



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

PRESENT

Mrs D. Taylor CC (in the Chair)

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

Mr J. Poland CC
Mrs. P. Posnett MBE CC
Mrs H. L. Richardson CC

Apologies

Mr. N. J. Rushton CC and Mrs. C. M. Radford CC

In attendance (including via Teams)

Mr. N. Bannister CC, Mr. B. Champion CC, Mr. T. Parton CC, Mr. C. Smith CC, Mrs M. Wright CC

389. Minutes of the previous meeting.

The minutes of the meeting held on 22 October 2024 were taken as read, confirmed and signed.

390. Urgent items.

There were no urgent items for consideration.

391. Declarations of interest.

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

Mrs Taylor declared an other registrable interest in agenda item 8 (Strategic Transport Planning Issues Associated with the Emerging Charnwood Local Plan) as a member of Charnwood Borough Council.

392. Annual Delivery Report and Performance Compendium 2024.

The Cabinet considered a report of the Chief Executive regarding the Annual Delivery Report and Performance Compendium for 2024 which set out the Council's progress and performance over the past year. A copy of the report, marked 'Agenda Item 4', is filed with these minutes.

Mr. Breckon CC commented on the Council's continued good performance and cost-effectiveness in the face of significant financial challenges.

RESOLVED:

- a) That the overall good progress in delivering on the Council's Strategic Priorities and Outcomes, as set out in the draft Annual Delivery Report 2024 be noted;
- b) That the Council's current low comparative funding, good but under pressure performance outcomes position, and financial pressures and risks now facing the Authority set out in the Performance Compendium be noted;
- c) That in light of the pressure on the Council's financial sustainability arising from continued service demand and cost pressures, the Council continues to press its case for a fairer funding settlement, noting that the delay in implementation has created significant uncertainties as to how the Council can now address the many service challenges and priorities it faces;
- d) That the Chief Executive, following consultation with the Leader, be authorised to make any amendments to the draft Annual Delivery Report and Performance Compendium prior to its submission for approval to the County Council on 4 December 2024.

REASONS FOR DECISION:

It is best practice in performance management, implicit in the LGA Sector-Led approach to local authority performance and part of the Council's Internal Governance Framework, to undertake a review of overall progress at the end of the year and to benchmark performance against comparable authorities. It is also good practice to produce an annual performance report and ensure that it is scrutinised, transparent, and made publicly available.

The National Audit Office has issued best practice guidance for annual reports, highlighting that the annual report is a key mechanism for transparent disclosure of an organisation's in-year performance and governance matters. The report should discuss how the entity has performed in the year, including areas where performance has deteriorated or is below expectations, and the other key risks.

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

The draft Annual Delivery Report and Performance Compendium may be modified to reflect comments made by the Cabinet as well as to include any final national comparative data which becomes available prior to its consideration by the Council.

393. Investing in Leicestershire Programme Annual Performance Report 2023/2024.

The Cabinet considered a report of the Director of Corporate Resources regarding the performance of the Investing in Leicestershire Programme (liLP) for 2023/24. A copy of the report, marked 'Agenda Item 5', is filed with these minutes.

Mr. Breckon CC noted the importance of the liLP in supporting economic growth in the County as well as providing much-needed income for the Council.

RESOLVED:

That the performance of the Investing in Leicestershire Programme for the period April 2023 to March 2024 as set out in the Annual Report, be noted.

REASONS FOR DECISION:

In accordance with the Cabinet's decision in September 2017, the report fulfils the requirement to report annually on the performance of the portfolio to both the Cabinet and the Scrutiny Commission, to demonstrate that the Programme is being managed professionally and prudently and in line with the Investing in Leicestershire Programme Portfolio Management Strategy approved by the Council in February 2024.

394. Local Transport Plan (LTP4) - Outcome of Consultation and Approval of Core Document.

The Cabinet considered a report of the Director of Environment and Transport regarding the outcome of consultation on Leicestershire's fourth Local Transport Plan, the LTP4, and seeking approval for adoption of the LTP4 Core Document which identified the key issues in terms of transport, strategic vision, core themes and policies. A copy of the report, marked 'Agenda Item 6', is filed with these minutes.

Mr. O'Shea CC noted that the LTP drove much of the Council's work around transport in the County and that improvement to people's health and wellbeing was included in its wider objectives.

RESOLVED:

- a) That the results of the consultation on the draft Local Transport Plan (LTP4) 2025-2040 be noted;
- b) That the LTP4 Core Document attached as Appendix A to the report be approved;
- c) That the Director of Environment and Transport, following consultation with the Cabinet Lead Member, be authorised to update the LTP4, including the focused strategies, Multi-Modal Area Investment Plans (MMAIPs), and the County Strategic Transport Investment Plan, as a result of evidence arising from the delivery of the LTP4 Core Document and consideration of future iterations of the Medium Term Financial Strategy;
- d) That it be noted that the next three areas to be prioritised for the development of MMAIPs will be:
 - i. Market Harborough,
 - ii. Hinckley,
 - iii. South-east Leicestershire;
- e) That it be noted that the following focused strategies will also be prioritised as part of the Phase Two development of the LTP4:
 - i. A Safe, Accessible and Inclusive Transport Network,
 - ii. Freight and Logistics,
 - iii. Decarbonising Transport,
 - iv. Adapting the Transport Network to Climate Change.

(KEY DECISION)

REASONS FOR DECISION:

To note the results of the public consultation held from 12 August until 23 September 2024.

To ensure that the Council can meet its legal responsibilities to publish a Local Transport Plan.

To ensure that the Council has an up-to-date Local Transport Plan that accords with national policy, to provide the strategic case to secure funding opportunities and set the narrative for the Council's delivery programmes including the Local Transport Fund.

395. Hinckley National Rail Freight Interchange.

The Cabinet considered a report of the Chief Executive and the Director of Environment and Transport regarding the application by Tritax Symmetry for the Hinckley National Rail Freight Interchange (HNRFI) Nationally Significant Infrastructure Project and the next steps to be taken by the Council as an Interested Party. A copy of the report, marked 'Agenda Item 7', is filed with these minutes.

With the agreement of the Chairman, Mrs M. Wright CC spoke on the report as the local member. Mrs Wright stated her concerns about the application and its effect on the local area and that the Applicant had not addressed key issues raised by the Examining Authority and Secretary of State.

RESOLVED:

- a) The current position regarding the HNRFI application be noted;
- b) The County Council continues to engage with Tritax Symmetry (the Applicant) to as far as possible address outstanding concerns regarding the HNRFI planning application as highlighted by the Secretary of State (SoS) in her letter dated 10 September 2024;
- c) The Chief Executive in consultation with the Director of Environment and Transport be authorised to submit a final response on the additional information to the SoS to meet the 31 January 2025 deadline.

REASONS FOR DECISION:

To note the position of the HNRFI application following the close of the examination by the Planning Inspectorate in March 2024.

To achieve the best outcome for the residents of Leicestershire should the SoS decide to approve the application. (As a statutory consultee, the Council is expected to engage proactively with the Applicant and take part in all stages of the process.)

To enable the Council to respond to the SoS in a timely manner, noting the deadline imposed.

396. Adjournment of the meeting.

The meeting adjourned at 11:59am in order for members to read the supplementary paper that had been circulated earlier that morning for agenda item 8 (Strategic Transport Planning Issues Associated with the Emerging Charnwood Local Plan). The meeting reconvened at 12:09pm.

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

The Cabinet considered a joint report of the Director of Environment and Transport, the Chief Executive and the Director of Law and Governance regarding strategic issues associated with the emerging Charnwood Local Plan. A copy of the report, marked 'Agenda Item 8', is filed with these minutes. A supplementary report updating members on the latest position and implications for the Council as Local Highway Authority was circulated separately and a copy is also filed with these minutes.

Members agreed with Mr. O'Shea CC regarding the need for the Council to secure funding for highways and transport infrastructure to support growth and mitigate the impact of development.

In response to a question from Mr. Pain CC, the Chief Executive explained that Charnwood BC intended to safeguard the interests of the County Council and local communities by means of a Community Infrastructure Levy (CIL) and explained how this differed from the Section 106 process.

In response to a question from Mr. Ashman CC, the Director of Environment and Transport and the Chief Executive advised members of possible consequences of delay to adoption of the Charnwood Local Plan including ongoing piecemeal development. The County Council wanted to support planned sustainable growth and had been clear about its approach and principles in supporting local planning authorities with their Local Plans.

Mrs Taylor CC commented on the length of time that had elapsed since the need for an infrastructure funding mechanism had been highlighted with Charnwood BC. She stressed that the County Council was unable to offer further support until Charnwood BC advised how it wished to proceed, noting that other district councils also needed input to their local plans and resources to do this were limited.

RESOLVED:

- a) That the recent letter from the Local Plan Inspectors (appended to the report) addressed to Charnwood Borough Council in response to its proposal to introduce a Community Infrastructure Levy (CIL) as a means of delivering the infrastructure required to support the Local Plan be noted;
- b) That it be noted that the letter, dated 5 November 2024, was brought to the attention of County Council officers by the Borough Council on 12 November and that officers will consider the letter and potential implications for the County Council, with further information for the Cabinet to follow in a supplementary report;
- c) That the latest position in respect of the Charnwood Local Plan is noted, including the potential implications for the Local Highway Authority in its role as statutory

consultee arising from the Inspectors' letter (as set out in paragraphs 21 to 37 of the supplementary report) and that the County Council is still awaiting a response from the Borough Council, which has been asked to confirm formally its intended course of action following the letter from the Local Plan Inspectors;

- d) That it be noted that the Borough Council is the authority responsible for making the Local Plan and ensuring its effective delivery and 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;
- e) That it be noted that the main published report to the Borough Council's Plans Committee on 21 November, in relation to an appeal site P/23/1236/2, Land at Melton Road, Queniborough did not refer to the letter from the Inspectors of 5 November 2024, or its potential impact on either the Local Plan timetable or determining applications, and that the County Council will make its representations on this application directly to the Planning Inspectorate by 11 December;
- f) That it be further noted that the Borough Council published an Extras report in relation to appeal site P/23/1236/2, Land at Melton Road, Queniborough on the day of the meeting on 21 November. This report states that it is the Borough Council's view that the letter from the Inspectors on the Draft Local Plan does not have a material impact on the assessment of the appeal proposal and that there should be no change to the recommendation;
- g) That it be noted that the Extras report in relation to appeal site P/23/1236/2, Land at Melton Road, Queniborough states that a paper will be taken to the Borough Council's Cabinet on 12 December 2024 seeking approval to prepare a CIL and to revise the Local Development Scheme and that, whilst process and timing will be determined by the Inspectors, at present the Borough Council anticipates that the Local Plan will be adopted during the summer of 2025. It remains to be seen if this projected timescale is achievable;
- h) That it be noted 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;
- i) That it be noted that the Director of Environment and Transport will review the County Council's responses as statutory consultee on planning applications in Charnwood as appropriate;
- j) That 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 take any appropriate action necessary to:
 - i. Work alongside, support, and co-operate with the Borough Council as necessary to develop the further evidence requested by the Inspectors as speedily as possible, once the Borough Council formally confirms that it is seeking to take up the option put forward by the Inspectors to progress the inclusion of a CIL in the Local Plan.

- 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 soon as possible, recognising the potential for work to be undertaken at risk ahead of possible further Local Plan examination sessions.
- iii. Mitigate the impacts arising from the potential further delays to adoption of the Local Plan.
- iv. Support the development of skills and knowledge to ensure appropriate infrastructure delivery mechanisms are in place across Leicestershire.

REASONS FOR DECISION:

The Inspectors' letter to the Borough Council of 5 November sets out the latest position in regard to 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. Although it has been requested in writing, to date the County Council is yet to receive any responses to this development from the Borough Council.

The County Council only became aware of the Borough Council's views on the letter by virtue of an Extras report which was published in respect of appeal site P/23/1236/2, Land at Melton Road, Queniborough, as no direct correspondence has yet been received from the Borough Council. This is disappointing and of concern, since the Inspectors' letter has potentially significant impacts on the County Council as LHA, including the possibility of updating previously submitted evidence and potential further delays in the adoption of the Local Plan. The risks associated with delays to adoption remain as set out in previous reports to the Cabinet.

These concerns about a lack of communication with the Borough Council follow previously expressed concerns about it only formally notifying the County Council (at officer level) on 7 October that it had informed the Inspectors on 4 October 2024 it was minded to prepare a CIL, having previously supported the launch of consultation on a Transport Contributions Strategy, which subsequently had to be withdrawn by the County Council.

However, the County Council has a duty to cooperate in the development of the Local Plan and will continue to do so over the extended Local Plan examination period.

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.

County Council recognises the potentially negative impact of this 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. No Leicestershire local authority has yet adopted a CIL schedule for highways and transport infrastructure, and therefore officers of the LHA would benefit from training and

development alongside local planning authority (LPA) partners to support future delivery of local plans and successful delivery of highways and transport mitigation to support sustainable development.

398. Proposed Transfer of Funding from the Schools Block to the High Needs Block of the Dedicated Schools Grant.

The Cabinet considered a report of the Director of Children and Family Services regarding the outcome of consultation on a proposed funding transfer from the Schools Block to the High Needs Block of the Dedicated Schools Grant (DSG) and the creation of a Special Educational Needs and Disabilities (SEND) Investment Fund. A copy of the report, marked 'Agenda Item 9', is filed with these minutes.

Mrs Taylor CC accepted the schools' feedback was valid but noted that the Council's financial position left it with little option but to pursue the transfer with the Secretary of State.

RESOLVED:

- a) That the outcome of consultation on the proposed funding transfer from the Schools Block to the High Needs Block of the DSG and the establishment of a SEND Investment Fund be noted;
- b) That the decision of the Schools Forum to refuse the funding transfer be noted;
- c) That the Director of Children and Family Services be authorised to seek permission from the Secretary of State to allow the proposed transfer.

(KEY DECISION)

REASONS FOR DECISION:

To note the views of consultees and the decision of the Schools Forum.

The delegation to the Director will enable permission to disapply the restrictions on transfers between blocks to be sought from the Secretary of State within the specified timeline which, together with the establishment of SEND Investment Fund, would enable SEND capacity to be built in mainstream schools and reduce demand for specialist school places.

399. Items referred from Overview and Scrutiny.

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