

CABINET**TUESDAY, 22 OCTOBER 2024****DECISIONS****Published on: 22 October 2024**

Set out below is a summary of the decisions taken at the meeting of the Cabinet held on Tuesday, 22 October 2024. The wording used does not necessarily reflect the actual wording which will appear in the minutes.

The Constitution allows for the call-in of non-urgent Key Decisions. Action to implement these decisions will be taken on the expiration of 5 working days from the date of this decision sheet unless they have been called-in. This document will be amended as soon as a decision has been called in.

If you have any queries about any matters referred to in this decision sheet please contact Miss. G. Duckworth (Tel. 0116 305 2583).

ITEM 4
*Director of
Environment and
Transport*

**LEICESTERSHIRE HIGHWAY DESIGN GUIDE
REVIEW UPDATE AND CONSULTATION
OUTCOMES.**

- a) That the updated Leicestershire Highway Design Guide (LHDG) be approved for implementation and publication;
- b) That the outcome of the public consultation be noted;
- c) That the Director of Environment and Transport be authorised to make future amendments to standards and guidance as considered necessary to the LHDG, following consultation with the Cabinet Lead Member;
- d) That the trial of the Value of Trees toolkit within the updated LHDG be approved.

(KEY DECISION)

REASON FOR DECISION

Updates to the LHDG are required following changes to national policy and guidance. A particular focus is needed on the Council's approach to facilitating active travel and environmental sustainability elements of highway that the Council adopts, alongside a detailed review of the commuted sums schedule and the LHDG

policies.

The consultation detailed a number of matters that may result in minor amendments to guidance. Changes to the fundamental policy and principles that underpin the LHDG detailed guidance will not be required.

The authorisation of the Director of Environment and Transport to make future amendments to standards and guidance will enable the effective delivery of the future review schedule.

The Value of Trees toolkit is a critical element in helping to ensure that trees that the Council agrees to adopt in the future do not become a maintenance burden due to poor species choice and planting practice.

ITEM 5
*Director of
Environment and
Transport*

**STRATEGIC TRANSPORT PLANNING ISSUES
ASSOCIATED WITH THE EMERGING CHARNWOOD
LOCAL PLAN**

- a) That the latest position regarding the Charnwood Borough Council Local Plan Examination and Charnwood Transport Contributions Strategy (CTCS) consultation be noted, including:
 - i) Charnwood Borough Council's statement in relation to implementation of the CTCS, as summarised in paragraph 30 of the main report;
 - ii) The Borough Council's recent late submission to the Local Plan Inspectors explaining that the Borough Council 'is now minded to prepare' a Community Infrastructure Levy (CIL) to secure contributions to mitigate the impact of growth in Charnwood, including transport contributions to mitigate cumulative transport growth. The letter is attached as Appendix A to the main report;
 - iii) The implications for the County Council as Local Highways Authority (LHA), in its role of statutory consultee, arising from the likely timetable for developing a CIL, as set out in paragraphs 39-42 of the main report, including the significant financial impact;
 - iv) Recent communications between the County Council and the Borough Council included in Appendix C to the supplementary report and the regrettable apparent misrepresentation of

the Local Highway Authority's position at the recent Borough Council Plans Committee;

v) The recent resolutions to approve planning applications relating to sites allocated in the emerging Local Plan by Charnwood Borough Council Plans Committee;

vi) That these approvals were given despite the recommendations of the LHA, as a statutory consultee, to defer making the determinations at this time;

b) That it be noted that the Borough Council is the authority responsible for making the Local Plan and ensuring its effective delivery. As such, it is required to demonstrate that the identified highways and transport mitigation can be delivered and that the Local Plan objective to increase the use of sustainable travel modes can still be fulfilled;

c) That arising from its recent actions and advice given by the Borough Council to the Plans Committee on 17 October 2024, the County Council is doubtful that the Local Plan is capable of being successfully delivered or can be considered sound, or that a CIL schedule can be successfully implemented at the necessary pace to make an impact;

d) That in respect of the letter dated 21 October 2024 to the Acting Leader from the Leader of the Borough Council a) it is noted that the letter appears to have been prepared on the same basis as the officer advice given to the Borough Council's Plans Committee, which was an apparent misrepresentation of the County Council's position as LHA; b) its focus on the CTCS overlooks the fact that all the issues arising from the proposed Local Plan's distribution strategy have been known by the Borough Council for a considerable time, that the LHA has been requesting a suitable mechanism for over two years, during which the Borough Council has not addressed the issues until October 2024, and that the recent Plans Committee approvals may have resulted in lost contributions of up to £3.3million to support infrastructure in Charnwood; and c) the County Council therefore does not accept that as LHA its observations on applications considered by the Plans Committee were "irresponsible and unnecessary";

e) That whilst the County Council will continue to work

with the Borough Council to seek to have a sound Local Plan in place, the Chief Executive, the Director of Environment and Transport, and the Director of Law and Governance, following consultation with the appropriate Cabinet Lead Members, be authorised to withdraw the proposed CTCS and take appropriate actions necessary to:

- i) Mitigate the impacts arising from the interim period between likely Local Plan adoption and the adoption of CIL, estimated to be at least 12-18 months;
 - ii) Participate appropriately in the development and implementation of a CIL charging schedule in line with national guidance and seek to influence the adoption of a CIL as quickly as possible;
 - iii) Address the concerns set out in paragraphs 18-26 of the supplementary report, including continuing to bring these concerns to the attention of the Borough Council;
- f) That approval be given to the principles for future engagement of the LHA in other local plan processes, set out in paragraph 46 of the main report, in light of the County Council's experience of the development of the Local Plan for Charnwood by the Borough Council.

REASONS FOR DECISION

Until 13 September 2024, the County Council understood it had the support of the Borough Council in implementing the CTCS. This position was reflected in the formal observations of the LHA submitted in respect of planning applications being considered by the Borough Council's Plans Committee over the summer of 2024. However, the statement made to applicants by the Borough Council, summarised in paragraph 30, substantially alters this position and negates the need to undertake a detailed analysis of responses to the CTCS consultation. This is because the CTCS could only be implemented with the support of the Borough Council in its capacity as the Local Planning Authority (LPA).

The substantial number of sites allocated in the emerging Local Plan that have been (or could be in the near future) granted planning permission, without contributing to the delivery of the identified highways and transport measures, due to the lack of an agreed

mechanism to secure strategic contributions, have the potential to undermine the delivery of the necessary infrastructure over the life of the Local Plan.

The County Council understood that it had the support of the Borough Council in addressing this issue in advance of adoption of the Local Plan, following the concerns raised by the LHA over recent years. However, in practice, this issue is yet to be addressed by the Borough Council, with no previous consideration of the benefits of introducing a CIL. The implications flowing from this omission were recently highlighted by the recommendations made to the Charnwood Plans Committee on 17 October 2024, where a significant number of dwellings allocated in the emerging Local Plan were recommended for approval, equating to a potential £3.3m of highways and transport contributions, subject to viability assessments.

Whilst the Plans Committee was provided with the LHA's advice, the additional information, supplied via a supplementary Extras report to the Plans Committee in response to further questions on the matter, gave rise to several concerns from the LHA's perspective. Details of these concerns are set out in the supplementary report. The approach to managing planning applications is critical to the future operation of the highway and transport network and so a shared commitment between the Local Planning Authority (LPA) and the LHA is vital to mitigate the impacts of growth. Therefore, the County Council will continue to seek to ensure that the issues are properly understood by the LPA, with the aim of addressing the risks associated with this issue.

The need for a mechanism to allow effective mitigation of the cumulative impacts of planned growth has been a stated position of the County Council throughout the development of the Local Plan. As has previously been reported to the Cabinet, the Borough Council had not proposed a suitable way of achieving this and, in the absence of a proposal from the LPA, the LHA had sought to develop the CTCS to provide that mechanism. The delay to achieving this mechanism has caused a loss of developer contributions and could impact the extent to which the Local Plan is effectively delivered, as set out in the emerging Local Plan.

Whilst it is acknowledged that CIL is an appropriate mechanism and the County Council will be required to collaborate with the Borough Council on its development, the position of the County Council is that this has come too late in the process, despite the

consistent and known position of the LHA that a mechanism was required not only for the Local Plan but also for those allocated sites coming forward ahead of the Local Plan that have been granted permission by the Borough Council.

There are a number of lessons to be learned flowing from the County Council's experience of the development of the Charnwood Local Plan as set out in the report. The proposed principles, set out in paragraph 46, have been developed in consultation with external experts to support the County Council in taking all available steps to ensure that clear and effective strategies for managing highways and transport impacts arising from planned growth are included in future local plans in Leicestershire going forward.

ITEM 6
Director of Public Health

DRAFT LEICESTER, LEICESTERSHIRE AND RUTLAND SUICIDE PREVENTION STRATEGY 2024-2029.

- a) That the progress of the work under the current LLR Suicide Prevention Strategy 2020-2023 be noted;
- b) That a formal 8 week consultation exercise on the draft LLR Suicide Prevention Strategy 2024-2029 be approved;
- c) That a further report be presented to the Cabinet in spring 2025 outlining the outcome of the consultation and seeking approval of the final LLR Suicide Prevention Strategy.

REASONS FOR DECISION

It is a requirement that local authorities in England have a Suicide Prevention Strategy/Plan. Since 2019, all local authorities in England have had such a plan in place.

The new National Suicide Prevention Strategy was launched in September 2023, with the expectation that local authority plans mirror this. Local data collection has advanced in recent years and allowed a more granular level of understanding of local suicides, allowing more targeted approaches to be explored. This has demonstrated a need for a strategy refresh to reflect current need and demands, and to factor in findings from recent stakeholder engagement.

The proposed consultation exercise will inform the new Strategy for 2024-2029, which is being developed by

Leicester City Council, Leicestershire County Council and Rutland Council, in partnership with organisations including the Integrated Care Board (ICB), Leicestershire Police, Leicestershire Partnership NHS Trust (LPT), various Voluntary and Community Sector organisations and experts with lived experience.

ITEM 7

*Chief Executive and
Director of Law and
Governance*

EAST MIDLANDS DEVELOPMENT COMPANY LIMITED.

- a) That the County Council supports the steps being taken by the Board of the East Midlands Development Company Limited to bring about the voluntary dissolution of the Company;
- b) That authority is delegated to the Chief Executive and the Director of Law and Governance, in consultation with the Acting Leader of the Council, to take all necessary steps in terms of the legal procedure to enable dissolution;
- c) That the Company be advised that its proposals for use of its 'materials and activities' to be transferred to the East Midlands County Combined Authority as well as being available to the member authorities will include making these available to the East Midlands Freeport and its members, subject to the conditions in the proposed statement of principles.

REASON FOR DECISION

To allow the timescale for dissolution of the Company to be met.

ITEM 9

*Director of
Environment and
Transport*

LEICESTERSHIRE COUNTY COUNCIL LEAD LOCAL FLOOD AUTHORITY PROTOCOL.

That the Director of Environment and Transport, following consultation with the Cabinet Lead Member, be authorised to develop a protocol for how the Lead Local Flood Authority (LLFA) will engage with the district councils on the management of local flood risk going forward.

REASON FOR DECISION

The development of a transparent protocol will help ensure that the district councils are clear on the role of the LLFA and will set out how both can collaboratively work together on managing local flood risk across the County.

Such protocol and collaboration will help to build on the County Council's updated LLFRMS educational 'Be Flood Ready: Aware, Prepared and Engaged' public messaging and demonstrate a consistent and united approach to flood risk management to the public.

ITEM 11

*Director of Children
and Family Services*

**EXCEPTION TO CONTRACT PROCEDURE RULES
TO PROVIDE AGENCY COVER FOR PROVISION OF
QUALIFIED SOCIAL WORKERS.**

That an exception to the Contract Procedure Rules be agreed to enable the Director of Children and Family Services to approve the direct award of contracts to the two current suppliers, for the temporary provision of qualified social workers, with the contracts running until 31 March 2026 with a maximum combined spend of £1.61m.

REASONS FOR DECISION

The County Council's Contract Procedure Rules (Part 4G of the Constitution) require that, where the estimated value of a contract exceeds £179,087, formal tenders must be invited.

Where an exception to the Contract Procedure Rules is required for contracts over £179,087, Rule 6(e) provides that the Cabinet's approval be obtained to the exception where this is justified on its merits. The proposed contracts with other agencies are expected to have a combined value not exceeding £1,603,595.91 up to 31 March 2026, each of which is likely to be over the £179,087 threshold.

The circumstances and financial considerations surrounding the proposal, explained in Part B of the report, mean that other procurement processes are not possible in order to ensure business continuity.

The department has been unable to source all of the necessary staff required via the Council's existing recruitment and agency arrangements.