

**CABINET****TUESDAY, 17 DECEMBER 2024****DECISIONS****Published on: 17 December 2024**

Set out below is a summary of the decisions taken at the meeting of the Cabinet held on Tuesday, 17 December 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 Corporate  
Resources*

**PROVISIONAL MEDIUM TERM FINANCIAL  
STRATEGY 2025/26 TO 2028/29.**

- a) That the proposed Medium Term Financial Strategy, including the 2025/26 draft revenue budget and capital programme, be approved for consultation and referred to the Overview and Scrutiny Committees and the Scrutiny Commission for consideration;
- b) That the Director of Corporate Resources, following consultation with the Cabinet Lead Member for Resources, be authorised to:
  - i. Agree a response to the provisional Local Government Finance Settlement;
  - ii. Decide on the appropriate course of action with regard to the Leicester and Leicestershire Business Rates Pool in 2025/26 and, subject to agreement by all member authorities, to implement this;
- c) That each Chief Officer, in consultation with the Director of Corporate Resources and following consultation with the relevant Lead Member(s), undertake preparatory work as considered appropriate to develop the savings set out in the draft MTFS and to identify additional savings in light of the financial gap in all four years of the MTFS, to

enable the Cabinet and Council to consider further those savings to be taken forward as part of the MTFS and implemented in a timely manner;

- d) That a further report be submitted to the Cabinet on 7 February 2025.

(KEY DECISION)

#### REASONS FOR DECISION

To enable the County Council to meet its statutory requirements with respect to setting a balanced budget and Council Tax precept for 2025/26 and to provide a basis for the planning of services over the next four years.

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

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

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

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

#### **ITEM 5**

*Director of Corporate Resources*

#### **CUSTOMER EXPERIENCE STRATEGY - OUTCOME OF CONSULTATION.**

- a) That the outcome of consultation on the draft Customer Experience Strategy be noted;
- b) That the Customer Experience Strategy 2024-2028 be approved;
- c) That it be noted that an Action Plan will be developed to support the implementation of the Strategy.

#### REASONS FOR DECISION

To note the feedback received during the consultation

exercise on the draft Strategy which has informed the final version.

The Strategy will set the direction for the Council's interaction with customers and help ensure transparency and consistency in its approach.

**ITEM 6**

*Director of Environment and Transport, Chief Executive, and Director of Law and Governance*

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

- A) That the latest position in respect of the Local Plan be noted including:
- i. The correspondence between the County Council and Charnwood Borough Council (the Borough Council) summarised in paragraph 18 of the supplementary report.
  - ii. The Borough Council's approach to the s.106 agreement in respect of planning application P/22/1224/2 and associated implications for the County Council as set out in paragraphs 32-35 of the supplementary report.
  - iii. The issue of a letter dated 29 November from the Borough Council to the Local Plan Inspectors published as EXAM 88 A on the Local Plan website, in response to their letter (EXAM 88) dated 5 November, and a further response from the Inspectors' dated 4 December 2024 published as EXAM 88 B, which are appended to the supplementary report.
  - iv. The publication of a report for consideration by the Borough Council's Cabinet on 12 December 2024, entitled 'Charnwood Local Development Scheme December 2024' and that following the Borough Council's Cabinet meeting, which is not livestreamed, draft minutes have been provided to the County Council by the Borough Council which confirm agreement to all four recommendations.  
[Charnwood Borough Council Cabinet 12 December Agenda and Draft Minutes](#)

- v. The absence in the Borough Council's draft minutes of:
  - a) any reference to the Borough Council's recently changed view that EXAM 88 is a material consideration in progressing the Local Plan;
  - b) any recognition of the County Council's serious concerns at the approach being taken by the Borough Council in respect of the Local Plan in the run up to its Plans Committee meeting of 17 October and subsequently, in particular the long-stated concern that both the draft Local Plan strategy and planning applications recently considered by the Plans Committee do not address the cumulative transport impacts and needs to which collectively they give rise;
  - c) the estimated potential loss of up to £3.3m of highways and transport contributions, subject to viability assessments, as a result of the decisions of the Borough Council's Plans Committee of 17 October;
  - d) any explanation of the Borough Council's attempt to exclude the County Council from s.106 agreements, contrary to national Planning Policy Guidance on how a local planning authority should work with infrastructure providers;
  - e) any evidence to back up the Borough Council's claim made in correspondence with the County Council that a) exclusion of the upper tier authority from s.106 agreements is commonly practised in other two-tier areas, and b) the County Council had "refused to sign" s.106 agreements, which is not correct;
  - f) the County Council's request for its concerns to be put on the record at the Borough Council's Cabinet meeting, a request rejected by the Borough Council;

- vi. The potential implications for the LHA in its role as statutory consultee arising from the Local Plan process as set out in paragraphs 26 to 27 and paragraphs 29 to 39 of the supplementary report.
- vii. The publication of the new National Planning Policy Framework (NPPF) on 12 December. This will have implications for all local plans in Leicestershire, not least because it will significantly increase the level of housing which local authorities have to plan for and may mean that many more local authorities without an up-to-date local plan will no longer be able to demonstrate a five-year housing land supply. The impacts for this Local Plan are currently being assessed.

B) That in line with previous recommendations and delegations, 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:

- i. Work alongside, support, and co-operate with the Borough Council as necessary, through a more appropriate governance structure than the current Infrastructure Board, to develop the further viability evidence requested by the Inspectors as speedily as possible, now the Borough Council has formally confirmed via a resolution of its Cabinet on 12 December that it is seeking to take up the option put forward by the Inspectors to progress the inclusion of a Community Infrastructure Levy (CIL) in the Local Plan.
- ii. In the first instance it is appropriate for County Council officers to review the viability evidence to be provided by the Borough Council's consultants, a draft of which the Borough Council has said it will provide, to discuss the evidence before it is finalised, noting the need for expediency as the Borough Council has

committed to providing this information to the Inspectors in the week beginning 13 January 2025. Following the submission of evidence and the response from the Inspectors, the County Council will make proposals to the Borough Council in respect of future governance arrangements.

- iii. 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 soon as possible, recognising the potential for work to be undertaken at risk ahead of possible further Local Plan examination sessions.
- iv. Seek to mitigate the impacts arising from the potential further delays to adoption of the Local Plan as far as reasonably possible.

C) That, given the continued difficulty in securing clear and consistent responses from the Borough Council on key issues, the decision of the Borough Council's Cabinet not to formally recognise the serious concerns raised by the County Council in its resolutions of 12 December, that a number of questions asked of the Borough Council still require answers, and the already protracted Local Plan process and the potential delay in adopting a Local Plan, the County Council is yet to be assured that an adopted Local Plan will provide the necessary infrastructure to support growth sustainably. Should the Borough Council fail to ensure there is a suitable mechanism to secure sufficient and timely funding through developer contributions, this will adversely impact the highways and transport provision in Charnwood which will be felt by the residents and businesses of Charnwood.

#### REASONS FOR DECISION

The County Council has a duty to cooperate in the development of the Local Plan. The 'duty to cooperate' was created in the Localism Act 2011 and places a legal duty on local planning authorities, county councils in

England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of local plan preparation in the context of strategic cross boundary matters. This will continue over the extended Local Plan examination period. The County Council has proactively contacted the Borough Council in the context of this duty and received a response to letters of the Chief Executive sent on the 27 November and 3 December on 9 December, which was in turn responded to on 11 December.

The Borough Council has recently taken the highly unusual step of excluding the County Council from a s.106 agreement in relation to planning application P/22/1224/2. This has several potentially negative implications for the County Council as set out in paragraphs 27-33.

The Inspectors' letter (EXAM 88) sets out the latest position regarding the emerging Local Plan. The Inspectors have made clear that, in order for the Local Plan to be modified in the manner suggested by the Borough Council, further evidence is required, including viability evidence. The Borough Council has commissioned a viability study without any input from the County Council. However, following the recent exchange of correspondence referred to above, the County Council has been invited to review the viability work before it is submitted to the Inspectors. The County Council has proposed a meeting with the viability consultants once their work has been shared, although this has yet to be confirmed by the Borough Council. The Borough Council has committed to submit this evidence to the Inspectors by the week commencing 13 January 2025. Although the County Council was not consulted on this date, it will prioritise this work, given the urgent need to adopt the Local Plan and associated CIL schedule in the best interests of Charnwood residents. It would have been far better for the County Council to have been able to contribute to the development of the brief for this evidence to help make the process as efficient as possible, given the risks of delays.

The County Council believes this regrettable situation could have been avoided. In relation to the efficacy of the current Infrastructure Board, the Chief Executive advised the Borough Council in correspondence that the County Council believed it to be unproductive and *“would wish to see a refresh of the governance and oversight structure, jointly agreed, so focussed and effective work can take place on providing the Inspectors*

*with the CIL-related evidence and development. We would need to make the best use of what resources the County Council has for such work, recognising there are demands from other district Local Plans. I support my colleagues in their view the current 'Infrastructure Board' needs to be replaced with a new body with tighter terms of reference and attendance restricted to key officers. The County Council would also expect to approve the brief and associated programme of delivery for any consultants appointed to lead the viability work."* The County Council's concerns with communication over the Borough Council's intentions to introduce a CIL are a matter of record. The Borough Council's response to the County Council's request, reported above, was that focus on governance would cause delay. Whilst they were prepared to consider suggestions for change, they have proceeded to reconvene the infrastructure Board and did not consult the County Council on a brief for consultants leading on the viability work.

The latest correspondence from the Inspectors, EXAM 88 B, confirms the dependence of the successful progression of the Local Plan examination on the provision of satisfactory viability evidence. It highlights that it is only when this has been reviewed by the Inspectors, and a decision made that the examination can progress, that a draft timetable would be issued, setting out the remaining stages of the examination. This has potentially significant impacts on the County Council as LHA, including potential further delays in the adoption of the Local Plan. The risks associated with delays to adoption remain as previously set out.

Following a previous report to this Cabinet, it was resolved that 'until the County Council is formally notified of the Borough Council's decision following the Inspectors' letter, and the reasons behind recommendations to its Cabinet, the County Council is unable to take any action to assist in progressing the Local Plan'. The resolution to approve revisions to the Local Development Scheme by the Borough Council's Cabinet on 12 December 2024 is significant in setting out the Borough Council's position and therefore informing the County Council's next steps.

The County Council recognises the potentially negative impacts of lack of strategic transport investment to support growth on Charnwood residents and businesses and will therefore seek to mitigate these impacts as far as practically possible, with the primary means of mitigation the expedient adoption of a CIL. These impacts include those associated with any further delays



to the adoption of the Local Plan and approval of allocated sites in advance of an agreed mechanism to secure contributions to (and subsequent delivery of) strategic highways and transport measures. The County Council therefore proposes to support the Borough Council to implement a CIL schedule. The Chief Executive has reiterated this commitment, made in previous approved Cabinet recommendations to Charnwood Borough Council in correspondence dated 11 December 2024. Progress, however, will be dependent on the view of the Inspectors on the further viability evidence to be submitted by the Borough Council.

It is likely that the new NNPf will have significant implications for plan making in Leicestershire. As more information becomes available Officers will consider the implications for the Charnwood Local Plan and act accordingly.

#### **ITEM 7**

*Director of  
Environment and  
Transport*

#### **DRAFT LOCAL NATURE RECOVERY STRATEGY.**

- a) That the draft Local Nature Recovery Strategy (LRNS) be approved for public consultation;
- b) That a further report will be considered by the Cabinet in June 2025, detailing the outcome of the consultation, and seeking approval of the final LNRS for publication.

(KEY DECISION)

#### **REASONS FOR DECISION**

LNRSs are a new statutory duty placed on local government in England, as part of the Environment Act 2021. The Act required local authorities to work together to develop LNRSs across 48 areas in England.

Under the Environment Act 2021, the Secretary of State for Environment, Food and Rural Affairs appointed Leicestershire County Council the 'responsible authority' for the development of a LNRS for Leicestershire, Leicester and Rutland.

The development of the draft LNRS fulfils part of the duty, as does the need to go out to public consultation.

#### **ITEM 8**

*Director of  
Environment and  
Transport*

#### **BIODIVERSITY DUTY PLAN.**

- a) That the Biodiversity Duty Plan be approved;

- b) That the Director of Environment and Transport be authorised to approve minor amendments to the Biodiversity Duty Plan as part of the annual refresh of the Plan.

#### REASON FOR DECISION

As part of the Environment Act 2021, the Government introduced the 'strengthened biodiversity duty'. The Act requires public authorities, which operate in England, to consider what they can do to 'conserve and enhance' biodiversity in England, and to produce a Biodiversity Duty Plan that sets out what they will do to meet the duty. The Biodiversity Duty Plan, appended to the report, fulfils this requirement.

#### **ITEM 9**

*Director of  
Environment and  
Transport*

#### **FUTURE APPROACH TO RESIDUAL WASTE MANAGEMENT POST 2031.**

- a) That the outcome of the consultancy work completed by Frith Resource Management be noted;
- b) That the adoption of a low investment merchanting approach for the future management of residual waste, either through the continuation of the current arrangements (option F) or through re-merchanting (option A) be approved;
- c) That the Director of Environment and Transport be authorised to procure and/or modify arrangements as appropriate to secure capacity for residual waste treatment/disposal for the period 2031 onwards.

#### REASONS FOR DECISION

The consultancy work includes significant detailed work in the area of residual waste management both specific to the Council and the wider industry. The conclusions provided take into account technology, legislation and market forces and as such provide robust outputs and rationale based on a detailed options appraisal and a bespoke cost model.

The recommendations of the consultancy work carried out by FRM are to adopt a low investment merchanting approach. The synopsis of the report produced by FRM, appended to the report, contains further detail on the rationale within the results and conclusion.

The delegation to the Director of Environment and Transport to procure or modify waste treatment/disposal

contracts enables flexibility to adapt to changes in the market and swift engagement with suppliers where required. This will support an optimal competitive tendering process and contractor engagement to provide best value for the Council.

**ITEM 10**  
*Director of Public Health*

**AIR QUALITY AND HEALTH PARTNERSHIP ACTION PLAN 2024-2028.**

- a) That the Council's continued work with partners to improve health inequality linked to air quality across the County be noted;
- b) That the Leicestershire Air Quality and Health Action Plan 2024-2028 be approved.

REASONS FOR DECISION

Air pollution has a significant impact on public health and wellbeing and poor air quality is the largest environmental risk to public health in the UK. The Director of Public Health has a statutory duty under the Health and Social Care Act to ensure that plans are in place to protect the health of the local population.

Within Leicestershire, lower tier local authorities (district councils) have the statutory responsibility to manage local air quality. This includes a requirement to regularly conduct air quality monitoring to ensure that it meets the required standards for certain pollutants. The new Action Plan will enable, facilitate and monitor collective action in the area of air quality and health across the County Council, district councils and NHS partners.

**ITEM 11**  
*Director of Adults and Communities*

**DRAFT ADULTS AND COMMUNITIES DEPARTMENT STRATEGY 2025-2029.**

- a) That the draft Adults and Communities Strategy 2025-2029, attached as Appendix A to the report, be approved for consultation;
- b) That a further report be submitted to the Cabinet in the summer of 2025 presenting the outcome of the consultation and the final Strategy for approval.

(KEY DECISION)

REASON FOR DECISION

The Strategy provides a framework for policy, process and ways of working for the Adults and Communities Department and supports the delivery of the County

Council's statutory duties, national policy and statutory guidance.

**ITEM 13**

*Chief Executive*

**ENGLISH DEVOLUTION WHITE PAPER.**

- a) That the Chief Executive in consultation with the Director of Corporate Resources and Director of Law and Governance, and following consultation with the Acting Leader of the Council, be authorised to undertake such work as is considered necessary in response to the White Paper and subsequent approach from Government;
- b) That a further report be made to the Cabinet in February 2025 regarding the implications of the English Devolution White Paper.

**REASONS FOR DECISION**

To enable the initial engagement and work to commence in response to the White Paper. The Cabinet will meet again on 7 February 2025.

Further detailed consideration will need to be given to the content of the White Paper.