

CABINET**FRIDAY, 17 SEPTEMBER 2021****DECISIONS****Published on: 17 September 2021**

Set out below is a summary of the decisions taken at the meeting of the Cabinet held on Friday, 17 September 2021. 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 Mr. M. Hand (Tel. 0116 305 6038).

ITEM 3**DECLARATIONS OF INTEREST IN RESPECT OF
ITEMS ON THE AGENDA.**

Mr. N. J. Rushton CC declared a disclosable pecuniary interest in agenda item 7 (Ashby Canal Maintenance Funding) as a local property owner and undertook to leave the meeting whilst that item was considered.

Mrs P. Posnett CC declared a personal interest which may lead to bias in agenda item 5 (Melton Mowbray Distributor Road Southern Section – Housing Infrastructure Fund Grant) and undertook to leave the meeting whilst that item was considered.

Mr R. J. Shepherd, Mrs D. Taylor CC and Mrs C. M. Radford CC all declared a personal interest in item 11 (Response to Charnwood Borough Council's Emerging New Local Plan 2021 – 2037 Consultation) as members of Charnwood Borough Council.

Mr. O. O'Shea CC declared a personal interest in agenda item 12 (Response to Hinckley and Bosworth Borough Council's Draft Local Plan) as a member of Hinckley and Bosworth Borough Council.

ITEM 4

*Director of Corporate
Resources*

**MEDIUM TERM FINANCIAL STRATEGY - LATEST
POSITION.**

- a) That the comments of the Scrutiny Commission be noted;
- b) That the latest position regarding the 2021/22 revenue budget and capital programme as at the end of July 2021, period 4, be noted;
- c) That the revised capital programme 2021/22 to 2024/25 as set out in Appendix C to the report be approved;
- d) That the Director of Corporate Resources, following consultation with the Cabinet Lead Member for Corporate Resources, be authorised to agree the use of funding from the portfolio risk allocation to specific projects within the Environment and Transport Capital programme;
- e) That the approach outlined in the report to updating the Medium Term Financial Strategy be noted.

(KEY DECISION)

REASONS FOR DECISION:

To inform members of the intended approach to the development of plans to address the latest financial position.

To agree the revised capital programme for 2021-25 which has required amendment as a result of the latest forecast financial position and known pressures on a number of schemes and to the delegation to the Director of Corporate Resources following consultation with the Cabinet Lead Member for Corporate Resources, of the authorisation of the use of the portfolio risk contingency (£10.6m) for Environment and Transport schemes in order to address issues arising with major schemes without delay.

ITEM 5

*Chief Executive,
Director of Corporate
Resources, and
Director of Law and
Governance*

**MELTON MOWBRAY DISTRIBUTOR ROAD
SOUTHERN SECTION - HOUSING
INFRASTRUCTURE FUND GRANT.**

- a) That the County Council welcomes the decision of Melton Borough Council's Cabinet to approve a Draft Developer Contributions Supplementary Planning Document (SPD) for consultation, noting that the Borough Council's Cabinet on 21

September will be recommending that a final SPD is adopted and welcomes ongoing officer discussions, but notes that the Borough Council has yet to determine formally matters relating to i) the completion of a legal agreement underwriting the cost of provision by the County Council in respect of infrastructure arising on the completion of the MMDR(S) at the capped sum of £1.75million to mitigate the financial risk to the County Council; and ii) masterplans for the South and North Sustainable Neighbourhoods;

b) That the negotiations with Homes England be noted and that the Directors of Law and Governance and Environment and Transport be requested to continue the dialogue in regard to the provisions of the Forward Funding Agreement (GDA) and additional funding required as a result of cost increases;

c) That the progress to date with resolving the terms of the GDA be noted and that subject to

i. completion of a legal agreement referred to in (a) above or an alternative means of mitigating the risk to the County Council at the same figure recently suggested by the Borough Council;

ii. a successful outcome to the negotiations with Homes England referred to in (b) above;

iii. resolution of the outstanding points in the GDA to the satisfaction of the County Council's statutory officers; and

iv. The decision of Melton Borough Council following consultation on the SPD and written assurances from the Borough Council about its decisions on a legal agreement at the capped sum of £1.75million and on the two masterplans

the Housing Infrastructure Grant be accepted;

d) That the Director of Law and Governance and Director of Corporate Resources be authorised to give the warranties and representations required and the Director of Law and Governance be authorised to complete and execute the GDA.

(KEY DECISION)

REASON FOR DECISION:

To agree a position to be adopted by the County Council.

ITEM 6

Director of Corporate Resources

CORPORATE ASSET INVESTMENT FUND ANNUAL PERFORMANCE REPORT 2020-21.

- a) That the comments of the Scrutiny Commission be noted;
- b) That the performance of the Corporate Asset Investment Fund for the period April 2020 to March 2021 as set out in the Annual Report, be noted.

REASON 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 CAIF to both the Cabinet and the Scrutiny Commission, to demonstrate that the Fund is being managed professionally and prudently.

ITEM 7

Director of Environment and Transport

ASHBY CANAL MAINTENANCE FUNDING.

- a) That the allocation of £1.1m for funding the maintenance of the section of the Ashby Canal to be transferred to the Ashby Canal Association (ACA) in line with option b(ii) as set out in the report be approved, subject to Parliamentary approval of the proposed transfer of a section of the Transport and Works Act Order 2005 and associated land;
- b) That the Director of Environment and Transport, in consultation with the Director of Law and Governance and the Director of Corporate Resources, be authorised to agree payment terms and enter into a funding agreement with the ACA to cover all future maintenance costs for the transferred section of canal referred to at (a) above.

(KEY DECISION)

REASONS FOR DECISION:

It is usual when a canal is transferred for there to be a maintenance undertaking or financial dowry payment from the transferer (the County Council in this instance) to the transferee (the ACA in this instance).

In taking on responsibility for the transferred section of the Ashby Canal, the ACA will take on all ongoing and future liabilities for the upkeep, maintenance and future development of the section to be transferred.

ITEM 8

*Director of
Environment and
Transport*

INTERIM COALVILLE TRANSPORT STRATEGY.

- a) That the responses to the engagement on the draft Interim Coalville Transport Strategy (ICTS), as set out in paragraphs 57 to 60 and summarised in Appendix A of the report, be noted;
- b) That the ICTS, attached as Appendix B to the report, be approved.

REASONS FOR DECISION:

Significant traffic congestion in Coalville has affected the lives of its residents, the efficiency of its businesses and its ability to grow. Having a transport strategy for Coalville remains vital to addressing the town's existing traffic problems, supporting its continued growth and achieving wider objectives, including in respect of the environment.

The ICTS will ensure that the County Council, as the local Highway Authority (LHA), is using the most up-to-date evidence and information when seeking developer contributions, providing highways advice to North West Leicestershire District Council (NWLDC) and supporting the District Council with any highway related planning appeals.

The ICTS will help to provide a transparent framework for determining decisions on transport priorities, ensuring co-ordination of investment and support NWLDC's Local Plan. Any delay in adopting the ICTS could potentially impact on securing developer contributions towards highway infrastructure in NWLDC to support the local growth agenda.

ITEM 9

*Director of
Environment and
Transport*

**LEICESTER CITY COUNCIL DRAFT LOCAL
TRANSPORT PLAN 4 AND WORK PLACE PARKING
LEVY CONSULTATIONS.**

That the comments in response to Leicester City Council's consultation on its draft Local Transport Plan 4 as set out in paragraphs 23 to 36 of the original Cabinet report and those relating to the Workplace Parking Levy, as set out in paragraphs 14 to 17 of the supplementary report, be submitted to Leicester City Council in response to their consultation as the views of the County Council.

REASONS FOR DECISION:

The draft Leicester LTP4 and WPL will inform the next stage of local transport plan making in the City up to 2036. As the City of Leicester is important to residents of Leicestershire, e.g. for access to jobs and services, so then too is the need for good transport connectivity to and through the City. Proposals within the City's boundaries have the potential to interact with and affect county highways, transport networks and local communities. The content of the Leicester City draft LTP4 and WPL are thus important to the County Council.

The responses set out key comments for consideration by Leicester City Council in preparing its new LTP4 and WPL proposals. These comments seek to ensure alignment with key strategic documents (including the Leicester and Leicestershire Strategic Growth Plan (SGP), the Leicester and Leicestershire Strategic Transport Priorities document and the County Council's Strategic Plan) and ensure that Leicester City Council's draft LTP4 and WPL do not have a negative effect on County highways or residents.

ITEM 10

*Director of
Environment and
Transport*

**EXCEPTION TO CONTRACT PROCEDURE RULES -
URGENT ACTION TAKEN BY THE CHIEF
EXECUTIVE IN RELATION TO THE APPOINTMENT
OF A SUPPLIER TO PROVIDE THE PUBLISHERMENT
OF LEGAL TRAFFIC ORDERS.**

- a) That the urgent action taken by the Chief

Executive to agree an exception to the Contract Procedure Rules to enable the appointment of Reach Publishing Plc, to continue with the publication of Road Traffic Orders in local press for a six-month period ending on the 31 March 2022, be noted;

- b) That the County Council write to the Department for Transport expressing its objection to the requirement, as the local Highway Authority, to publish advertisements in the regional press for each road traffic order it makes which costs the Authority in the region of £1m per annum, when other mediums with a larger readership such as the County Council's website and social media accounts could be utilised at a considerably reduced cost.

REASONS FOR DECISION:

The Council's Constitution (Contract Procedure Rule 6 (b)) provides that exceptions to the Contract Procedure Rules may be made by the Cabinet where it is satisfied that an exception is justified on its merits and that in urgent cases the Chief Executive (after consultation with the Leader or Deputy Leader save where this is not practicable) may direct that an exception be made subject to it being reported to the Cabinet.

The direct appointment was required in order for the Authority to continue to meet its statutory duty to publicise Road Traffic Orders in local newspapers, until such time when a procurement exercise can be undertaken.

ITEM 11
Chief Executive

RESPONSE TO CHARNWOOD BOROUGH COUNCIL'S EMERGING NEW LOCAL PLAN: THE PRE-SUBMISSION CHARNWOOD LOCAL PLAN (2021 TO 2037) CONSULTATION.

- a) That the comments set out in the Appendix to the report be forwarded to Charnwood Borough Council (Charnwood BC) as the views of the County Council on the Draft Charnwood BC Local Plan 2021 to 2037;
- b) That Charnwood BC be advised that the County Council considers that partnership working arrangements between the Borough Council, the County Council and other partners, notably

National Highways, need to be formalised at the earliest opportunity;

- c) That it be noted that
 - i. the initial cost of the further work required to identify the transport mitigation strategies to support the Draft Charnwood BC Local Plan at Examination in Public, estimated at £150,000 to £200,000, will be shared between the County Council, Charnwood BC and other partners as appropriate;
 - ii. given the distribution strategy proposed by Charnwood BC, it is likely that much of the transport mitigation will be achieved via Section 106 (developer) funding arising from multiple developments, securing which will require continued close working between the County and Borough Councils.

REASONS FOR DECISION:

Adoption of the new Local Plan will replace the existing Charnwood Core Strategy 2011 to 2028 (adopted 2015) and the Saved Policies of the Borough of Charnwood Local Plan 1991 to 2006 (adopted 2004). The new Local Plan will provide Charnwood BC with a plan-led development strategy to 2037. Given the location of the district of Charnwood close to the City of Leicester and close functional connectivity to communities living and working in Blaby, North West Leicestershire, Melton and Hinckley and Bosworth, the content of the emerging Local Plan is particularly important to this area and the wider Leicester and Leicestershire Housing Market Area (L&L HMA).

The response sets out key comments for consideration by Charnwood BC in progressing its new Local Plan. It seeks to ensure alignment with the strategic outcomes of the County Council's Strategic Plan, the Leicester and Leicestershire Strategic Growth Plan (SGP), and to influence the content of the Local Plan in the interests of local communities, including to ensure that the Local Plan provides as robust as possible policy platform for securing the provision of the infrastructure and services required to support its successful delivery.

The highways and transport issues arising from accommodating further growth in the Borough of Charnwood impact on both local road networks (County and City) and the strategic road network. Addressing the

issues requires a formalised partnership approach to the development of the required transport mitigation strategies.

In the current financial climate, the financial risk to the County Council needs to be minimised. Therefore a joint commitment to developing a funding strategy for how infrastructure will be funded in the Charnwood BC Local Plan will be essential. It is vital that S106 contributions are secured to support mitigation strategies and to facilitate growth.

ITEM 12
Chief Executive

**RESPONSE TO HINCKLEY AND BOSWORTH
BOROUGH COUNCIL'S DRAFT LOCAL PLAN
(REGULATION 18) CONSULTATION.**

- a) The comments set out in the Appendix to the report be forwarded to Hinckley and Bosworth Borough Council as the views of the County Council on the Draft Hinckley and Bosworth Local Plan 2020 to 2039;
- b) That Hinckley and Bosworth Borough Council be advised that the County Council
 - I. considers that partnership working arrangements between the Borough Council, the County Council and other partners, notably National Highways, need to be formalised as a matter of urgency;
 - II. will need to secure substantial funds from the Borough Council and other partners in order to meet the (as yet unidentified) cost of the work to identify transport mitigation measures and strategy required to support delivery of the Draft Hinckley and Bosworth Local Plan;
 - III. accordingly, requests the Borough Council to delay progressing to Regulation 19 stage of the Local Plan in order for the Draft to be fully informed by transport evidence.

REASONS FOR DECISION:

Hinckley and Bosworth Borough Council's new Local Plan will set out the Borough's development strategy to 2039. Given its location close to Leicester and close functional connectivity to communities living and working in Blaby, Charnwood and North West Leicestershire, the content of the emerging Local Plan is particularly important to this area and the wider Leicester and Leicestershire Housing Market Area (L&L HMA).

The County Council wishes to see alignment of the Borough's Draft Local Plan with other key strategies (for example, the Leicester and Leicestershire Strategic Growth Plan) and for it to provide a robust policy platform to secure the infrastructure and services to support its delivery and protect local communities.

It is a matter of some concern that the Borough Council has not published any transport assessment as part of the evidence base for this consultation. The highways and transport issues arising from accommodating further growth in the Borough are expected to have significant impacts on local road networks (in Leicestershire, Leicester, and Warwickshire) and the strategic road network.

As the Highway Authority the County Council would expect to see, at the point of a Local Plan's submission, a clear understanding of the likely nature, scope, scale (cost) and deliverability of the transport measures required. Transport modelling takes time and a formal partnership approach is needed to develop transport mitigation strategies. To date, transport work has been concerned only with base inputs and potential impacts of development options.

In the current financial climate, the financial risk to the County Council needs to be minimised. Therefore a joint commitment to developing a funding strategy for how infrastructure will be funded in the Hinckley and Bosworth BC Local Plan will be essential.

ITEM 13
Chief Executive

PUBLIC ENGAGEMENT PRINCIPLES.

- a) That the Council's Consultation and Engagement Principles be approved;
- b) That the Council becomes a signatory to the Consultation Charter.

REASONS FOR DECISION:

The Consultation and Engagement Principles update the Council's approach to involving members of the public in decision making, reflecting key lessons from the pandemic and broader changes in the way that local authorities nationally are involving residents.

By becoming a signatory to the Consultation Institute's Charter it will provide validation of the Council's high standards of consultation from the UK's national body for

best practice and case law in this field.

ITEM 14

*Director of Children
and Family Services*

**LEICESTERSHIRE SCHOOL TERM-TIME PATTERNS
FROM AUTUMN 2022 TO SUMMER 2027.**

- a) That the outcome of the public consultation on the proposed term-time options be noted;
- b) That the current Leicestershire term-time pattern that includes an earlier autumn and summer holiday and longer autumn term (Proposal 1) be approved.

REASONS FOR DECISION:

The Education Act 2002 places a statutory obligation on the County Council to determine the number of school days that schools under its control must be open. The County Council is required to determine a pattern that ensures at least 380 sessions (190 days) during a school year.

The consultation responses overwhelmingly supported the retention of the existing Leicestershire term-time pattern and no imperative to change this has emerged.

ITEM 15

*Director of Children
and Family Services*

**LEICESTERSHIRE AND RUTLAND SAFEGUARDING
CHILDREN BOARD PARTNERSHIP ANNUAL
REPORT 2020/21**

That the Leicestershire and Rutland Safeguarding Children Partnership Annual Report for 2020/21 be noted.

REASONS FOR DECISION:

Leicestershire County Council is one of the Statutory Partners who have a shared and equal statutory duty with the local Clinical Commissioning Groups and Chief of Leicestershire Police to agree and make arrangements to work together to safeguard and promote the welfare of all children in Leicestershire.

The multi-agency safeguarding arrangements locally are managed through a partnership – the Leicestershire and Rutland Safeguarding Children Partnership that covers the counties of Leicestershire and Rutland. The arrangements were published on 28 June 2019 and commenced on 29 September 2019, replacing the

former Local Safeguarding Children Board (LSCB).

In Leicestershire and Rutland the Annual Report has traditionally been presented to the Cabinet and the Children and Families Overview and Scrutiny Committee.

Consideration of the Annual Report enables the Cabinet to comment on the content of the document and consider whether it identifies matters that it wishes to address in relation to the effectiveness of safeguarding within the work of the Authority.

ITEM 16

Independent Chair of the Leicestershire and Rutland Local Safeguarding Adults Board

LEICESTERSHIRE AND RUTLAND SAFEGUARDING ADULT BOARD ANNUAL REPORT 2020/21.

That the Leicestershire and Rutland Safeguarding Adult Board Annual Report for 2020/21 be noted.

REASONS FOR DECISION:

The Leicestershire and Rutland Safeguard Adult Board (LRSAB) is a statutory body and local authorities have a duty to ensure that the Board is enabled to operate effectively.

It is a requirement of the Care Act 2014 that the LRSAB Annual Report be reported to the Leader of the Council together with the Chief Executive of the local authority, the Chairman of the Health and Wellbeing Board, the Police and Crime Commissioner and local Healthwatch.

In Leicestershire and Rutland the Annual Report has traditionally also been presented to the Cabinet and the Adults and Communities Overview and Scrutiny Committee.

Consideration of the report enables the Cabinet to comment on its contents and consider whether the report identifies matters that it wishes to address in relation to the effectiveness of safeguarding within the work of the Authority.

ITEM 17

Chief Executive

EAST MIDLANDS FREEPORT - INCLUDING URGENT ACTION TAKEN BY THE CHIEF EXECUTIVE.

- a) That the latest position and next steps in establishing the East Midlands Freeport, including the financial implications for the County Council, be noted;

- b) That the urgent action taken by the Chief Executive under delegated authority to support the submission to Government of an Outline Business Case ahead of the submission deadline of 10 September be noted;
- c) That the Chief Executive, following consultation with the Leader of the Council, be authorised to submit the Full Business Case for the East Midlands Freeport to the Government on behalf of the County Council as the lead authority and accountable body for the East Midlands Freeport Interim Board;
- d) That the Chief Executive, in consultation with the Director of Corporate Resources and Director of Law and Governance, be authorised to enter into such governance and other agreements as may be required to progress the Freeport designation.

REASONS FOR DECISION:

To ensure that the Cabinet is aware of the latest position and next steps to be taken in establishing the Freeport.

The Government stipulated that as part of the process to secure designation of a Freeport, an OBC should be submitted by 10th September 2021. The Chief Executive took the decision, following consultation with the Leader of the Council, in order to meet the Government's deadline.

The Council's Constitution (Part 3, Section D) provides that the Chief Executive may take urgent decisions between Cabinet meetings subject to this being reported for information to the next available meeting.

The deadline for the submission of the Full Business Case (FBC) is 10th December 2021 which falls before the Cabinet meeting (14th December).