousing and container handling facilities and may also include manufacturing and processing activities.

Hinckley National Rail Freight Interchange proposal

15. The HNRFI is a SRFI to include railway sidings and freight transfer area alongside a two-track railway between Hinckley and Leicester. The line forms a part of Network Rail's freight route between Felixstowe to Nuneaton as part of a wider network to link major cargo terminals at Southampton, Liverpool and the Humber estuary.
16. The development as proposed would include the construction of south facing slip roads at junction 2 of the M69 motorway and a new link road between the M69 and the B4668 Leicester Road, Hinckley – generally known as the A47 link road. The Applicant also proposes land for landscaping and planting works, ecological mitigation, drainage balancing ponds and footpath and cycleway links. The proposal also includes up to 850,000 sqm of warehousing (of which 200,000 sqm would be mezzanine floor).

The Development Consent Regime

17. The HNRFI proposal forms a Nationally Significant Infrastructure Project (NSIP) and will be considered through the NSIPs route rather than by the relevant local planning authority (Blaby District Council). NSIPs are major infrastructure projects which are determined through the Development Consent Regime.
18. The Planning Act 2008 introduced a six-stage process which front loads consultation at the pre-application stage, with the applicant being at the centre of the process in the first stage and required to fully scope and refine the application before submission to the Planning Inspectorate. The Planning Inspectorate is then at the centre of the process prior to

making its recommendation to the relevant Secretary of State who is responsible for making the final decision to approve a NSIP. In the case of SRFIs this will be the Secretary of State for Transport.

Progress within the six-stage process

19. Stages 1 and 2 covering pre-application consultation (held 12 January to 8 April 2022) and submission for acceptance (17 March 2023) have been completed, with the application for development consent accepted by the Planning Inspectorate on 13 April 2023.
20. Stage 3 has been reached which is the pre-examination stage. At this stage the public and organisations can register as an Interested Party by making a Relevant Representation, which is a summary of concerns on the application. The Examining Body is also appointed at this stage, and all Interested Parties will be invited to attend a Preliminary Meeting, run and Chaired by the Examining Authority. This is anticipated to take place in the Autumn.
21. The following stages will be:
 - **Stage 4:** The examination stage when interested parties can make written and oral representations to the Planning Inspectorate in its capacity as the examining authority. This can last a maximum of six months.
 - **Stage 5:** The Planning Inspectorate makes its recommendation within three months to the relevant Secretary of State who decides whether to approve the project within three months. This stage can last a maximum of six months.
 - **Stage 6:** The post decision stage when the Applicant or other interested party can appeal any decision via a legal challenge. This is a six-week window.

Role of the County Council

22. The County Council's role in this process is as a consultee. At the first stage of the process, the pre-application stage, the County Council responded in its statutory consultee capacity only, as the Local Highway Authority given the key importance of these matters.
23. At this stage the County Council has broadened the breadth of County Council activities to respond; as such, the Appendix sets out the Relevant Representation of the County Council in its role as a statutory consultee as the Local Highway Authority followed by other themed areas, which, in brief are -
 - (i) Key elements of the assessment are not supported by the Local Highway Authority and certain elements are lacking; as a consequence, mitigation cannot be agreed at this stage.

- (ii) The operation of Croft Quarry and impact on rail capacity has not been considered adequately.
- (iii) Impact on public health, particularly for vulnerable groups, has not been considered adequately.
- (iv) Consequential impacts in relation to housing demand have not been considered adequately.
- (v) Green House Gas (GHG) emissions post mitigation equate to an increase in the Leicestershire carbon baseline of 5%.

Delegation to the Chief Executive

- 24. To enable the County Council to respond in a timely manner to the Planning Inspectorate during the forthcoming stages of the Development Consent Order process, the Cabinet at its meeting on 23 June agreed a delegation to the Chief Executive to enable County Council responses in relation to the HNRFI proposal to be provided in time to meet Planning Inspectorate deadlines.
- 25. This is particularly pertinent given the Examining Authority is in the process of being appointed and the Planning Inspectorate is now at the centre of the process to unfold over the coming months.
- 26. The next stages during early/mid-summer will include the preparation of written representations by officers and a Local Impact Report which require timely signing-off prior to submission to the Planning Inspectorate. A series of topic based SoCGs are being prepared and circulated by the applicant setting out areas of agreement and disagreement. These will form the basis of discussion over coming weeks and it is understood that the intent is to distil the outcomes into a single SoCG with the County Council in due course.

Resource Implications

- 27. As a 'Host Authority', alongside Blaby District Council and Hinckley and Bosworth Borough Council, the County Council is expected to participate fully in the planning process.
- 28. NSIP, of which the HNRFI is one, and the associated planning processes often lead to a level of workload that is outside of business as usual for local authorities. The County Council will do its utmost to recover the costs of consultation and advice given by the County Council to the applicant (including related legal costs). These will be recovered through a Planning Performance Agreement (PPA) between the Authority and the applicant.
- 29. A PPA agreed in December 2022 looked to recover costs already incurred to the date the applicant submitted their application to the Planning Inspectorate on 17 March 2023. The Agreement estimates costs during this period to be £185,750. Any costs after the date of submission (unless specified in the pre-application work schedule) will

be the subject of an additional or extended PPA. An extension to the existing PPA is currently being discussed with Tritax Symmetry.

30. The Director of Corporate Resources and the Director of Law and Governance have been consulted on the content of this report.

Equality and Human Rights Implications

31. There are no equality and human rights implications for the County Council arising from the recommendations in this report. The applicant has prepared a Consultation Report (Document Reference 5.1) as part of their application, this includes a Statement of Community Consultation setting out how it consulted and took account of consultation responses.

Environmental Implications

32. The environmental implications of the development are being considered through the Environmental Impact Assessment process and Environmental Statement and will form a significant part of the considerations made by the Planning Inspectorate.

Partnership Working and Associated Issues

33. The County Council continues to engage with Blaby District Council, Hinckley and Bosworth Borough Council and the applicant regarding the proposal.
34. Blaby District Council and Hinckley and Bosworth Borough Council will be submitting a Relevant Representation.
35. The County Council's response focuses heavily on its statutory consultee role as the Local Highway Authority. Feedback on areas where the County Council has expertise including in ecology and archaeology, continue to be shared with the district councils in support of any wider response they may submit.
36. The breadth of County Council activities informing the Relevant Representation has been expanded and these follow the Highway Authority statutory consultee Relevant Representation in the appendix.

Consideration by the Cabinet

37. The Cabinet at its meeting on 23 June considered the participation in the HNRFI Development Consent Order Process, including the Relevant Representation. The decision of the Cabinet is set out below:
 - (a) That the comments set out in the Appendix to the report to be submitted to the Planning Inspectorate as the Relevant Representation of the County Council on the HNRFI proposal,

subject to the following amendment to sentence 3 of the Relevant Representation as requested by the Environment Agency:

“Albeit it has been agreed with the Environment Agency that the LLFA will take the lead on surface water drainage proposals on-site with the remaining flood risk and modelling elements remaining with the Environment Agency”.

- (b) That the Chief Executive be authorised to make submissions on behalf of the County Council during the Examination stage on the HNRFI proposals, in line with the deadlines set by the Planning Inspectorate.

(Motion to be moved: -

That the Relevant Representation of the County Council on the Hinckley National Rail Freight Interchange proposal, as set out in Appendix A to the report, be noted.

23 June 2023

Mr N J Rushton CC
Leader of the Council

Background Papers

Report to the Cabinet on 23 June 2023 -

<https://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=7077&Ver=4>

Appendix

Leicestershire County Council relevant representations as the Local Highway Authority and host authority to the Hinckley National Rail Freight Interchange proposal

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APPENDIX

Leicestershire County Council relevant representations as the Local Highway Authority and host authority to the Hinckley National Rail Freight Interchange proposal

Leicestershire County Council (LCC) has considered the application submitted by Tritax Symmetry (Hinckley) Limited (the Applicant) for an Order Granting Development Consent for the Hinckley National Rail Freight Interchange (HNRFI) and considers the following should be deemed among the main issues and impacts. Matters are categorised by technical areas and are only in summary form. These will be developed in LCC's Local Impact Report and Written Representations in due course.

Highways and Transport

There is no agreement to the following elements of the proposed development:

- Trip generation - including discrepancies in employee numbers and addition of a lorry park
- Access infrastructure including its design, capacity and deliverability
- Strategic model outputs including furnessing methodology and lack of phased testing
- Impact of the development and role of the access infrastructure in the interpretation of modelling results
- Mitigation strategy and package, including local and strategic junction assessments, design, and lack of testing of mitigation strategy in strategic model
- Impacts on rail including Narborough crossing and future passenger provision
- HGV Management Plan and Route Strategy including method of enforcement
- Public Right of Way Strategy including rail crossings
- Construction Traffic Management Plan and construction traffic routeing impacts
- Framework Site Wide Travel Plan
- Sustainable Transport Strategy
- Walking Cycling and Horse-Riding Assessment

In addition, it is concerning to note at paragraph 2.26 of the submitted Transport Assessment it states that an addendum Transport Assessment will be prepared at a later date, which will include a final Transport Assessment, further traffic modelling information, and Road Safety Audits. Moreover, no timetable is provided for this submission.

1. As a consequence of the above there is also no agreement to:

- Red line order limits
- Draft Development Consent Order
- s106 Heads of Terms

Strategic Planning Policy

- The impact on the demand for housing is underestimated and the employees beyond the construction phase would be drawn from a wider area than considered by the Applicant.
- Greater weight must be given to the policies and proposals in the relevant development plan documents.
- The impact of the proposed development on the operation of Croft Quarry, its committed extension to mineral workings and consequential impact on rail capacity.

Public Health

- Vulnerable groups not adequately considered such as in relation to active travel, severance, road safety and air quality.
- Proposed development potentially exacerbating existing health inequalities including for Gypsy and Travellers community and children and young people in Earl Shilton and Barwell.
- Impacts of Noise, Lighting and Air Quality during construction and development not fully considered in relation to human health.
- Stress mitigation not covered for Construction or Operational phases (diversions, interruptions to utilities, dust, noise).
- Concern some of the datasets used in relation to public health are incorrect.
- Insufficient consideration is given to the siting and space of indicative wellbeing zones and potential health risks.

Net Zero and Sustainability

- The Net Zero Leicestershire Strategy and Action Plan and associated Roadmap Research evidence base, and Leicestershire Climate and Nature Pact have not been considered.
- Scoping of GHG emissions excludes key emissions sources from waste, land use, land use change and forestry and energy.
- 20% of Total number of Parking Spaces being for Electric Vehicles is insufficient and mitigation does not facilitate transition to ultra low emission vehicles or decarbonised road freight.
- Insufficient consideration to minimisation of fossil fuel usage from gas CHP infrastructure.
- GHG emissions post mitigation equate to an increase in the Leicestershire carbon baseline of 5%

Socio-Economics

- Potential impacts in relation greater demand for shared accommodation in existing settlements.
- Concerns around the benefits of construction for local population and suppliers will not be appropriately secured.
- Concerns regarding the availability of local workforce to match required skills and how an effective training strategy will be secured.
- Concerns regarding impact on health service provision.

Ecology

- Lack of lighting plan showing maximum luminaires limit for lighting used in proximity to sensitive ecological receptors in accordance with ILP Guidance Note 08.
- The proposals show an intent to deliver BNG but it is currently unclear as to how both on and off site BNG will be provided, secured and delivered.

Flood Risk and Drainage

- It is considered that Flood Risk and Drainage will be a key issue for consideration of the proposed development. However the Examining Authority should note that statutory responsibility falls with the Environment Agency (for this type of development. Albeit it has been agreed with the Environment Agency that the Lead Local Flood Authority will take the lead on surface water

drainage proposals on-site with the remaining flood risk and modelling elements remaining with the Environment Agency.

REPORT OF THE SCRUTINY COMMISSION

A. OVERVIEW AND SCRUTINY ANNUAL REPORT 2022/23

Introduction

1. The Constitution requires that the Scrutiny Commission and Overview and Scrutiny Committees submit an Annual Report to the Council (or the Scrutiny Commission in a single report on their behalf) on their workings. The report may make recommendations about future work programmes and changes in working methods.

Annual Report

2. Attached as Appendix A to this report is a copy of the Overview and Scrutiny Annual Report for 2022/23. It is intended as a public facing summary of the key highlights of scrutiny activity undertaken during the year and serves to draw out the work undertaken at committee level and how this has had an impact.
3. The Annual Report reflects on a demanding year, with an unprecedented rise in costs and inflation and continued growth in demand for services. This has been an area of focus for all the Overview and Scrutiny Committees. The level of public interest in Overview and Scrutiny continues to be positive, with a number of questions and petitions being received and a significant number of people watching the webcasts of committee meetings.

Conclusions and Looking Forward

4. The work of Overview and Scrutiny remains important in holding decision makers such as the Cabinet to account, in ensuring that the Council's budget and performance is closely monitored, and in making certain that outcomes are delivered for the benefit of the residents of Leicestershire.
5. Looking forward to the coming year the Overview and Scrutiny Committees will continue to monitor the impact of demand and cost pressures on budgets. There will be a particular focus on the SEND and Inclusion system within Children and Family Services. The expected impact of national reviews into children's social care and reforms of adult social care will be considered, alongside concerns over recruitment and retention pressures across the health and social care workforce. Delivery of the Net Zero and Tree Strategies will continue to be monitored, as will road safety performance and public satisfaction with the road network.

(Motion to be moved:

That the information contained in the Overview and Scrutiny Annual Report 2022/23, attached as Appendix A to this report, on its activities, be noted.)

12th June 2022

Mr. M. T. Mullaney CC
Chairman of the Scrutiny Commission

Background Papers

Report to the Scrutiny Commission at its meeting on 12 June 2023 – Draft Overview and Scrutiny Annual Report 2022/23.

Appendix

Appendix A - Overview and Scrutiny Annual Report 2022/23

Overview and Scrutiny

Annual Report 2022/23



Published May 2023

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Foreword

By the Scrutiny Commissioners

This annual report provides a summary of the work undertaken and outcomes achieved by Leicestershire County Council's Overview and Scrutiny Committees during the 2022-23 municipal year. It also provides a general overview of how scrutiny operates and how you, as a member of the public, can get involved.

The committees scrutinised and questioned Cabinet Members on their portfolios and reviewed a range of specific topics, including those that affected internal Council services, its budget and those which were particularly important to communities and residents. This report provides a summary of some of the key highlights of the work undertaken.

We would like to pay tribute to Council officers for supporting and facilitating the Overview and Scrutiny process and staff working within partner organisations that have sent representatives to share information and their experiences. We also thank Cabinet Members that have attended our Scrutiny meetings to answer our questions.

Finally, we would like to thank all Scrutiny Members for their commitment and contribution to the process, with special thanks to the Chairs and Spokespersons who have continued to drive each Committees work programme to address areas of concern.

If you wish to find out more about our Scrutiny meetings please go to the Council's [website](#). They are all open to the public and if you would like to get involved, Scrutiny members and the Scrutiny teams contact details are included in this report. We encourage you to get in touch and add your voice to our work.

The four Scrutiny Commissioners are responsible for leading the Overview and Scrutiny process, deciding on priority issues for Scrutiny and areas that merit more detailed review.



Michael Mullaney CC
Chairman of the
Scrutiny Commission



Rosita Page CC
Vice Chairman of the
Scrutiny Commission



James Poland CC
Scrutiny
Commissioner



Amanda Hack CC
Scrutiny
Commissioner



What is Overview and Scrutiny?

Overview and Scrutiny (scrutiny) is an important part of local democracy and provides the legal power for Members who are not Cabinet members to look into issues of concern and make sure decisions taken are for the benefit of Leicestershire residents.

Although scrutiny cannot make decisions, it can make recommendations for improvement to those that do (i.e. the Cabinet). Scrutiny can also look at services provided by other organisations, such as health, and make recommendations for partners too.

Scrutiny committees are politically balanced committees made up of non-Cabinet Members.

Principles of good scrutiny

The four key principles of scrutiny as established by the Centre for Governance and Scrutiny are:



All our scrutiny members received training from the Centre for Governance and Scrutiny in Autumn 2021 to help ensure these principles continue to be embedded into our approach to Scrutiny.

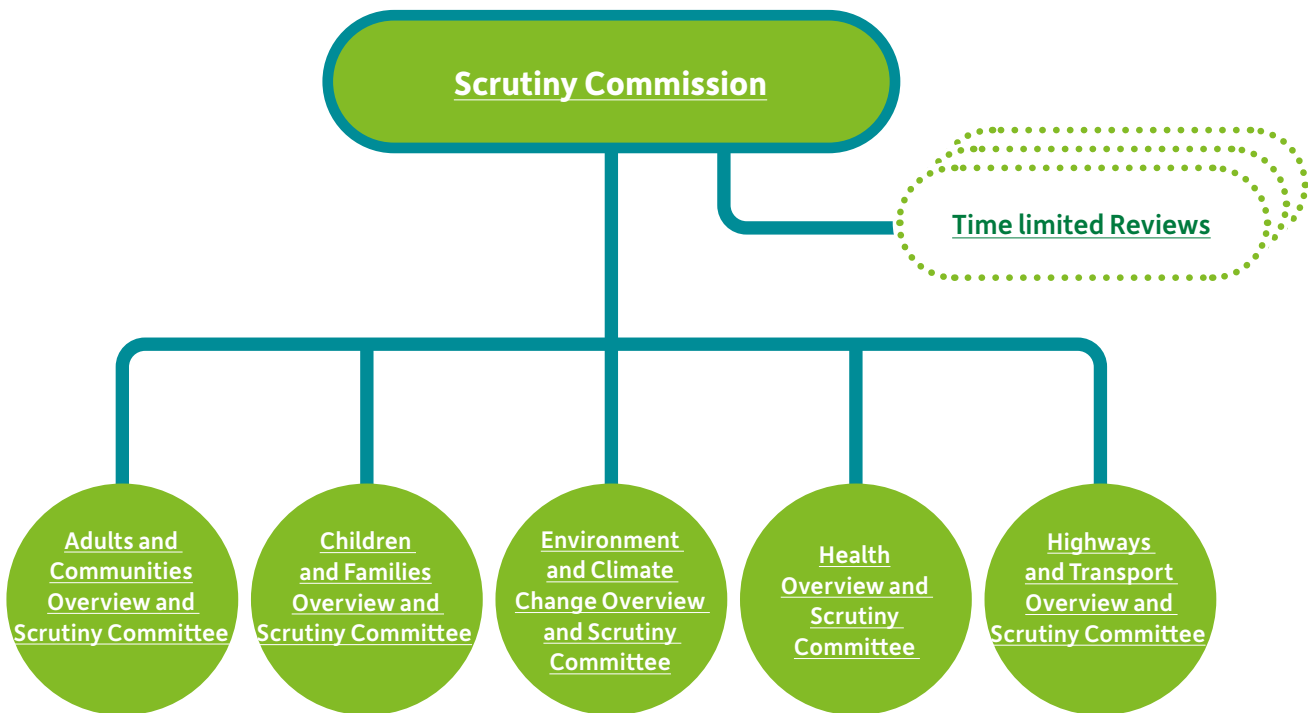
How does scrutiny make a difference?

Scrutiny committees hold the Cabinet to account for the decisions it has taken or intends to take, and acts as a critical friend, helping to ensure the Council delivers its services efficiently and effectively. They do this by:

- Reviewing and commenting on the County Council's budget and strategic policies.
- Undertaking pre-decision scrutiny of key matters, making recommendations for improvement wherever possible.
- Monitoring and challenging the performance of services and the outcomes delivered for those living and working in Leicestershire.
- Providing transparency by holding meetings in public and take questions from residents.

Leicestershire's scrutiny structure

In Leicestershire all scrutiny work is carried out by the Scrutiny Commission and five Overview and Scrutiny Committees which each look at a particular service area of the Council. These are as shown in the diagram below.



Scrutiny Committees can also initiate time limited pieces of work to look at a particular issue in detail. These can be informal task and finish groups, providing for short sharp scrutiny of a complex topic. Properly focused they ensure Members can swiftly reach conclusions and make recommendations, perhaps over the course of a couple of months or less, that can be considered directly by officers and Cabinet Lead Members.

Alternatively, a formal Scrutiny Review Panel can be established. Whilst time limited, these can run for several months. and their recommendations, which may suggest a change in policy or service provision, are submitted to the relevant parent scrutiny committee prior to consideration by the Cabinet.

Reports of previous Scrutiny Review Panels and Task and Finish Groups can be viewed on the Council's [website](#).

Your role in our work

Our committees work to ensure the Council and its partners are delivering the right policies and services that will benefit Leicestershire residents and service users. They do this by:

- Inviting partners, stakeholder representatives and external experts to contribute evidence to broaden Members' understanding and inform their discussions.
- Having co-opted members on the Children and Family Services Overview and Scrutiny Committee, representing parent governors and Church of England maintained schools.
- Using Scrutiny Members' local knowledge from within their communities to question decision makers (i.e. Cabinet Lead Members) and officers.
- Ensuring transparency by holding meetings in public and webcasting these live via the Council's [YouTube channel](#).

How to get involved

Overview and Scrutiny Committees provide a voice for the people of Leicestershire and allow the public to have a greater direct say in Council matters, and in areas which the Council is able to influence. Attendance and involvement of the public is actively encouraged, and this can be done by:

- Attending a meeting – Members of the public are welcome to attend any public meeting of a Scrutiny Committee, details of which are listed on the [online meeting calendar](#).
- Asking a question – all Scrutiny Committees allow for public questions at the beginning of each meeting. If you wish to ask a question, please see our [online guidance on how to submit a question](#).
- Submitting a petition – all Scrutiny Committees can receive petitions relating to an area that the council has authority over. It can be submitted by anyone who lives, works, or studies in Leicestershire and can be submitted in writing or as an e-petition. For further details, see our [online guidance on how to submit a petition](#).
- Identifying issues which a Scrutiny Committee might look at (particularly through a specific review).
- Providing evidence to inform Scrutiny (either in writing or in person).
- Contributing to consultations, surveys, workshops and/or focus groups.

Find out more about how Overview and Scrutiny works by accessing our [Overview and Scrutiny Guide](#) on the Council's website.

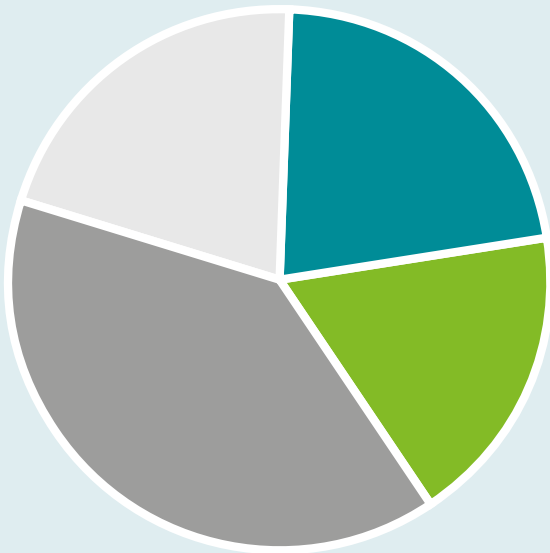
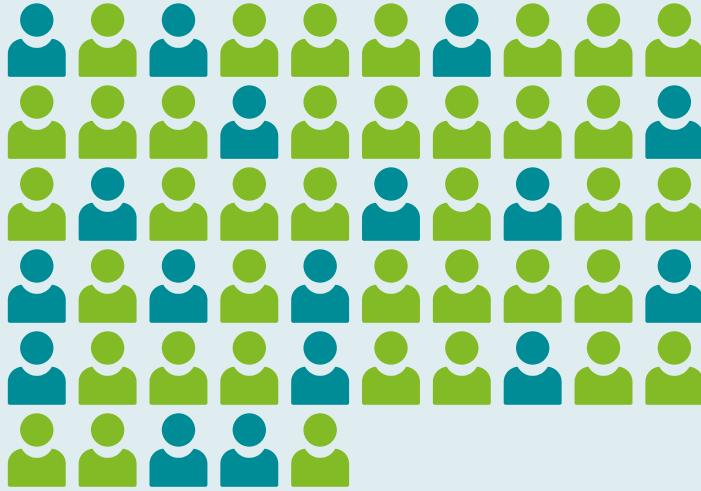
Alternatively contact us...

If you wish to get involved, you can contact a member of the Scrutiny Team or a Member of one of the Committees, details of which are included in this report



Scrutiny in Numbers

There are currently 55 councillors elected to Leicestershire County Council to represent the residents of Leicestershire. **Of those 38 are appointed to the Scrutiny Commission and five other Overview and Scrutiny Committees**, providing critical friend challenge to the Cabinet.



Types of Scrutiny Undertaken

Well over a quarter of reports considered by the Council's Scrutiny Committees resulted in comments being presented to and considered as part of the Cabinet's decision making process.

Scrutiny Committees have sought to keep abreast of issues, receiving information updates on a range of issues affecting residents, but has focused substantially on monitoring the Council's performance and seeking assurance around service and project delivery.

■ Pre-Cabinet Scrutiny ■ Policy Development ■ Performance and Assurance ■ Information

Leicestershire County Council continues to be committed to allowing residents full insight into its decision making. **All our Scrutiny Committees are held in public, allowing people to attend in person to view the debate.**

Meetings are also publicly broadcast live, and the recordings can be found on the Council's website where they are available to view in perpetuity. See the Council's [YouTube channel](#). **Our Webcast views saw an increase of more than 370% this year.**

Committee Meetings held:	31
Reports Considered:	117
Comments submitted to Cabinet:	30
Hours of public debate:	55
Webcast views:	9700
Questions submitted by Members and the Public:	37

Key issues we have looked at and what we have done...

Scrutiny Commission

The Scrutiny Commission reviews the overall strategic direction and corporate policies and priorities of the Cabinet and Council, including the budget and its four-year Medium Term Financial Strategy. Full details of the Commission's work can be found on the Council's [website](#).

The Budget and financial pressures

The central role of the Scrutiny Commission is to monitor the financial health of the Council. It has been another demanding year with an unprecedented rise in costs and inflation and continued growth in demand for services. In addition to regularly reviewing the Council's overall financial performance, the Commission has specifically looked at those projects and services which pose the biggest risk to the Authority. The Commission has:

- Submitted its views to the Cabinet on the Council's budget proposals for the next four years.
- Requested that a scrutiny review panel be established to consider in detail proposed cuts to Shire Grants.
- Questioned the Lead Member regarding the Council's campaign for fair funding and expressed disappointment that the Government still had no plans to push this forward.
- Expressed frustration that Government grant funding was fixed at the point of allocation and not indexed linked, meaning increased costs had to be met out of the Council's own resources.
- Reviewed and challenged all options regarding the delivery of the Melton Mowbray Distributor Road the cost of which had risen from £85.3m in 2021 to £116.1m; the County Council's contribution to this rising from £23m to £51m.
- Took a holistic view of the budgetary impacts of rising demand for Special Educational Needs and Disability Services (SEND) and SEND transport and challenged the planned approach to address the expected rise in the funding deficit to £91m by 2026/27. The Commission questioned both officers and Lead Members covering Children and Family Services, Finance and Transport Services.

Corporate Property Asset Management and Investments

The Commission looked at the performance of the Corporate Asset Investment Fund (CAIF) and considered and commented on the new Corporate Asset Management Plan for 2022 – 2025. The Commission:

- Welcomed the performance of the CAIF which generated over £7m in revenue income each year but heard how the fund would now be repurposed in line with national rule changes regarding borrowing.
- Challenged the Council's approach to monitoring and managing its farm estate following the high costs incurred to clean up one farm following large amounts of potentially hazardous waste having been found on site.

- Questioned the approach taken to identify non-operational properties for sale where these were surplus to requirement and asked that officers consider how this process might be sped up to bring in additional resources quickly.
- Was consulted on two new types of planned CAIF investments in Bank Risk Sharing Funds and Christofferson Robb and Company's Capital Relief Fund 5. Whilst these were riskier investments than the Council had previously made, the Commission agreed they were calculated and manageable.

Commercial Services

The Commission considered the performance of Leicestershire Traded Services (LTS) which had been hard hit by the pandemic and still struggling to recover in some areas. The Commission:

- Challenged the services recovery plans post pandemic, noting plans to reconfigure menus and renegotiate contracts to manage/reduce cost and wastage.
- Welcomed news that demand for the accredited School Meal Service had been improving post pandemic which gave confidence for its future success but raised concerns about continued profit losses due to rising staff and product costs and questioned if operating the Service out of county continued to be a wise approach.
- Sought reassurance from the Lead Member that all options were being looked at regarding Beaumanor Hall, noting that its commercial viability and the cost of investment and repairs had to be balanced against what was a recognised, valuable and well liked property asset.
- Requested that future reports include details of the capital and running costs for each traded service to provide a clearer view of their individual financial performance and profitability going forward.

Strategic Planning and Growth

The Commission invited the Joint Strategic Planning Manager for Leicester and Leicestershire and the Head of Planning at Leicester City Council to a meeting to discuss key strategic planning and growth related matters, in particular the planned Leicester and Leicestershire Statement of Common Ground on Housing and Employment Land Needs. The Commission:

- Expressed concern about the uplift in housing numbers allocated to Leicester City, some of which would have to be passported to district councils to deliver, but welcomed the joint approach between all local authorities in the area to address this, recognising the need for cooperation at a strategic level.
- Heard about the work undertaken by the City Council to deliver more houses but noted it was restricted by the amount of suitable development land available.
- Challenged how the cost of infrastructure to support the increased growth, being passed to district councils as a result of the City's increased unmet need, would be met given the financial pressures facing the County Council.



Crime and Disorder

The Commission received reports in its capacity as the Council's designated Crime and Disorder Committee regarding the Council's approach in partnership with other agencies to community safety work and dealing with domestic abuse. The Commission:

- Commented on the Council's Community Safety Strategy for 2022 – 2026.
- Received an update on the work taking place in line with the Council's new Leicestershire Domestic Abuse Reduction Strategy 2022-2025, noting the good progress being made but raising concerns about the lack of guaranteed future government funding to support the programme beyond 2025.
- Provided feedback on the Council's proposed three year Youth Justice Plan for 2023-2026.

The Leicester and Leicestershire Enterprise Partnership (LLEP) and Place Marketing Organisation (PMO)

Representatives from the LLEP and the PMO were invited to a Commission meeting to outline progress being made in delivering their priorities for 2023. The Commission:

- Heard about the LLEP's plans to address digital poverty and digital exclusion given many services were now delivered online and people were more likely to work remotely.
- Challenged the LLEP's approach to providing support to micro-businesses in rural areas.
- Questioned what proactive steps were being taken by the PMO to attract new investment into the area.
- Commented that whilst it was clear the PMO was undertaking a lot of work, there was a need to capture more data in a more coordinated way across the County to demonstrate how effective this was and whether it was being targeted in the right areas.

Next Year...

The Commission will continue to monitor the Council's financial performance and the performance of its commercial services and asset investments. The Commission will look in more detail at how the Council manages its farm estate and will receive the final report of the review panel looking at the Shire Grants programme in time for the 2024/25 budget.

Membership and contact details:

Tom Barkley CC	Michael Mullaney CC (Chairman)
Hilary Fryer CC	Rosita Page CC (Vice Chairman)
Simon Galton CC	Trevor Pendleton CC
Tony Gillard CC	James Poland CC
Amanda Hack CC	Terry Richardson CC
Jonathan Morgan CC	



Adults and Communities

This Committee exercises the Scrutiny function in relation to services provided by the Adults and Communities Department. It also monitors the activities of the Health and Wellbeing Board aimed at improving the integration of health and social care services.

Full details of the Committee's work can be found on the Council's [website](#).

Budget and Demand Pressures

The Adults and Communities Department has worked through another challenging year due to rising costs, inflation, and demand pressures. Given concerns over the impact this would have on the Department's budget the Committee:

- Raised questions on the rising number of referrals and received assurance on how these were being managed and cases allocated to individual adult social care workers at any one time.
- Requested more information regarding the timing of social care assessments given the 44% rise in those awaiting assessment nationally, particularly for those awaiting hospital discharge. The Committee was assured of the work of Home First which carried out assessments within one to two days.
- Sought reassurance on plans to address the forecasted growth in the number of people presenting with mental health conditions and physical disabilities.

Learning Disability (LD) Employment Performance

The Committee received an update on the numbers of people with learning disabilities known to the County Council who were in employment, and information on the emerging feasibility of work being undertaken to develop more supported employment opportunities. The Committee:

- Heard how, with the re-procurement of Community Life Choices Services, more providers interested in assisting service users with LD to find employment had been commissioned, and a number were exploring the potential to provide training to small and medium enterprises to help increase job opportunities available.
- Were pleased to hear that employment rates for adults with a LD in Leicestershire were amongst the highest in the country and that the Department had been asked to share its experiences through the Association of Directors and Adults Social Services network.
- Requested that the Department look into the reasons why some people with LD were not actively seeking work to determine if enough support was being given.

Social Care Reform Programme

The Committee considered regular updates on the Government's Social Care Reform Programme and held a standalone workshop to review and comment on the draft Self-Assessment in preparation for inspection by the Care Quality Commission under the new assurance process introduced through the Health and Care Act 2022. Members' recommendations were incorporated within the draft document.

Commissioning and Procurement of Homecare Services

The Committee received an update on the outcomes of the tender for integrated home care services in partnership with the NHS Clinical Commissioning Groups (CCGs) for the County to create additional capacity through a framework of providers. The Committee:

- Welcomed the progress made and plans in place to develop the Framework and mitigate assessed risks.
- Noted there were challenging areas for Home Care coverage, predominantly in rural areas around the edge of the County but were assured there was enough capacity.
- Acknowledged further work need to be done to strike the right balance between ensuring carers were paid and remunerated appropriately for any extra costs they incurred (such as travel), and providers being able to sustain the market and ensure continuity of care for service users.

Performance

The Committee has continued to monitor the performance of services across the Adults and Communities Department as well as look at complaints received. The Committee:

- Requested information on the library website and in-person visits, and clarification on reasons for people using the website.
- Noted the continued good progress with the development of supported living accommodation to provide alternatives to residential care.
- Was pleased to note the positive increase to the 'hours of volunteering' which was higher than levels recorded prior to the Covid-19 pandemic.
- Congratulated the Department on its successful bid for funding (£780k over three years) to Arts Council England (ACE) for funding through the National Portfolio Organisation (NPO) programme for Libraries and Heritage provision.

Policy Development and Service Changes

The Committee has helped to shape the following Council strategies and policies and departmental service changes by submitting its views and recommendations to the Cabinet on the following:

- Leicester, Leicestershire and Rutland Carers Strategy 2022-2025
- Extra Care Service Review and Procurement
- Procurement of Community Life Choices Services (Day Services)
- Eligibility for Care Technology Services

Next Year...

We will continue to monitor the impact of demand and cost pressures on the Departments budget, the preparations for social care reforms and increases in inflation and cost of living pressures.

Membership and contact details:	
Linda Broadley CC	Jewel Miah CC
Barry Champion CC	Terry Richardson CC (Chairman)
Nick Chapman CC (Vice Chairman)	Amanda Wright CC
Leon Hadji-Nikolaou CC	



Children and Families

This Committee scrutinises the services provided by the Children and Family Services Department to children, young people and families as well as education, special needs and safeguarding matters.

Full details of the Committee's work can be found on the Council's [website](#).

SEND and High Needs Block Development

The Committee has continued to scrutinise the Service on its delivery of SEND and Inclusion services whilst it continues to experience challenges with increasing demand for support services, rising costs and a widening budget deficit within the High Needs Block of the Dedicated Schools Grant. The Committee:

- Monitored the financial performance of the Council's SEND and Inclusion service noting that whilst there had been significant investment to improve capacity and the support offer, rising demand continued to make it difficult for progress to be made in reducing the budget deficit.
- Raised concerns and challenged the reasons for the continued rise in the number of children and young people requiring an Education, Health and Care Plan (EHCP) which was disproportionately high in Leicestershire when compared to other areas.
- Raised questions and sought regular updates on the number of EHCPs not carried out within the statutory timeframe.
- Welcomed the introduction of the Transforming SEND and Inclusion in Leicestershire (TSIL) programme which aimed to transform services to become more efficient and effective, to identify the barriers for providing support and to ensure that children subject to an EHCP received the right support in the right setting. The Committee expressed its keen interest and hope for the success of the programme in delivering its objectives and agreed to monitor progress throughout.
- Heard from representatives of Newton Europe, specialist consultants appointed by the Council to aid its delivery of the TSIL programme.
- Raised concerns and questioned the outcome of a SEND Local Area Revisit that found that sufficient progress had not been made in driving improvements in the quality of EHCP assessments which impacted on children and their families. The Committee was pleased to hear that the inspection report confirmed the Department's capability in making the recommended improvements but agreed to continue to monitor progress in this area.
- Requested further reports on the number of, and support provided to, children who are electively home educated.

Admissions

The Committee requested an update on challenges experienced within the admissions service during the 2022/23 admissions cycle. The Committee:

- Raised concern that some children had not been allocated a school place by the statutory deadline.
- Received assurance that children subject to an EHCP, looked after children and those known to social workers would be prioritised when allocating school places.
- Were pleased to hear that the Service was working collaboratively with colleagues in the Environment and Transport Department to reduce delays in allocating school transport.
- Welcomed changes to the admissions system which had been made for the next admissions cycle which would aim to alleviate delays and reduce the number of parents applying for only their preferred secondary school place.

Corporate Parenting

The Committee commented on the Council's draft Corporate Parenting Strategy for 2022–25, its feedback being reported to the Cabinet as part of the approval process. The Committee:

- Emphasised the importance for all members of the Council to acknowledge and fulfil their role as Corporate Parents and the need for commitment from members and officers towards 'Our Promise'.
- Questioned the process for monitoring outcomes relating to support for children in care and care leavers.
- Received assurance that the senior management team within the service held monthly performance meetings to review data and discuss successes and challenges regarding accommodation, safeguarding, and education, training and employment.
- Was pleased to hear that feedback from children continued to be collected through engagement, by regularly assessing pathway plans, and through regular meetings of a care leavers panel.

Child Criminal Exploitation

The Committee requested a report on the Council's response to tackling Child Criminal Exploitation (CCE) and Child Sexual Exploitation (CSE). The Committee:

- Raised concern that a significant percentage of CSE referrals were children with some form of disability, or children with an EHCP.
- Received assurance that the service focussed on early intervention and on providing early support to children at risk of being exploited and would continue to offer support to children and families in making a statement, within a judicial process, and beyond.
- Welcomed the child focussed approach adopted by all agencies and the commitment to target and prosecute perpetrators of crime and to safeguard victims of exploitation.
- Requested an annual update on CCE and CSE so that work conducted with partner agencies to support vulnerable children and the outcomes achieved could be closely monitored.

Performance

The Committee continued to monitor the performance of all services provided by the Children and Family Services Department throughout the year. In response, the Committee:

- Challenged the rise in the percentage of children becoming subject to a child protection plans for a second or subsequent time and to what cases were reviewed within timescale.
- Raised concerns about the challenges faced in recruiting and retaining social work staff and sought reassurances regarding the strategies being put in place to address this.
- Considered reports on the performance of the Council's Fostering and Adoption Services.
- Commented on the findings of the Independent Reviewing Officer on the extent to which the Council had fulfilled its responsibilities to children in its care during the year.
- Received a report on service quality and outcomes achieved by the work of the LLR Safeguarding Children Partnership Board.
- Looked at the performance of Virtual School and heard from the Virtual School Head.

Next Year...

As the TSIL Programme is implemented, the Committee will receive regular updates on how the programme is performing and to what extent it is improving the SEND and Inclusion system for children and families and reducing the Councils budget deficit in this area.

The Committee has requested an update on recruitment and retention pressures, including the Department's strategy for addressing challenges posed by agencies and the expected impact which national reviews into social care would have on delivering support to children and families.

Membership and contact details:

Mark Frisby CC	Craig Smith CC (Vice Chairman)
Hilary Fryer CC (Chairman)	Geoff Welsh CC
Leon Hadji-Nikolaou CC	Co-opted Education Representatives
Ross Hills CC	Canon Carolyn Lewis (Church of England Representative)
Max Hunt CC	Robert Martin (Parent Governor)

Environment and Climate Change



This Committee was established in July 2021, with responsibility to scrutinise Waste Management Services and the Councils green agenda, including its pledge to become carbon neutral by 2030 and 'net zero' countywide by 2045.

Full details of the Committee's work can be found on the Council's [website](#).

Net Zero

The Committee took part in the Council's 12 week public consultation on the draft Leicestershire Net Zero 2045 Strategy and Action Plan. The Committee:

- Commented that the Strategy could be simplified but recognised the complex concepts that needed to be put across.
- Sought assurance that appropriate consultation documents would be used for different audiences to ensure wide accessibility and that these would be engaging and user friendly to encourage all residents and stakeholders to take part.
- Noted that the Strategy was net zero, rather than zero carbon, as it would be impossible to plan for a future without carbon.
- Heard how the policy pathway would not align with the Paris Agreement given the major policy gap between current targets and the required pace of action.

Tree Management

The Committee reviewed the progress of work taking place under the framework of the Tree Management Strategy which set out the approach for the management of the County Council's trees and woodland estates. The Committee:

- Was pleased to hear about the number of trees that had already been planted and sought more information about tree planting initiatives in their local areas.
- Considered the Council's plan to develop its own tree nursery and given the Council's budget constraints, sought and received some assurance regarding future investment in the proposed nursery.
- Welcomed the Council's use of the Value of Trees (VoT) on the Highway Toolkit which enabled the Council to select the appropriate trees to plant in particular locations and evaluate the benefits of planting those trees.

Water Management

The Committee invited representatives from the Environment Agency, Severn Trent Water and Anglian Water to attend two of its meetings to answer questions regarding water management in Leicestershire. The Committee:

- Encouraged better partnership working between local authorities, the water companies and the Environment Agency (EA), emphasising the need for planning policy officers in district councils to work proactively with the EA and the water companies to reduce the impact of flooding from new developments.
- Raised concerns about how existing sewage and drainage systems would be able to cope with new housing being built and gained assurances that the system had capacity.
- Raised concerns about river water quality in Leicestershire and requested further information from the water companies regarding plans for improvement.
- Gained reassurance from the water companies that they were working with farmers to improve water management, in particular runoff from a pollution perspective.
- Raised concerns regarding the disruption to communities caused whilst water pipes were being repaired particularly in relation to road closures and encouraged local authorities and water companies to work more closely regarding the timing of repairs.

Organic Pollutants in Domestic Sofas

The Committee learnt about the emerging issue of Persistent Organic Pollutants (POPs) in Upholstered Domestic Seating and the implications for the Council in managing this as a waste authority. The Committee:

- Gained an understanding of the causes of the problem (i.e. flame retardants in the seating) and the risk of chemicals escaping whilst this was being disposed of.
- Made suggestions for lobbying Government in relation to ensuring furniture manufacturers did not use POPs in future.
- Asked for a further report at a future committee meeting to monitor progress with the issue.

Performance

- A key function of the Committee is to monitor the Council's performance in the delivery of its environmental and climate change targets. The Committee:
Welcomed the progress the County Council was making towards its environmental targets but sought information regarding work being carried out to address those that were RAG rated red.
- Encouraged the Council to gain a better understanding of how many of its employees were commuting to work and how far they were travelling, to assess the impact on emissions targets.
- Raised concerns about a lack of awareness of the Council's climate change initiatives particularly amongst members and requested that this be looked at.

Next Year...

The Committee intends to receive further updates on the Tree Strategy, the Net Zero Strategy and continue its regular performance monitoring.

Membership and contact details:	
Bill Boulter CC	Max Hunt CC
Nick Chapman CC	Rosita Page CC
Mark Frisby CC (Vice-Chair)	Trevor Pendleton CC (Chairman)
Bertie Harrison-Rushton CC	



Health

This Committee reviews and scrutinises matters relating to the planning, provision, and operation of health services in the County of Leicestershire. This includes primary, secondary, tertiary care, and public health, and may involve reviewing the work of commissioners (such as the local clinical commissioning groups), providers of health services (such as hospitals) and other organisations in the health sector.

Full details of the Committee's work can be found on the Council's [website](#).

Primary Care

The Committee has looked at the challenges facing Primary Care as the health system came out of the Covid-19 pandemic and the need to change the way General Practice (GP) work. The Committee has:

- Heard about the Leicester, Leicestershire and Rutland Primary Care Improvement Plan which focuses on improving access, quality and the recruitment of an appropriate workforce.
- Raised concerns about the difficulties patients were facing in booking GP appointments, particularly the requirement to call early in the morning. The Committee gained reassurances that going forward appointments would be released gradually throughout the day, could be booked in advance and be available in person, via a video or telephone call.
- Gained reassurances that quality assessments of GP Practices took place and work was ongoing to reduce variation in the way practices delivered services.
- Sought information regarding the numbers of patients that failed to attend appointments and what was being done to tackle this issue.

Urgent and Emergency Care

The Committee has looked into the performance of the Leicester, Leicestershire and Rutland Urgent and Emergency Care System and the findings of a Care Quality Commission (CQC) report which raised issues around access, demand, and staffing. The Committee has:

- Asked questions and sought reassurance about plans to address the issues raised in the CQC report but raised concerns about the lack of a clear strategy for improvement.
- Acknowledged that some of the performance problems with the Urgent and Emergency Care System resulted from the Covid-19 pandemic but commented on the longstanding issues which irrespective of the pandemic needed to be addressed, for example, the ambulance handover delays which were a symptom of a much wider problem with the through-flow of patients.
- Raised concerns about mixed messaging in relation to Urgent Treatment Centres and their opening hours which left the public unclear about where they should go for treatment and at what times.

Covid-19 and Flu Vaccination Programme

The Committee reviewed plans for the delivery of Covid-19 and flu vaccinations during autumn and winter 2022. The Committee:

- Welcomed the two mobile vaccination units that were operating across Leicestershire and the focus on targeting areas where vaccination uptake had been low.
- Evaluated the visibility of communications that were being disseminated to the public regarding the availability of the vaccines and gained an understanding of the different demographics that were being targeted.
- Raised concerns about variations in how different GP Practices were advertising vaccine availability to their patients.

Winter Pressures 2022/23

The Committee reviewed plans for managing demand across the health and care system during the 2022/23 winter period. The Committee:

- Noted the schemes put in place to reduce the number of patients requiring hospital beds, such as the 'Home first' approach and the use of 'virtual awards'.
- Welcomed the additional acute capacity that had been added to the Health and Care System including additional acute beds at UHL, additional community beds and the opening of the Ashton residential and nursing care home.
- Received an update in January 2023 regarding how the winter was progressing and noted that UHL had declared a critical incident on 30 December 2022 due to high patient attendances but were able to stand the incident down on 1 January 2023.
- Welcomed the improvement in handover times at the Leicester Royal Infirmary Emergency Department.
- Sought an update on the performance of the new Integrated Care System.

Healthy Child Programme

The Committee considered proposals from the Director of Public Health regarding the proposed model for the procurement and delivery of a 0-19 Healthy Child Programme and in particular the award of the 0-11 service to Leicestershire Partnership NHS Trust and the decision to integrate the 11-19 service within the Council's Children's and Families Wellbeing service. The Committee:

- Welcomed the proposals for the 0-19 Health Child Programme;
- Raised concerns about the need for conversations to be held with headteachers in Leicestershire regarding the support that could be offered in relation to mental health and wellbeing in schools.
- Raised concerns regarding the length of time between each health check but heard about several other initiatives which addressed the welfare of children at an early age.
- Looked at the progress of the 11-19 service (now known as the Teen Health Service: 11-19) after it had been in place for 6 months and were pleased to see that the new service was more reactive to emerging issues amongst young people such as substance misuse.

Cancer Performance

The Committee carries out regular monitoring of key performance indicators relating to the health system in Leicestershire and one of these which the Committee has been keeping a close eye on is cancer metrics such as time taken from referral to treatment and from diagnosis to treatment. The Committee noted that most of the metrics had been rag rated red for some time and therefore requested further detail from the NHS regarding what was causing the backlogs and what work was taking place to address this. The Committee:

- Welcomed the Weekly Recovery Action Plan and work taking place with the national improvement support team.
- Noted that the backlog was reducing.
- Raised concerns about the impact on patient's mental health whilst they were waiting for a diagnosis/treatment but was pleased to hear that a psychological support service was being introduced for people with cancer.

LLR Joint Health Scrutiny Committee

Health Overview and Scrutiny members have also taken part in meetings of the Leicestershire, Leicester and Rutland Joint Health Scrutiny Committee and considered agenda items relating to dental services, maternity services, and the finances and accounts of University Hospitals of Leicester NHS Trust and their reconfiguration plans. Next year the County Council will take over the running and Chairing this Committee for the next two years.

Next Year...

The Committee plans to take a closer look at the workforce challenges facing the health and care system, substance misuse in particular vaping amongst young people, and hopes to receive an update on progress with the Hinckley Community Diagnostics Centre.

Membership and contact details:

Michael Charlesworth CC	Phil King CC (Vice Chairman)
Fula (Kamal) Ghattoraya CC	Jonathan Morgan CC (Chairman)
Dan Harrison CC	Betty Newton CC
Ross Hills CC	



Highways and Transport

This Committee scrutinises the Council's highways and transportation services.

Full details of the Committee's work can be found on the Council's [website](#).

The Budget and the Highways and Transportation Capital and Works Programme for 2022/23

The Department faces increased financial pressure with increasing demand and rising costs. The Committee therefore took a detailed look at the Department's proposed Highway and Transport budget for the next four years and specifically its capital programme which accounts for over 60% of the Council's overall capital budget. The Committee:

- Welcomed the work underway to look at various savings options for Park and Ride services run jointly with Leicester City Council.
- Raised concerns about the sufficiency of funding for future major road schemes from the Department of Transport (DfT) and commented that the added financial impact on the County Council was unsustainable; the Council would now be reliant on developer contributions to deliver future major road schemes arising from local plans, the Council's limited resources having to be prioritised to support the delivery of school places given its statutory responsibilities.
- Commented on the impact an increasing population had on the highway network through the generation of additional traffic and travel demands, increased transportation of goods and services and increased weight and size of vehicles.

SEND Transport Services

The Committee continued to monitor the rise in expenditure for Special Educational Needs (SEN) services, demand having increased by 12% in the last financial year, and how this was being managed given that projections were that growth would continue. The Committee:

- Acknowledged the Council's role as corporate parent for young people up to the age of 25, though noted the gap in legislation to transport 16 to 19 years.
- Was encouraged by the proposals to use larger vehicles to transport more children at once where appropriate to meet the increase in demand.
- Commented that more needed to be done to ensure SEND transport was considered early in the planning process when considering the location of new special schools.
- Highlighted the need to improve communication with parents about transport problems so that alternative arrangements could be made where necessary.
- Encouraged parents to apply for the Personal Transport Budgets (PTBs) in order to transport their own children.

Leicestershire Highway Design Guide (LHDG) Full Refresh

The Committee has taken an early look at work undertaken to fully refresh the LHDG which provides guidance regarding highways and transportation infrastructure for new developments in areas for which Leicestershire County Council is the Local Highway Authority (LHA), and supports outcomes of the Council's Strategic Plan, particularly that of a "Strong Economy, Transport and Infrastructure". The Committee:

- Commented that Section 106 developer funding and commuted sums should be maximised to the widest possible use.
- Considered the design of some new build schemes, with narrow roads, issues with pavement parking, and footpaths designed out of some new build developments.
- Requested that minimum dimensions for garages be included in designs to accommodate cars which had changed in size over the years.
- Requested the design guide include street furniture to prevent obstructions.
- Considered planning authorities role in discussing applications accessed by unadopted roads, and suggested they take a more holistic view by considering the effect of a development on others.
- Suggested that developers be encouraged to use as much of the carbon capture technologies available, such as advanced concrete methodology.

Melton Mowbray Distributor Road

The Committee has continued to monitor progress on delivery of the Council's major road network developments and specifically looked at proposals to deliver the north-eastern section of the Melton Mowbray Distributor Road (NE MMDR) from a transport perspective. The Committee:

- Considered and discussed options regarding whether or not to progress with the NE MMDR scheme, including cost implications, and provided comment prior to consideration by the Cabinet.
- Noted the time and resources that had been put into the MMDR scheme, and were supportive of its delivery, acknowledging it was a critical part of Melton Borough's Local Plan and would directly support 4,500 new homes.

Performance

The Committee has continued to regularly monitor the performance of Highway and Transport Services and from this has:

- Welcomed Leicestershire's continued excellent record on road condition but noted there were funding pressures that might start to have an impact.
- Noted that overall satisfaction with the condition of highways had reduced.
- Been proactive in its response to petitions and questions from the public and Members as part of the democratic process.

Next Year...

The Committee will continue to monitor road safety performance and will specifically look at the Road Safety Strategy next year as well as Leicestershire Flood Risk Management Strategy and provide feedback as part of the Local Cycling, Walking Infrastructure Plans engagement proposals.

The Committee will continue to monitor public satisfaction with the road network of Leicestershire and the key performance indicators for Highways and Transport Services.

Membership and contact details:

Richard Allen CC	Bryan Lovegrove CC
David Bill MBE, CC	Keith Merrie MBE CC (Vice Chairman)
Tony Gillard CC (Chairman)	Les Phillimore CC
Amanda Hack CC	

Contact the Overview and Scrutiny Team

If you would like to feed into the scrutiny process or suggest a topic for scrutiny's attention, you can get in touch with the Scrutiny Team at democracy@leics.gov.uk.

Alternatively, you can contact the officer that supports a specific Committee as detailed below.

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Leicestershire County Council Overview and Scrutiny Annual Report 2022/23

Published July 2023

Democratic Services

Chief Executive's Department

Leicestershire County Council

For further details on the contents of this report please email: democracy@leics.gov.uk

REPORT OF THE CONSTITUTION COMMITTEE

A. REPORT OF THE INDEPENDENT REMUNERATION PANEL ON MEMBERS' ALLOWANCES

Introduction

1. This report presents the report of the Independent Remuneration Panel on Members' Allowances.

Background

2. The statutory framework for members' allowances includes the following requirements:
 - Each local authority is required to establish and maintain an Independent Remuneration Panel with the function of providing the local authority with advice on its scheme and the amounts to be paid. Local authorities must have regard to this advice.
 - Local authorities must, before the beginning of each year, make a scheme for the payment of a basic allowance for the year. The basic allowance must be payable to all members.
 - The scheme may include provision for the payment of special responsibility allowances, travel and subsistence allowances, a dependants' carers' allowance, and co-optees' allowance.
 - The approval of a members' allowances scheme has to be determined by the full Council and cannot be delegated to the Cabinet or a committee.
 - A scheme for members' allowances may be amended at any time but may only be revoked at the end of the year, i.e., 31 March. A further scheme must be available to replace the revoked scheme.
3. The Independent Remuneration Panel has recently met and its recommendations are set out in the report which is attached as an Appendix.

Resource Implications

4. The Director of Corporate Resources has been consulted on this report.

Equality Implications

5. The Scheme incorporates a Carers and Dependants Carers' Allowance.

Human Rights Implications

6. None.

Consideration by the Constitution Committee

7. The Constitution Committee considered this matter at its meeting on 15 May 2023 and decided to recommend the Council to approve the recommendations of the Independent Remuneration Panel unamended, the details being set out in the motion which appears below.

(Motion to be moved: -

- (a) That Basic and Special Responsibility Allowances be increased by 3.88%, for the period 1st April 2023 to 31st March 2024;**
- (b) That the Panel reconvenes in March 2024 to review the indexation of Basic and Special Responsibility Allowances from 1st April 2024;**
- (c) That further research be carried out during 2023 with regard to the indexing of allowances in other local authorities.**

15 May 2023

Mr N J Rushton CC
Chairman

Background Papers

Report of the Chief Executive to the meeting of the Constitution Committee on 15 May on the Report of the Independent Remuneration Panel on Members' Allowances.

Appendix

Appendix A – Report of the Independent Remuneration Panel on Members' Allowances.

APPENDIX

**REPORT OF THE
INDEPENDENT
REMUNERATION PANEL ON
MEMBERS' ALLOWANCES**

MARCH 2023

Introduction

1. This report sets out the recommendations of the Independent Remuneration Panel appointed by Leicestershire County Council to review its current Members' Allowances Scheme. The Panel was constituted under the Local Authorities (Members' Allowances) (England) Regulations 2003.
2. The Regulations require all local authorities to set up and maintain an advisory Independent Remuneration Panel to review and provide advice about the allowances paid to Members. All Councils are required to seek the advice of the Panel before making changes to their allowances scheme and must 'pay regard' to the Panel's recommendations.

Membership of the Panel

3. Leicestershire County Council's Independent Remuneration Panel comprises the following:-
 - Michael Pearson –(Chairman) – Former Bursar and Finance Director of Loughborough University.
 - Jayne Kelly – Former Solicitor working with various local authorities.
 - Gordon Grimes – Former HM Revenue and Customs Area Manager.

Support to the Panel

4. The Panel was supported by the Head of Member Services who provided advice and background information to support the Panel's deliberations.

Scope of the Review

5. The Panel last met in August 2021 and it was therefore re-convened to ask them to-

- i) Review the annual increase to Basic and Special Responsibility Allowances which had previously been linked to the Local Government Employee Pay Award.
- ii) Review the Travel and Subsistence Rates.
- iii) Review Member Annual Reports.

Recommendations of the Panel

A. Review of Annual Increase to Basic and Special Responsibility Allowances

6. The Panel met to review the indexation of Basic and Special Responsibility Allowances in accordance with Part 3 – of the Regulations, 10 (4 and 5), which are set out below.
 - A scheme may make provision for an annual adjustment of allowances by reference to such index as may be specified by the authority and where the only change made to a scheme in any year is that effected by such annual adjustment in accordance with such index the scheme shall be deemed not to have been amended.
 - Where an authority has regard to an index for the purpose of annual adjustment of allowances it must not rely on that index for longer than a period of four years before seeking a further recommendation from the independent remuneration panel established in respect of that authority on the application of an index to its scheme.
7. The Panel in 2021 agreed that the indexing of the Basic and Special Responsibility Allowances be in line with the Local Government Employee Pay Award be for a two period from the 1st April 2022 and that it would reconvene in 2023 to re consider indexation.
8. The Panel noted that for the 2022/23 Employee Pay Award the Local Government Employers offered a flat rate pay award of £1925.00 per annum across all pay points. This had significant implications for the indexing of Member Allowances and as a result Members agreed to freeze allowances to the 2021/22 rates.

9. The Panel noted that on the 23rd February 2023 the Local Government Employers had offered, which had not been accepted at the time of the Panel meeting, a flat rate of £1925.00 or 3.88% for all those on pay points above the top of the national pay spine, which in Leicestershire is Grades 14 to 17. This offer once again had implications for the current indexation agreement on Allowances.
10. As a result of paragraphs 8 and 9 the Panel met earlier than it was technically required to so that it could reflect on the implications of the 2022/23 Local Government Employee Pay Award and the 2023/24 offer.
11. Following careful and thoughtful deliberation, including a number of options, the Panel concluded that the Basic and Special Responsibility Allowances should indeed be increased given that they had been frozen since 2021/22. The Panel therefore concluded that they were minded to recommend that Basic and Special Responsibility Allowances be increased by 3.88% for the financial year 2023/24 i.e. 1st April 2023 to 31st March 2024.
12. The Panel noted that whilst they could recommend an indexation figure for up to four years, they agreed that it would re-convene in March 2024 to consider future indexation.
13. The Panel also requested further research be undertaken during 2023 to ascertain what other local authorities were doing with regard to the indexing of their allowances

The Panel recommends to Council that:-

Basic and Special Responsibility Allowances be increased by 3.88%, for the period 1st April 2023 to 31st March 2024.

The Panel reconvenes in March 2024 to review the indexation of Basic and Special Responsibility Allowances from the 1st April 2024.

That further research be carried out during 2023 with regard to the indexing of allowances in other local authorities.

B. Travel and Subsistence

14. The Panel reviewed the Travel and Subsistence allowances and concluded no changes to the scheme were necessary.

The Panel recommends to Council that:-

The current levels of Travel and Subsistence allowances remain unchanged.

C. Member Annual Reports and Accountability

15. In 2017 when making its report to the County Council, the Panel, as it had in previous reports, recommended that Members should provide a public account of what they had done during the municipal year by way of an Annual Report. In addition, the Panel also recommended that Group Leaders and Whips be responsible for ensuring that all Members of their Groups complete and submit an Annual Report. The County Council endorsed this recommendation at its Full County Council meeting in December 2017.
16. In June 2022 the Head of Member Services wrote to all Members, asking them to submit their Annual Report for the municipal year 2021/22.
17. At the same time as Members were asked to submit their Annual Report the Head of Member Services also wrote to Group Leaders and Group Whips to remind them of the Council's recommendation that it was their responsibility to ensure that all Members of their Group completed a report.
18. A total of fifty-two Members produced an annual report for the municipal year 2021/22. All the Annual Reports submitted have been published on the County Council's website and can be accessed via the following:-

from the Member's individual page see link
<http://politics.leics.gov.uk/mgMemberIndex.aspx?bcr=1> and/or

a dedicated page for Member Reports see link
<http://politics.leics.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13200>

19. The Panel was very pleased with the number of annual reports returned and recognised the hard work of Members in producing a report. The Panel, therefore, wished to put on record its gratitude and thanks to all those Members who took the time to write and submit a report.
20. The Panel noted that the calibre and quality of reports had once again improved and they were providing, in their view, constituents with a greater understanding of the work of Members and the County Council. The Panel were particularly and equally impressed with those Members who included photographs in their reports using either the County Council provided template or their own template
21. However, The Panel observed that there were a small number of reports which contained very little content which, in the Panel's view, probably did not provide a fair reflection of the Member's activity during the year.

Recommendations

The Panel recommends to Council that:-

Those Members who submitted an Annual Report be thanked for doing so.

Summary of Recommendations

The Panel recommends to Council that:-

- a. **Basic and Special Responsibility Allowances be increased by 3.88%, for the period 1st April 2023 to 31st March 2024.**
- b. **The Panel reconvenes in March 2024 to review the indexation of Basic and Special Responsibility Allowances from the 1st April 2024.**

- c. That further research be carried out during 2023 with regard to the indexing of allowances in other local authorities.**
- d. The current levels of Travel and Subsistence allowances remain unchanged.**
- e. Those Members who submitted an Annual Report be thanked for doing so.**

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REPORT OF THE CONSTITUTION COMMITTEE

A. APPOINTMENT OF INDEPENDENT MEMBERS OF THE CORPORATE GOVERNANCE COMMITTEE

Introduction

1. This report concerns the appointment of independent members to the Council's Corporate Governance Committee.

Background

2. The Constitution Committee has amongst its responsibilities that of advertising and interviewing candidates for recommendation to the County Council for appointment as an independent member of the Corporate Governance Committee. The Chair of the Corporate Governance Committee is also to be involved in this process in line with CIPFA (the Chartered Institute of Public Finance and Accountancy) Guidance following a public advertisement and interviews.
3. Guidance issued by CIPFA recommends that local authorities include two co-opted independent members on their audit committee to supplement the knowledge and experience of elected members in specific areas such as finance and audit, provide continuity outside the political cycle (this being of particular importance where members of the committee can change annually or because of elections) and to help achieve a non-political focus on governance, risk and control matters.
4. Whilst it could be some time before the relevant statute is enacted to support this approach the Government has encouraged local authorities to establish their audit committee arrangements in line with this guidance.
5. Independent members are non-elected representatives that will not be able to vote on matters like elected members of the Committee but will be part of the Committee in an advisory and consultative capacity. They are to be recruited based on the suitability of their qualifications and experience in the area of audit and/or governance and should provide:
 - Specialist knowledge and insight to the workings and deliberations of the committee;
 - An effective, independent assurance of the adequacy of the risk management framework;
 - An independent review of the Council's financial and non-financial performance;
 - Independent challenge to, and assurance over, the Council's internal control framework and wider governance processes.

6. The positions were advertised within the County and four applications were received, two of which were shortlisted for interview.

Consideration by the Constitution Committee

7. The Constitution Committee with the Chairman of the Corporate Governance Committee met on 15 May 2023 to interview the shortlisted candidates and decided to recommend the following people for appointment:

Mr G. Grimes
Mr A. Maxfield

8. Mr Grimes is a former civil servant having specialised in operational management, corporate governance and change management and process re-engineering at both an operational and strategic level. Since the introduction of the revised standards regime following the 2011 Localism Act, he has also been appointed (and reappointed in most cases) as an independent person for 11 authorities in Leicestershire, Rutland and Lincolnshire. Mr Alec Maxfield is an experienced governance professional across public and private sector settings. He is currently Head of Governance and Assurance at the Manufacturing Technology Centre, setting corporate policy and providing advice on all matters of governance.

Resource Implications

9. There are no resource implications arising from this report.

Equality Implications

10. None.

Human Rights Implications

11. None.

(Motion to be moved: -

That Mr G. Grimes and Mr A. Maxfield be appointed to serve as independent members of the Corporate Governance Committee for a term of two years up to the May annual Council meeting in 2025.)

15th May 2023

**Mr N. J. Rushton
Chairman**

REPORT OF THE DEVELOPMENT CONTROL AND REGULATORY BOARD

A. LEICESTERSHIRE COUNTY COUNCIL COUNTRY PARKS BYELAWS

Introduction

1. This report seeks approval of the byelaws for each of the Country Parks and other informal rural recreation areas in the County managed by the County Council, subject to advertisement and confirmation from the Secretary of State.

Background

2. All Country Parks and recreational sites managed by the Country Parks Service are covered by Byelaws introduced in 2003, with the exception of the Brampton Valley Way, Market Harborough (adopted in 1990). No changes will be made to the Brampton Valley Way Byelaws.
3. A Byelaw is a local law, which is made by a local authority. If there is already legislation covering a matter causing concern, then a Byelaw is not normally considered suitable. Since Byelaws create criminal offences, they must be confirmed by the Secretary of State before they can come into effect. These Byelaws will be made under Section 41 of the Countryside Act 1968, following procedure laid down in the Local Government Act 1972. The delegated function of the Development Control and Regulatory Board includes the consideration of Byelaws. By virtue of Article 4 of the County Council's Constitution the final decision will be made by the County Council.
4. The County Council, at its meeting on 30 September, passed a motion to:

“Require officers to introduce a condition of contract relating to outdoor events and organised functions on land or property owned and/or controlled by the County Council to prohibit the release of any sky lantern or helium balloons regardless of purpose.”
5. At the meeting on 13th October 2022 the Development Control and Regulatory Board considered an initial draft of proposed revised byelaws for Country Parks managed by the County Council. At that meeting, the Director of Corporate Resources was authorised to:
 - a. Commence consultation on amending the current byelaws for all country parks;

- b. Consult informally with DLUHC (Department for Levelling Up, Housing and Communities), DEFRA (Department for Food and Rural Affairs), Natural England and other statutory bodies.
6. Furthermore, the Board made various comments regarding the wording of the proposed byelaws, particularly in relation to electric scooters and music and singing.

Results of the Consultation

7. A public consultation on the byelaws ran from 1st December 2022 to 23rd February 2023, hosted on the County Council's website. It was also advertised on social media and on posters around parks. Separately, a comprehensive list of stakeholder organisations were contacted, and they were invited to give comments.
8. Of the 71 responses received, 78% were from Leicestershire and most were visitors to Beacon Hill Country Park.
9. 79% of respondents either tended to agree or strongly agreed with the new revised byelaws. The main comments related to the proposal to permit rangers to introduce areas where dogs must be on a lead, or dogs would be prohibited entirely. On this, respondents were split almost exactly 50/50, with comments ranging from "Dogs on leads at all times please" to "I oppose further imposition of dogs on leads policy". There was little disagreement with the proposal to prohibit barbecues on parks. There was a proposal to include fungi in the list of protected wildlife, which has been accepted, along with a proposal to include protection for geology alongside flora and fauna. Finally, there were comments around the clause on musical entertainment and this has been modified in the current draft.
10. In October 2022 the Board commented that it felt that the byelaws around electric scooters should be further strengthened. However, officers do not believe this is necessary as the byelaws prohibit any "mechanically propelled vehicle". They believe that specifying every possible vehicle would make the byelaws unwieldy and also require frequent updating. The Board also felt that the byelaw on musical entertainment was too severe, and this has been modified in the current draft.
11. DEFRA was approached for comment on the proposed byelaws and has asked that the Council send them a marked-up version with the proposed revisions post-consultation.
12. The County Council received no response from Natural England.
13. The revised byelaws are attached as Appendix A, with changes clearly indicated.

14. The Director of Law and Governance has been consulted on this report and the Byelaws proposed.

Comments of the Environment and Climate Change Overview and Scrutiny Committee

15. The Environment and Climate Change Overview and Scrutiny Committee was consulted on the proposed byelaws on 19 January 2023 and welcomed the proposal to update them.

Resource Implications

16. None.

Equality Implications

17. None that can be quantified at this time.

Human Rights Implications

18. None that can be quantified at this time.

Consideration by the Development Control and Regulatory Board

19. The Development Control and Regulatory Board at its meeting on 22 June 2023 considered the Country Parks byelaws, together with comments made by the Environment and Climate Change Overview and Scrutiny Committee.
20. The Board noted that paragraph 19(1) of the proposed byelaws referred to “a registered blind person” and sought clarification on whether this would result in Assistance Dogs (belonging to persons not registered blind) being prevented from entering or remaining in any of the dog prohibited area(s). In response the Board received reassurances that Assistance Dogs would be covered under paragraph 19(1) where it referred to “reasonable excuse”, and therefore Assistance Dogs would not be prevented from entering the prohibited areas.
21. The Board was also reassured that the amendments to the proposed byelaws would still result in people being prevented from removing the eggs of fish or birds.
22. The decision of the Development Control and Regulatory Board is reflected in the motion below.

(Motion to be moved: -

That the Director of Law and Governance be authorised:

- (a) to make and seal Byelaws as appropriate for each of the Country Parks listed in accordance with the details set out in Appendix A to this report and to revoke all previous byelaws on those sites; and**
- (b) to advertise the making of and to seek confirmation by the Secretary of State of these Byelaws.)**

22 June 2023

**Mr L Phillimore CC
Chairman of the Development
Control and Regulatory Board**

Background Papers

Report to the Development Control and Regulatory Board on 22 June 2023
<https://politics.leics.gov.uk/ieListDocuments.aspx?CId=144&MId=7142&Ver=4>

Appendix

Appendix A - Proposed byelaws
Appendix B - Schedule of Country Parks

COUNTRY PARKS

These Byelaws are made by the Leicestershire County Council under Section 41 of the Countryside Act 1968, with respect to those areas of land listed in Appendix B and any new areas to which the public have access.

Interpretation

1. In these byelaws:

“the Council” means Leicestershire County Council

“the land” means those Country Parks to which the public have access.

“adapted vehicle” means a vehicle, whether mechanically propelled or not

- (a) the unladen weight of which does not exceed 150 kilograms,
- (b) the width of which does not exceed 0.85 metres, and
- (c) which has been constructed or adapted for use for the carriage of a person suffering from a disability and used solely by such a person.

“motorcycle” means

- (a) a mechanically propelled vehicle, not being an adapted vehicle, with fewer than four wheels and the weight of which unladen does not exceed 410 kilograms.
- (b) an electrically powered motor cycles (excluding an electrically assisted pedal cycle);

“cycle” means a bicycle, a tricycle, or an electrically assisted pedal cycle

“electrically assisted pedal cycle” means a cycle that has pedals that can be used to propel it and an electric motor with a maximum power output of 250 watts that should not be able to propel the cycle at a speed greater than 15.5mph and for which no driving licence is required.

“motor vehicle” means a mechanically propelled vehicle, not being an adapted vehicle or motor cycle, intended or adapted for use on roads;

“trailer” means a vehicle drawn by a motor vehicle, and includes a caravan.

Vehicles

2. (1) No person shall, without reasonable excuse, ride, drive or abandon a motor cycle, motor vehicle or any other mechanically propelled vehicle (other than a cycle, including electrically assisted pedal cycle) on the land, or bring or cause to be brought on to the land a motor cycle, motor vehicle, trailer or any other mechanically propelled vehicle (other than a cycle), except on any part of the land where there is a right of way for that class of vehicle.
 - (2) If the Council has set apart a space on the land for use by vehicles of any class, this byelaw shall not prevent the riding or driving of those vehicles in the space so set apart or on a route, indicated by signs placed in conspicuous positions, between it and the entrance to the land.
 - (3) This byelaw shall not extend to adapted vehicles
 - (4) Motor vehicles shall only be parked or left in designated parking areas.
 - (4) This byelaw shall not apply to emergency vehicles accessing the land in connection with the rendering of assistance to patrons.

Cycling

3. (1) No person shall, without reasonable excuse, ride a cycle, except in any part of the land where there is a designated right of way for cycles, or along such routes as may be fixed by the Council and indicated by signs placed in conspicuous positions on the land.

Climbing

4. No person shall, without reasonable excuse, climb any wall or fence on or enclosing the land, or any tree, or any barrier, railing, post or other structure.

Removal of Structures

5. No person shall, without reasonable excuse, remove from or displace on the land any barrier, railing, post or seat, or any part of any structure or ornament, or any implement provided for use in the laying out or maintenance of the land.

Camping

6. No person shall on the land, without the consent of the Council, erect a tent or use any vehicle, including a caravan, or any other structure for the purpose of camping, except on any area which may be set apart and indicated by notice as a place where camping is permitted.

Fires

7. No person shall on the land:
 - (1) light a fire, or
 - (2) place, throw or drop a lighted match or any other thing likely to cause a fire, or

- (3) release a lighted sky lantern into the atmosphere, or
- (4) light a camping stove or cooker or barbecue, without the consent of the Council.
- (5) launch fireworks or use explosives.

In this byelaw:

“sky lantern” means any unmanned device which relies on an open flame or other heat source to heat air within it with the intention of causing it to lift into the atmosphere.

Trading

- 8. No person shall on the land, without the consent of the Council, sell, or offer or expose for sale, or let to hire, or offer or expose for letting to hire, any commodity or article.

Protection of Wildlife

- 9. (1) No person shall without the consent of the Council, intentionally kill, injure, take or disturb any animal, ~~plant or fungi, fish or birds (or remove their eggs)~~, or engage in hunting, shooting or fishing, or the setting of traps or nets, or the laying of snares.

(2) This byelaw shall not prohibit any fishing which may be authorised by the Council.

Protection of Geodiversity

- 10. ~~No person shall without the consent of the Council, intentionally or recklessly destroy, damage, or remove any geological or physiographical feature.~~

Grazing

- 11. No person shall, without the consent of the Council, turn out or permit any animal to graze on the land.

Gates

- 12. Where the Council indicates by a notice conspicuously exhibited on or alongside any gate on the land that leaving that gate open is prohibited, no person having opened that gate, or caused it to be opened, shall leave it open.

Watercourses

- 13. No person shall knowingly cause or permit the flow of any drain or watercourse on the land to be obstructed or diverted, or open, shut or otherwise work or operate any sluice or similar apparatus on the land. Provided that nothing done by any person acting under statutory powers shall constitute an offence under this Byelaw.

Pollution of Waterways

14. No person shall intentionally, carelessly or negligently foul or pollute any waterway comprised in the land.

Bathing

15. No person shall, without reasonable excuse, bathe or swim in any waterway comprised in the land, except in an area where a notice exhibited by the Council permits bathing and swimming.

Boats

16. No person shall, without the consent of the Council, place on any lake or other waterway comprised in the land, any boat other than a model yacht or toy boat. (including a power- driven model yacht or toy boat) PROVIDED that no person shall operate a power-driven model yacht or toy boat in such a manner as to cause danger to individuals or damage to the flora and fauna of the park, or give reasonable grounds for annoyance to any other person.

Horses (Dangerous Riding)

17. No person shall on the land intentionally or negligently ride a horse in such a manner as to cause danger or annoyance to any other person using the land.

Horses (Only in Designated Areas)

18. Where any part of the land has, by notices placed in conspicuous positions on the land, been set apart by the Council as an area where horse-riding is permitted, no person shall, without the consent of the Council, ride a horse on any other part of the land.

Dogs Prohibited from the Ground(s)

19. (1) No person (other than a registered blind person) in charge of a dog shall, without reasonable excuse, permit the dog to enter or remain in any of the dog prohibited area(s).
- (2) An officer of the Council or any constable may require a person in charge of a dog which has entered any of the dog prohibited areas to remove the dog therefrom.
- (3) In this Byelaw the dog prohibited area shall mean that part of the land which has by notices placed in conspicuous positions on the land been set apart by the Council as an area for children's play area where dogs are not permitted.

Dogs on Leads

20. (1) No person in charge of a dog shall, without reasonable excuse, permit the dog to enter or remain in any of the dogs on leads area(s) unless the dog is held on a lead and is restrained from behaviour giving reasonable grounds for annoyance.
- (2) In this Byelaw the dogs on leads area shall mean that part of the land which has by notices placed in conspicuous positions on the land, been designated/set apart by the Council as an area where dogs must be on a lead.
- (3) Any person in charge of a dog shall, before departing from the location, remove up any dog mess left by the concerned animal on the Land covered by this byelaw.

Dogs on Leads by Direction

21. (1) Every person in charge of a dog shall, as far as reasonably practicable comply with a direction given by any officer of the Council or constable to keep the dog on a lead and restrained from behaviour likely to cause annoyance or disturbance in each of the grounds.
- (2) A direction under paragraph (1) above may only be given if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any person in any of the grounds or the worrying or disturbance of any animal or bird.

Model cars

22. No person shall operate a power-driven model car in such a manner as to cause danger to individuals or the flora and fauna of the park, or give reasonable grounds for annoyance to any other person.

Model aircraft

23. No person shall, without the consent of the Council, cause any power-driven model aircraft or drone to:

- (a) take off or otherwise be released for flight or control the flight of such an aircraft in the ground; or
- (b) land in the ground without reasonable excuse.

Metal Detectors

24. No person shall use any device designed or adapted for detecting or locating any metal or mineral in the ground without the consent of the Council.

Obstruction

25. No person shall on the land:
- (a) intentionally obstruct any officer of the Council in the proper execution of his or her duties;
 - (b) intentionally obstruct any person carrying out an act which is necessary to the proper execution of any contract with the Council; or
 - (c) intentionally obstruct any other person in the proper use of the land, or behave so as to give reasonable grounds for annoyance to other persons on the land.

Flyers

26. No person shall without prior written consent of the Council, place or affix any posters, notice, signs, printed matter or advertising on the land covered by this byelaw.

Graffiti

27. No person shall without prior written consent of the Council, shall, paint, tag, spray on or deface any part of the land covered by this byelaw or any structure thereon.

Musical Entertainment

28. No person shall play ~~any musical instrument or sing~~ or give any entertainment on the Land covered by this Bye Law ~~that may cause annoyance to another person or disturb wildlife~~, except with the consent of the Council or in pursuance of an agreement with the Council.

Fire-Arms

29. No persons other than police or authorised Council staff shall carry, use or display fire arms or other offensive weapons on the land.

Overnight Parking

30. **No person shall, without the consent of the Council, leave any vehicle or cause or permit any vehicle to be left on the land between the hours of 12 midnight and 6 a.m.**

Savings

31. (1) An act necessary to the proper execution of his duty on the land by an officer of the Council, or any act which is necessary to the proper execution of any contract with the Council, shall not be an offence under these byelaws.

(2) Nothing in or done under any of the provisions of these byelaws shall in any respect prejudice or injuriously affect any public right of way through the land, or the rights of any person acting legally by virtue of some estate, right or interest in, over or affecting the land or any part thereof.

Penalty

32. Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Revocation

33. The byelaws made by Leicestershire County Council on xxxx 2003 are hereby revoked.

SCHEDULE OF COUNTRY PARKS

1. Beacon Hill Country Park, Woodhouse Eaves, Nr. Loughborough
73 ha (180 acres) of undulated heathland, bracken, woods and rhododendron labyrinth. Toposcope on summit affording superb views. Remains of Bronze Age settlement. Native Tree Collection. Café.
2. Burrough Hill Country Park, Burrough on the Hill, Nr. Melton Mowbray
35 ha (86 acres) site of Iron Age Hill Fort. Well preserved ramparts. Toposcope with fine views. Waymarked Trail. Mixed Woodland.
3. Market Bosworth Country Park
35 ha (87 acres) rural Parkland, with arboretum, children's playground and lake.
5. Bosworth Battlefield Visitor Centre and Country Park, Sutton Cheney, Nr. Market Bosworth, Leicestershire
Historic site of Battle of Bosworth 1485 between Richard III and Henry VII. Visitor Centre including interpretation of Battle, exhibitions, film theatre, book and gift shops, Tithe Barn cafe and illustrated Battle Trail. Series of Special Event Days including Battle Re-enactment.
6. Jubilee Wood, Breakback Road, Nr. Loughborough
Mixed woodland with rocky outcrops and walks.
7. Watermead Country Park, Wanlip Road, Nr. Syston, Leicestershire
101 ha (250 acres) Water Park, with lakes, woodland walks, footpaths, picnic area, sail boarding, sailing, fishing and cycleway. Nature reserve with bird hides. Access to River Soar and Grand Union Canal.
8. Broombriggs Farm and Windmill Hill, Woodhouse Eaves, Nr. Loughborough
Typical Charnwood Forest Farm of 53 ha (130 acres) with paths for walkers and riders. Trail with illustrated Boards. Windmill Hill - adjoining woodland area with remains of former Windmill.

9. Sheet Hedges Wood, Newtown Linford Lane, Newton Linford

30 ha (75 acres) mixed wood and farmland with footpaths and trails. Important site for wildlife.

16. Donisthorpe Woodland Park

30 ha (75 acres) of reclaimed colliery site planted with 20 ha of mixed woodland. A 2.5 km surfaced track and grass rides suitable for walkers, cyclists and horse riders and three picnic areas.

17. Salterford Valley and Donisthorpe New Wood including Cockspur Bridge access

7.0 ha of broadleaf woodland, grassland and open water with surfaced paths.

18. Sarah's Wood

10.0 ha of mixed woodland. 1.5 km of tarmac surfaced paths suitable for wheelchair use. Car park and picnic area.

The Ashby Canal basin and lock are on the site.

19. Ashby Woulds Heritage Trail

6 km of reclaimed railway line from Measham to Spring Cottage, Ashby Woulds. The surfaced path is suitable for walkers, cyclists and horse riders. The trail provides access to Donisthorpe Woodland Park, Conkers and Moira Furnace.

20. Oakthorpe Colliery

5.0 ha of reclaimed colliery with mature woodland and 1.0 ha of new planting. The site adjoins the Woodland Trust Willesley Wood and has a car park and has a hard surfaced track and picnic benches. The line of the Ashby Canal also crosses the site.

21. Bagworth Heath Wood

75.5 ha of reclaimed colliery with woodland fishing lake and open grass areas. A car park and a children's story telling area have been provided.

23. Lount Nature Reserve

10.0 ha site on reclaimed colliery and tip. Regenerated oak and birch woodland with grass land and natural ponds. Managed as a nature reserve by local volunteers alongside rangers. Car park and access tracks provided.

24. A511 sites Coalville

These sites consist of unimproved grassland, wet areas and ponds. Mixed broadleaved trees have been planted and stone surfaced footpaths constructed.

25. Snibston Colliery Park

Created from a former industrial coal mining site in the National Forest. 45 ha (110 acres) of Leicestershire habitats including a mini arboretum, nature trail and popular coarse fishery. Café alongside Century Theatre, 4km of mountain bike trail. Children's play area and pump track.