

Minutes of a meeting of the Cabinet held at County Hall, Glenfield on Tuesday, 26 March 2024.

PRESENT

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

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

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

In attendance (including via Teams)

Mr. R. Ashman CC, Mrs. A. Hack CC, Mrs. R. Page CC, Mrs. M. Wright CC.

327. Minutes of the previous meeting.

The minutes of the meeting held on 9 February 2024 were taken as read, confirmed and signed.

328. Urgent Items.

There were no urgent items for consideration.

329. Declarations of interest.

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

Mrs. D. Taylor CC declared a disclosable non-pecuniary interest in Agenda Item 8 – Review of the Lightbulb Partnership – as a member of Charnwood Borough Council.

330. Refresh of the Leicestershire County Council Planning Obligations Policy.

The Cabinet considered a report of the Chief Executive regarding the proposal to undertake a refresh of the County Council's Planning Obligations Policy, including consultation on the proposed changes. A copy of the report, marked 'Agenda Item 4', is filed with these minutes.

Mr O'Shea CC and Mr Bedford CC emphasised the importance of ensuring the correct infrastructure was in place to support development and said that it was also essential to receive the necessary contributions from developers.

Mr Pain CC welcomed the inclusion of Bio-diversity net gain in the Policy and asked for consideration to be given to implementing a more coherent system around the removal of trees.

Mrs Radford CC made a comment around sustainable travel and the possibility of developers providing an alternative public transport service if an existing one ceased to operate in a particular area where development was taking place.

RESOLVED:

- a) That the proposed changes to the County Council's Planning Obligations Policy as summarised in the report be supported;
- b) That consultation is undertaken on the proposed changes to the Planning Obligations Policy;
- c) That the Chief Executive be authorised to make minor amendments to the proposed changes to the Policy before it is issued for consultation;
- d) That a further report be submitted to the Cabinet in September 2024.

(KEY DECISION)

REASONS FOR DECISION

To accord with national legislation which sets out the mechanism for securing developer contributions from new development. This includes the Community Infrastructure Regulations 2010 (as amended) which set out additional legislation on the use of planning obligations.

To ensure that the County Council's approach in securing developer contributions for new developments is based on up-to-date evidence and costings.

Consultation on the proposed changes will help inform the revised Policy.

331. Transition of Leicester and Leicestershire Enterprise Partnership (LLEP) Responsibilities to Upper Tier Local Authority Control.

The Cabinet considered a report of the Chief Executive which provided an update on progress in transferring the responsibilities of the Leicester and Leicestershire Enterprise Partnership (LLEP), a strategic body which had existed since 2011 to drive forward the growth of the Leicester and Leicestershire economy, to the two upper tier local authorities – the County Council and Leicester City Council. A copy of the report, marked 'Agenda Item 5', is filed with these minutes.

Mr Bedford CC wished to put on record his thanks to officers and members of the LLEP for assisting in securing investment into the area since 2011.

RESOLVED:

- a) That the progress made in the transition of responsibilities from the LLEP to the Council and Leicester City Council be noted;
- b) That the retention of LLEP Ltd. for a short period beyond 31 March 2024, to enable the existing contractual arrangements regarding Enterprise Zones to be preserved pending new arrangements being finalised, be noted;

- c) That the Chief Executive, following consultation with the Cabinet Lead Member, be authorised to:
- i) nominate a senior officer to represent the Council on the Board of LLEP Ltd. for the short period beyond 31 March 2024 when it will be retained;
 - ii) take any operational, governance and regulatory steps that may be required to finalise the transition to the upper tier local authorities.

REASONS FOR DECISION

To ensure that the Cabinet is fully aware of the transition process and the need to retain LLEP Ltd. beyond the transition date of 1 April 2024.

The LLEP Ltd., a company limited by guarantee, was established in April 2019. For most activities there can be a seamless transition on 1 April 2024 with the former LLEP Team continuing to deliver activities whilst the new governance, business representation and staffing is put in place. It is considered appropriate, however, for the LLEP Ltd. to be retained as a legal entity in the short term (ideally only to June/July 2024) with an 'administrative' Board comprising City and County senior officers, and the City Council to formally remain as the Accountable Body. This will enable the existing contractual and financial arrangements regarding the Enterprise Zones to be preserved pending the finalisation of new arrangements.

Delegation to the Chief Executive to nominate an officer to represent the Council on the LLEP Ltd. during the transition period and to finalise the transition to the upper tier authorities will expedite the process.

332. Environment and Transport 2024/25 Highways and Transportation Capital Programme and Works Programme.

The Cabinet considered a report of the Director of Environment and Transport which presented the Environment and Transport Department's 2024/25 Highways and Transportation Capital Programme and Works Programme. These had been developed in accordance with the Medium Term Financial Strategy 2024/25 to 2027/28, as approved by the County Council on 21 February 2024. A copy of the report, marked 'Agenda Item 6', is filed with these minutes.

Mr O'Shea CC welcomed the additional funding to assist with, amongst other things, improving the situation with the condition of roads throughout the county.

RESOLVED:

- a) That the acute financial context in which the 2024/25 Highways and Transportation Capital Programme and Work Programme have been developed and will be delivered, as set out in Part B of the report, be noted;
- b) That the Environment and Transport 2024/25 Highways and Transportation Capital Programme and Works Programme be approved;
- c) That the Director of Environment and Transport be authorised

- i) following consultation with the Director of Corporate Resources and the Cabinet Lead Members for Highways and Transportation and Corporate Resources, to prepare and submit bids, as appropriate, to secure external funding for delivery of schemes identified in the Highways and Transportation Capital Programme and Works Programme;
- ii) following consultation with the Director of Corporate Resources, the Director of Law and Governance and the Cabinet Lead Member for Corporate Resources, to enter into such contracts as is necessary to progress schemes in the approved Highways and Transportation Capital Programme and Works Programme to allow early contractor involvement to take place in advance of all external funding required to deliver the scheme being secured, subject to the key principles set out in Paragraph 16 of the report;
- iii) following consultation with the Director of Corporate Resources, the Director of Law and Governance and the Cabinet Lead Member for Corporate Resources, to undertake preparatory work as considered appropriate to develop savings as set out in the Medium Term Financial Strategy and to consider that further savings are implemented in a timely manner.

(KEY DECISION)

REASONS FOR DECISION

To highlight the challenging financial context in which the two Programmes are being developed and will be delivered.

To enable the delivery of the Environment and Transport Department's Highways and Transportation Capital Programme and Works Programme for the 2024/25 financial year.

To enable the delivery of large capital schemes using a collaborative approach, to work with contractors to reduce risk and increase cost certainty. Working in this way will also provide necessary assurance to partners and third-party funders contributing to the cost of delivering the Highways and Transportation Capital Programme.

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

333. Network North Funding and the Local Transport Fund.

The Cabinet considered a report of the Director of Environment and Transport which provided an update on the most recent Network North funding announcements. Approval was sought to use the funding allocated to Advanced Design/Match Funding in the approved Medium Term Financial Strategy to develop a multi-year Local Transport Fund programme, which was required to be submitted to the Department for transport by the end of this calendar year. A copy of the report, marked 'Agenda Item 7', is filed with these minutes.

A letter, dated 26 March 2024, had been received from the six Conservative MPs for Leicestershire regarding the use of the funding. It was stated that the funding did not apply until the 2025/26 financial year and further engagement with the MPs would take place once the allocation was known. Where any requests related to using the funding on national highway routes, they should be referred to National Highways.

Mr O'Shea CC welcomed the funding announcement and said that, if it came to fruition, this would help to deliver a number of schemes across the county.

RESOLVED:

- a) That the latest substantial additional funding announced as the Local Transport Fund under the Network North plan be welcomed and noted;
- b) That the Director of Environment and Transport, following consultation with the Cabinet Lead Member, be authorised to carry out relevant consultation and engagement required to support the development of the Local Transport Fund programme;
- c) That the Director of Environment and Transport, in consultation with the Director of Corporate Resources, be authorised to accelerate £1.2m funding currently allocated for 2025/26 to Advanced Design/Match Funding in the approved Medium Term Financial Strategy to fund the development of the Local Transport Fund programme, in line with the principles set out in paragraphs 37-39 of the report;
- d) That a further report be submitted to the Cabinet for approval in November 2024, presenting the proposed Local Transport Fund programme covering the 2025/26 and 2026/27 financial years, prior to submission to the Department for Transport;
- e) That the letter, dated 26 March 2024, from the six Conservative MPs for Leicestershire regarding the use of the funding be noted.

(KEY DECISION)

REASONS FOR DECISION

Developing the Local Transport Fund programme will require considerable additional staff resource to develop a programme of works to be submitted to the Department for Transport (DfT) and to undertake the development and technical design ready for delivery, starting in 2025.

Delegation to the Director will allow the programme to be developed in line with the yet to be published DfT guidance.

The DfT requires local authorities to demonstrate local political support for the schemes and interventions included in the Local Transport Fund programme alongside section 151 officer sign-off. Authorities in receipt of funding are also required to publish plans for the additional work that is delivered, and to report regularly on delivery progress.

334. Review of the Lightbulb Partnership.

The Cabinet considered a report of the Director of Adults and Communities advising of the review of the Lightbulb Partnership and consultation which had taken place with key partners of the Lightbulb Service, and seeking approval for a further extension of the Partnership arrangement which was due to end on 31 March 2024. A copy of the report, marked 'Agenda Item 8', is filed with these minutes.

Members of the Cabinet expressed their disappointment that Charnwood Borough Council had still not committed to the Lightbulb Partnership, particularly as residents were waiting longer than necessary for adaptations to be undertaken, despite funding being available. Concern was raised around the performance of Charnwood Borough Council compared to other district councils and it was stated that the Partnership should not continue to subsidise Charnwood.

RESOLVED:

- a) That the review of the Lightbulb Service and revised draft Business Case for Lightbulb Partnership arrangements for 2024-26 be noted;
- b) That a further extension of the Partnership arrangement for 12 months from 1 April 2024 be approved;
- c) That the Council does not believe that the Partnership should continue to subsidise Charnwood Borough Council.

REASONS FOR DECISION

The County Council has a Service Level Agreement with Blaby District Council which expires on 31 March 2024. This agreement allows a level of delegation of statutory functions of the Local Authority for assessment and provision of services to Blaby District Council as part of the Lightbulb Service and an integration of housing and social care interventions to increase people's independence and optimise their living environments. For this to continue, a variation of contract to extend for a further 12 months needs to be in place from April 2024.

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

Alongside the Partnership review an independent review was commissioned by Charnwood Borough Council and recommendations made regarding the future delivery model.

The Partnership has agreed to request an extension of the current agreement to allow further consideration and test of feasibility for service improvements recommended in the Charnwood review. Scoping of actions needed to transfer the Adaptations Service from the County Council to the Lightbulb Service has begun with the expectation that this will take place in 2024/25.

Charnwood Borough Council has agreed to contribute towards the total costs over the next twelve months.

335. County Council Performance and Expenditure Benchmarking - Update.

The Cabinet considered a report of the Chief Executive which presented the Council's overall performance and expenditure benchmarking position and progress, following receipt of more recent, end of year comparative performance data for 2022/23 and in

year 2023/24 data. A copy of the report, marked 'Agenda Item 9', is filed with these minutes.

Mr Breckon CC emphasised the point that the County Council continued to be one of the best performing authorities in the country, despite being the lowest funded.

RESOLVED:

- a) That the outcome of the Performance and Expenditure Benchmarking for 2022/23 and that the Council continues to be one of the highest performing Counties, despite remaining the lowest funded, be noted;
- b) To note that recent Office for Local Government (Oflog) identified metrics have been added to the benchmarking model and that these will continue to be incorporated where possible;
- c) That the data and update on some of the recent in year improvements and ongoing areas of performance improvement work be noted.

REASONS FOR DECISION

It is best practice in performance management, implicit in the current Sector-Led approach to local authority performance and part of the Council's Internal Governance Framework, to maintain an overview of overall progress, performance and cost effectiveness and to benchmark performance against comparable authorities.

The Council continues to maintain a close focus on performance and performance data in terms of outcomes, expenditure, cost effectiveness and service delivery. This draws heavily on and is informed by key metrics set out in government statutory returns, regulatory frameworks such as those of Oflog, the Care Quality Commission and Ofsted and Office for National Statistics.

The benchmarking model will continue to be developed to incorporate metrics as they are identified, particularly in relation to the range of new Oflog metrics which are expected to be available over the next few months.

Areas of lower comparative performance continue to be a key focus for service improvement in departmental service and commissioning plans and associated transformation projects.

The County Council is poorly funded in comparison with other local authorities, with marked differences from some similar authorities and this, until addressed, will continue to affect delivery, performance, risks and Council Tax levels.

336. Dates of Council Meetings 2024/25 and 2025/26.

The Cabinet considered a report of the Chief Executive which set out the dates for Council meetings up to May 2026, which it was proposed be submitted to the next Council meeting for approval. A copy of the report, marked 'Agenda Item 10', is filed with these minutes.

RESOLVED:

That the County Council be recommended to hold meetings on the following dates during the next two municipal years:

Wednesday 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)

Wednesday 2 July 2025

Wednesday 24 September 2025

Wednesday 3 December 2025

Wednesday 18 February 2026 (to consider the budget)

Wednesday 13 May 2026 (Annual meeting).

REASON FOR DECISION

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

337. Items referred from Overview and Scrutiny.

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

338. Exclusion of the Press and Public.

RESOLVED:

That under Section 100A of the Local Government Act 1972, the public be excluded for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 3 and 10 of Part 1 of Schedule 12A of the Act and that, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information:

- East Midlands Development Company Limited.

339. East Midlands Development Company Limited.

The Cabinet considered an exempt report of the Chief Executive and the Director of Law and Governance which set out further recommendations in respect of the County Council's concerns about the management and governance of the East Midlands Development Company, both in respect of the Council's membership of the Company and the County Council's role as the accountable body for the East Midlands Freeport. A copy of the report, marked 'Agenda Item 14', is filed with these minutes. The report was not for publication by virtue of Paragraphs 3 and 10 of Schedule 12A of the Local Government Act 1972.

RESOLVED:

- a) That the County Council remains in membership of the East Midlands Development Company for the time being but its engagement with the Company remains paused;
- b) That the refusal of the Company to answer straightforward questions from a member authority about its management and governance following the Cabinet

resolution of 23 June 2023 be noted with regret and as wholly unacceptable for an organisation in receipt of public funds;

- c) That the letter from the Chief Executive and the Director of Law and Governance to the UK Freeports Programme Director at the Department for Levelling Up, Housing and Communities, the concerns about the Company and its Chairman expressed therein and action to be taken by the County Council as the accountable body for the East Midlands Freeport be noted;
- d) That the County Council's position, as set out in the report, be communicated to the Company, the other members/local authority owners of the Company and other relevant parties.

REASON FOR DECISION

The recommendations serve to put the County Council's current position on the record, including for communication to other parties.

2.00 - 3.04 pm
26 March 2024

CHAIRMAN