



Minutes of a meeting of the Cabinet held at County Hall, Glenfield on Tuesday, 22 October 2024.

PRESENT

Mr. L. Breckon JP CC (in the Chair)

Mr. R. Ashman CC
Mr. O. O'Shea JP CC
Mr. B. L. Pain CC
Mr. J. Poland CC

Mrs. P. Posnett MBE CC
Mrs. C. M. Radford CC
Mr. N. J. Rushton CC

Apologies

Mrs D. Taylor CC

In attendance (including via MS Teams)

Mr. N. Bannister CC, Mr. B. Champion CC, Mrs. R. Page CC, Mr. T. Parton CC, Mrs. L. Richardson CC and Mr. C. Smith CC.

378. Minutes of the previous meeting.

The minutes of the meeting held on 13 September 2024 were taken as read, confirmed and signed.

379. Urgent Items.

The Chairman advised that there was one urgent item for consideration, a report of the Director of Environment and Transport titled 'Leicestershire County Council Lead Local Flood Authority Protocol'. This report was urgent due to responding to recent local flooding events and, to clarify any misunderstanding around the roles of the County and district councils, to produce a protocol.

380. 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. No declarations were made.

381. Leicestershire Highway Design Guide Review Update and Consultation Outcomes.

The Cabinet considered a report of the Director of Environment and Transport which presented the updated Leicestershire Highway Design Guide and provided an update on the outcome of the public consultation which had been undertaken from 24 June to 4 August 2024. A copy of the report, marked 'Agenda Item 4', is filed with these minutes.

Mr. O'Shea CC thanked officers for the development the Guide and emphasised the importance of the document, particularly in terms of working with developers to ensure appropriate road infrastructure was in place.

Mr. Pain CC also welcomed the inclusion of the Value of Trees toolkit in the document; this would help to address previous concerns raised by the public around planting appropriate trees in new housing developments and would also contribute to the Council's aim of planting a tree for every resident in the county; this would be beneficial for the wider environment in general.

RESOLVED:

- 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.

382. Strategic Transport Planning Issues Associated with the Emerging Charnwood Local Plan

The Cabinet considered a joint report of the Director of Environment and Transport, Chief Executive and Director of Law and Governance which provided an update on the issues associated with the emerging Charnwood Local Plan, including the outcome of the recent consultation exercise on the Charnwood Transport Contributions Strategy and the associated implications for the Local Highway Authority in its role as a statutory consultee in the planning process. A copy of the report, marked 'Agenda Item 5', is filed with these minutes.

A supplementary report was also considered which further highlighted the concerns of the County Council following planning approvals by the Charnwood Borough Council Plans Committee on 17 October 2024. A copy of the report is filed with these minutes.

A letter from the Head of Planning and Growth, Charnwood Borough Council to the Head of Planning, Historic and Natural Environment, and a letter from the Leader of Charnwood Borough Council to the Acting Leader of the County Council are also filed with these minutes.

Mr. O'Shea CC highlighted the concern of Leicestershire residents about the impact of growth on the highways and transport network and the fact that the Local Highway Authority was attempting to ensure that as growth occurred, the impacts were mitigated and the infrastructure was fit for purpose in the future. He also stated that the County Council had worked hard to get the best results for the residents of Charnwood; this was an important part of the work of the Council and it was therefore not possible to ignore the issues raised in the report.

Mr. Pain CC also stressed the importance of working with local planning authorities at the beginning of any development process to ensure that the infrastructure was agreed and properly funded.

RESOLVED:

- 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 of the report, 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 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 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 of the report, 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.

383. Draft Leicester, Leicestershire and Rutland Suicide Prevention Strategy 2024-2029.

The Cabinet considered a report of the Director of Public Health which presented the draft refreshed Leicester, Leicestershire and Rutland (LLR) Suicide Prevention Strategy 2024-2029 and sought approval to launch a formal consultation exercise for an eight week period commencing on 28 October 2024. A copy of the report, marked 'Agenda Item 6', is filed with these minutes.

Members commended the work undertaken and the fact that the refreshed Strategy would continue this excellent work.

RESOLVED:

- 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.

384. East Midlands Development Company Limited.

The Cabinet considered a report of the Chief Executive and the Director of Law and Governance which recommended that, as a member authority and part owner of the East Midlands Development Company, the County Council supported the Board of the Company to take the necessary steps to dissolve the Company. This was in response to a request from the Company, which was being made to the five member authorities. A copy of the report, marked 'Agenda Item 7', is filed with these minutes.

RESOLVED:

- 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.

385. Items referred from Overview and Scrutiny.

There were no items referred from Overview and Scrutiny bodies.

386. Leicestershire County Council Lead Local Flood Authority Protocol.

The Cabinet considered a report of the Director of Environment and Transport which clarified the role of the County Council as the Lead Local Flood Authority (LLFA) in light of apparent inaccurate communication and misrepresentation of its responsibilities by some district councils during flooding events that occurred in the County during September and October 2024. The report set out the work that had been undertaken to emphasise roles and responsibilities with respect to flooding, most notably through the publication of the Council's updated Local Flood Risk Management Strategy. However, it highlighted that there was still work to be done to better inform district councils on this and as such, there was a need for a protocol for working with the district councils on the management of local flood risk. A copy of the report, marked 'Agenda Item 9', is filed with these minutes. The report was urgent in order to clarify any misunderstanding around the roles of the County and district councils in the management of local flood risk.

Members agreed that the production of a protocol was essential to clarify the role and responsibilities in relation to flooding. It was important that all local authorities worked together, and that the local planning authorities should have due regard to the County Council's advice on flooding when considering planning applications.

RESOLVED:

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.

REASONS 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.

387. 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 1, 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:

- Exception to Contract Procedure Rules to Provide Agency Cover for the Provision of Qualified Social Workers.

388. Exception to Contract Procedure Rules to Provide Agency Cove for Provision of Qualified Social Workers.

The Cabinet considered an exempt report of the Director of Children and Family Services which sought approval for an exception to the Council's Contract Procedure Rules to use suppliers, outside of the current corporate contract with Reed Talent Solutions, to supply temporary qualified social workers to provide agency cover in the Children and Family Services department. A copy of the report, marked 'Agenda Item 11', is filed with these minutes.

RESOLVED:

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.

2.00 - 2.50 pm
22 October 2024

CHAIRMAN

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