

MEETING OF THE LEICESTERSHIRE COUNTY COUNCIL

WEDNESDAY, 17 MAY 2023 AT 2.00 P.M.

ORDER PAPER

AGENDA ITEM NO. 1 – TO ELECT A CHAIRMAN

DR FELTHAM will invite nominations.

MR RUSHTON will move and MR MULLANEY will second: -

“That DR. KEVIN FELTHAM be elected Chairman for the period until the next Annual Meeting of the Council.”

On being elected the Chairman will read out and sign the Declaration of Acceptance of Office which will be witnessed and signed by the Chief Executive.

AGENDA ITEM NO. 2 – TO ELECT A VICE-CHAIRMAN

THE CHAIRMAN will invite nominations.

MR RUSHTON will move and MR MULLANEY will second: -

“That MR JOE ORSON be appointed Vice-Chairman for the period until the next Annual Meeting of the Council.”

On being appointed, the Vice-Chairman will read out and sign the Declaration of Acceptance of Office which will be witnessed and signed by the Chief Executive.

AGENDA ITEM NO. 3 – CHAIRMAN'S ANNOUNCEMENTS

The CHAIRMAN will make his announcements.

AGENDA ITEM NO. 4 – MINUTES

(Pages 5 – 60)

The CHAIRMAN will move and the VICE-CHAIRMAN will second: -

“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.”

AGENDA ITEM NO. 5 – DECLARATIONS OF INTEREST

The CHAIRMAN will invite members who wish to do so to make declarations of interest in respect of items on the agenda for this meeting.

AGENDA ITEM NO. 6
QUESTIONS ASKED UNDER STANDING ORDER 7(1) (2) & (5)

(A) Question by MR HUNT

- “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?”

Reply by MR BRECKON

- “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 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

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.

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."

**AGENDA ITEM NO. 7 – TO RECEIVE POSITION STATEMENTS
FROM MEMBERS OF THE CABINET**

(Note: Standing Order 8 provides as follows: -

- (a) A position statement may give rise to an informal discussion by the Council.
- (b) At the conclusion of the discussion a formal motion may be moved to the effect that a particular issue relevant to the statement be referred to the Cabinet, the Commission, a Board or a Committee for consideration. This shall be moved and seconded formally and put without discussion. No other motion or amendment may be moved.
- (c) The discussion of any position statement shall not exceed 20 minutes but the Chairman may permit an extension to this period.)

LEADER

The Leader will make his statement.

LEAD MEMBER FOR COMMUNITY AND STAFF RELATIONS

The Lead Member for Children and Families will make a statement on behalf of the Lead Member for Community and Staff Relations.

**TO CONSIDER REPORTS OF THE CABINET,
SCRUTINY COMMISSION, SCRUTINY COMMITTEES, AND OTHER BODIES**

**AGENDA ITEM NO. 8
REPORTS OF THE CABINET**

Principal Speakers: -
Mover of motion (as appropriate)
Leader of the Opposition (Mr M Mullaney)

(A) YOUTH JUSTICE PLAN 2023 - 2026
(Pages 27 - 74)

MRS TAYLOR will move and MRS RICHARDSON will second: -

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

(B) DATES OF COUNCIL MEETINGS 2022/23 AND 2023/24

MR SHEPHERD will move and MR RUSHTON will second: -

“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).”

**AGENDA ITEM NO. 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)

Motion 1

MRS TAYLOR will move and MR SHEPHERD will second: -

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

Motion 2

MR RUSHTON will move and MR SHEPHERD will second: -

“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.”

B. TO APPOINT CABINET SUPPORT MEMBERS AS THE COUNCIL CONSIDERS APPROPRIATE

MR RUSHTON will move and MR SHEPHERD will second: -

“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”

C. TO APPOINT MEMBERS OF THE SCRUTINY COMMISSION, BOARDS AND COMMITTEES

Motion 1

MR SHEPHERD will move and MR BRAY will second: -

“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.”

Motion 2

MR SHEPHERD will move and MR BRAY will second: -

“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.”

AGENDA ITEM NO. 10 – NOTICES OF MOTION

(a) Special Educational Needs and Disabilities – Mr Max Hunt CC

With the consent of the Council, MR HUNT will move and MRS TAYLOR will second the following altered motion:

- “(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."

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.

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

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)**

- 1 Mr Gillard CC
- 2 Mr Merrie CC
- 3 Mr Phillimore CC
- 4 Mr Lovegrove CC
- 5 Mr Allen CC

Labour (1)

- 1 Mrs Hack CC

Liberal Democrat (1)

- 1 Mr Bill CC

C. ENVIRONMENT AND CLIMATE CHANGE (7)**Conservative (5)**

- 1 Mr Frisby CC
- 2 Mr Harrison CC
- 3 Mr Chapman CC
- 4 Mrs Seaton CC
- 5 Mrs Page CC

Labour (1)

- 1 Mr Hunt CC

Liberal Democrat (1)

- 1 Mr Boulter CC

D. HEALTH (7)**Conservative (5)**

- 1 Mr Morgan CC
- 2 Mrs Seaton CC
- 3 Mr Pendleton CC
- 4 Mr Harrison CC
- 5 Mr Hills CC

Labour (1)

- 1 Mrs Newton CC

Liberal Democrat (1)

- 1 Mr Charlesworth CC

DEVELOPMENT CONTROL AND REGULATORY BOARD (11)**Conservative (9)**

- 1 Mr Phillimore CC
- 2 Mr Lovegrove 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

Labour (0)**Liberal Democrat (2)**

- 1 Mr Charlesworth CC
- 2 Mr Gamble CC

CONSTITUTION COMMITTEE (7)**Conservative (6)**

- 1 Mr Rushton CC
- 2 Mrs Taylor CC

Labour (0)**Liberal Democrat (1)**

- 1 Mr Mullaney CC

- 3 Mr Shepherd CC
- 4. Mr Breckon CC
- 5. Mr Bedford CC
- 6. Mr Poland

EMPLOYMENT COMMITTEE (7)

Conservative (6)

Labour (0)

Liberal Democrat (1)

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

- 1 Mrs Broadley CC

LOCAL PENSION COMMITTEE (5)

Conservative (4)

Labour (0)

Liberal Democrat (1)

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

- 1 Mr Bill CC

CORPORATE GOVERNANCE (7)

Conservative (5)

Labour (0)

Liberal Democrat (2)

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

- 1 Mr Boulter CC
- 2. Mr Bill

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	Mrs 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").