



Minutes of a meeting of the Cabinet held at County Hall, Glenfield on Tuesday, 17 June 2014.

PRESENT

Mr. N. J. Rushton CC (in the Chair)

Mr. R. Blunt CC	Mr. B. L. Pain CC
Mr. Dave Houseman MBE, CC	Mrs. P. Posnett CC
Mr. J. T. Orson JP CC	Mr. J. B. Rhodes CC
Mr. P. C. Osborne CC	Mr. E. F. White CC

Apologies

Mr. I. D. Ould CC

In attendance

Mr. D. C. Bill MBE CC, Mr. S. L. Bray CC, Dr. R. K. A. Feltham CC, Mr. S. J. Galton CC, Mr. G. A. Hart CC, Mr. Max Hunt CC, Mr. P. G. Lewis CC, Mrs. R. Page CC and Mrs. C. M. Radford CC

150. Minutes.

The minutes of the meeting held on 6 May 2014 were taken as read, confirmed and signed.

151. Urgent Items.

There were no urgent items for consideration.

152. 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.

Mr. J. B. Rhodes CC declared personal interests on item no. 11 on the agenda (East Midlands Airport Sustainable Development Plan - Consultation) and item no. 18 on the agenda (Revision of Developer Contribution Agreement, Birstall).

Mr. J. B. Rhodes CC also declared a personal interest which might lead to bias on item no. 12 on the agenda (Pre – Application Consultation on Nationally Significant Infrastructure Project – East Midlands Gateway Strategic Railfreight Interchange - North West Leicestershire) and undertook to leave the meeting whilst that item was considered (minute 161 below refers).

153. Communities Strategy.

The Cabinet considered a report of the Chief Executive concerning proposals to consult on the Council's draft Communities Strategy and cease the County Council's support for Community Forums. A copy of the report, marked '4' is filed with these minutes.

Mrs Posnett CC said that the draft strategy identified a new way of working for Leicestershire County Council, voluntary organisations and residents. As part of the consultation, officers would be meeting stakeholder groups to discuss the strategy, including an event with Parish Councils on the 7 July.

RESOLVED:

- a) That a consultation exercise on the draft Communities Strategy be undertaken as set out in paragraph 35 of the report;
- b) That County Council support for Community Forums in their current form cease with immediate effect, and that local residents and in particular the Chairmen of the Community Forums, past and present, be thanked for their time and commitment in supporting the Forums over the last six years;
- c) That it be noted that the consultation exercise will include consideration of the most effective ways for the Council to engage with communities in the future;
- d) That it be noted that a further report on the outcome of the consultation will be considered by the Cabinet at its meeting on 14 October 2014.

(KEY DECISION)

REASON FOR DECISION:

The consultation exercise will help the Council to develop the final Strategy and refine the outline delivery plan. In light of the reduced funding available to the County Council, continued support to the Community Forums in their current form is not considered to be the best use of available resources.

154. 'In the Right Place' - Draft Strategy for the Provision of School and Other Learning Places in Leicestershire 2014/18.

The Cabinet considered a report of the Director of Children and Family Services concerning proposals to consult on a draft County Council strategy for the provision of school and other educational places in Leicestershire for 2014/18. A copy of the report, marked '5' is filed with these minutes.

The Director advised the Cabinet that the County Council had a statutory duty to ensure that sufficient school places were available within its area for every child of school age.

In his absence, it was reported that the Lead Member for Children and Family Services, Mr Ould, supported the recommendations set out in the report.

RESOLVED:

- a) That the work undertaken to date to develop the draft Strategy be noted;
- b) That the eight key priorities for the development of school and other educational places in Leicestershire, as set out in paragraph 22 of the report, be supported;
- c) That approval be given to the commencement of consultation on the draft Strategy, with a wide group of stakeholders, with effect from the beginning of September 2014.

(KEY DECISION)

REASON FOR DECISION:

Developing a strategy for the provision of school and other educational places is in keeping with the statutory duty placed on the Local Authority, and will help make clear to schools, academies and other education providers what the County Council's priorities for 2014/18 will be, and its expected capital investment to achieve these.

Undertaking consultation on the draft Strategy is in keeping with the Council's corporate standards to ensure that all stakeholders are made aware of the Local Authority's priorities and given the opportunity to make comment upon these at an early stage.

155. Proposals to Develop a new Primary School for the Braunstone Catchment Area.

The Cabinet considered a report of the Director of Children and Family Services which provided an update on the demand for primary school places in the Braunstone catchment area and proposals to consult on a new academy or free school. A copy of the report, marked '6' is filed with these minutes. Comments received from Mrs J. Fox CC, the local member for Braunstone Town, were noted and a copy is also filed with these minutes.

The Director advised the Cabinet that a recent pupil forecast had identified a significant increase in school spaces being required in the Braunstone catchment. This would result in the schools maximum pupil capacity being exceeded.

In his absence, it was reported that the Lead Member for Children and Family Services, Mr Ould, supported the recommendations and had regularly briefed the Cabinet regarding demographics for required pupil places in the County and that this was the first concrete proposal to deal with overcrowding in a catchment area.

Mr Blunt reported that the uncertainty concerning the former site of Holmfield Primary School had caused concern amongst local residents and welcomed the proposals to consult on the development of a new school.

RESOLVED:

- a) That the current position regarding the increased demand for primary school places in the Braunstone catchment area be noted;
- b) That the preferred option to develop the school on the site of the former Holmfield Primary School be noted;

- c) That the commencement of consultation on a proposal to establish a new 210 place primary school in readiness for September 2016 admissions as set out in paragraph 30 of the report be approved;
- d) That it be noted that a further report will be submitted to the Cabinet in the autumn regarding the outcome of the consultation exercise.

(KEY DECISION)

REASON FOR THE DECISION:

The Education Act 1996 places a statutory duty on the Local Authority (LA) to ensure a sufficient supply of school places. More recently the Education Act 2011 re-enforced the role of the LA as champion for parents, families and vulnerable pupils, requiring it to promote educational excellence by ensuring a good supply of high quality school places and coordinating fair admissions.

Analysis of pupil forecasts for the Braunstone catchment area indicates a significant increase in demand for school places, which is beginning to exceed the available capacity of the three local primary schools.

Undertaking consultation on the proposals to establish a new primary school is in keeping with the Council's corporate standards and the requirements of the Education Act 2011 (Section 37 and Schedule 11) which defines the process to be followed.

OTHER OPTIONS CONSIDERED:

- a) Extending a school/s in the Braunstone Catchment area to provide an additional 210 places;
- b) Extending a school/s in the surrounding areas, for example in Enderby;

156. Leicestershire County Council Planning Obligations Policy Consultation Draft.

The Cabinet considered a report of the Chief Executive concerning progress on the review of the revised County Council planning guidance policy for developer contributions and proposals to commence a consultation exercise on the draft policy document. A copy of the report, marked '7' is filed with these minutes.

Mr Blunt welcomed the consultation which would allow people and organisations who were likely to be affected by future developments to have their say.

RESOLVED:

- a) That the draft Leicestershire Planning Obligations Policy document attached as an Appendix to the report be approved for consultation, subject to the Chief Executive being authorised to amend the draft prior to the consultation as he considers necessary arising from further comments which have since been received from the Children and Young People's Service and any comments of the Cabinet;
- b) That it be noted that the consultation will take place between June and August 2014 and that a further report will be submitted to the Cabinet on 12 September 2014.

(KEY DECISION)

REASON FOR DECISION:

It is essential that the impacts of new developments are mitigated through the provision of appropriate and necessary infrastructure, services and community facilities and they are secured from appropriate developer contributions.

The County Council adopted its current developer contributions policy 'The Statement of Requirements for Developer Contributions in Leicestershire' (SRDCL) in December 2006 (with an interim review undertaken in December 2007). The current policy requires an update and refresh in light of the changes to the planning system, experience in operating the Community Infrastructure Levy (CIL) legal compliance tests and other changes.

157. Legal Action Relating to Development at New Lubbesthorpe.

The Cabinet considered a report of the County Solicitor which advised that the application by the Police and Crime Commissioner by way of Judicial Review to quash planning permission granted by Blaby District Council in respect of development at New Lubbesthorpe had been dismissed by the High Court. A copy of the report, marked '8' is filed with these minutes.

An extract from the minutes of the Leicester, Leicestershire and Rutland Police and Crime Panel meeting on 9 June were circulated separately and a copy is also filed with these minutes.

The County Solicitor advised the Cabinet that expenditure which the County Council had incurred as legal costs had now been recovered. It was confirmed that the Police and Crime Commissioner would not be appealing the judgment.

Mr Orson expressed his disappointment in the Police and Crime Commissioner's decision to seek a Judicial Review which had cost Leicestershire Police force a considerable amount of money. He also raised concern as to the damage the Police and Crime Commissioner's actions had had on partnership working and had discussed with the Commissioner the desire to improve relations between the police and local authorities.

With the agreement of the Chairman, Mr White spoke as Leader of Blaby District Council. He thanked the County Council and the Police and Crime Panel for the support provided to Blaby District Council during this matter and encouraged the Commissioner to acknowledge and learn from the findings of the Panel.

RESOLVED:

- a) That the comments of the Leicester, Leicestershire and Rutland Police and Crime Panel be noted;
- b) That the report be noted.

REASON FOR DECISION:

The Legal action by way of Judicial Review was previously reported to the Leicester, Leicestershire and Rutland Police and Crime Panel on 9 June 2014 and the comments of that Panel were reported to the Cabinet in order to update it on the latest position.

158. 2013/14 Provisional Revenue and Capital Outturn.

The Cabinet considered a report of the Director of Corporate Resources regarding the provisional revenue and capital outturn for 2013/14 and the proposal for repayment of debt, additional commitments and carry forwards. A copy of the report, marked '9' is filed with these minutes.

Mr Rhodes welcomed the fact that the underspend had allowed the County Council to repay existing debt and allocate resources to unforeseen projects which had required investment.

RESOLVED:

- a) That the 2013/14 provisional revenue and capital outturn be noted;
- b) That the repayment of debt set out in Appendix A to the report and the carry forward requests from departments, as detailed in Appendix B, be approved;
- c) That the prudential indicators for 2013/14 as shown in Appendix G to the report be noted.

(KEY DECISION)

REASON FOR DECISION:

The repayment of debt will achieve ongoing revenue savings. By setting aside funding, additional commitments can be met and carry forwards achieved in later years.

159. Leicester Cathedral - Reinterment Of King Richard III.

The Cabinet considered a report of the Chief Executive concerning approval for the County Council to underwrite in part the early stages of the internal reordering of Leicester Cathedral in preparation for the reinterment of Richard III in spring 2015. A copy of the report, marked '10' is filed with these minutes.

The Chairman welcomed the support offered by the County Council which would allow the Cathedral to begin the reordering of works prior to its fundraising campaign, meaning the planned reinterment date of spring 2015 could remain on schedule. He added that it was important to recognise that the Diocese and the Cathedral serve the County as well as the City.

RESOLVED:

- a) That the County Council provides funding of £250,000 to assist with the underwriting of costs to be incurred by Leicester Cathedral in commissioning the first stages of the internal reordering of the Cathedral in preparation for the reinterment of King Richard III;

- b) That it be noted that the Leicester City Mayor has indicated that the City Council will be making a similar contribution to the underwriting and that the Cathedral's major fund-raising in regard to the reordering of the Cathedral will be launched later in June 2014.

REASON FOR DECISION:

Leicester Cathedral has already raised a significant sum to assist with the underwriting but that sum is not sufficient to allow for the early commissioning of contracts for the reordering and therefore the City and County Councils have been asked if they could assist in the underwriting.

160. East Midlands Airport Sustainable Development Plan - Consultation.

The Cabinet considered a report of the Chief Executive concerning the consultation by East Midlands Airport on its Sustainable Development Plan. A copy of the report, marked '11' is filed with these minutes. Comments from Mr Max Hunt CC were circulated separately and a copy is also filed with these minutes.

Mr Blunt explained that whilst the development would almost certainly provide economic benefits to the County, the impact the expansion would have on the environment was still a concern and thus was addressed within the County Council's observations submitted to East Midlands Airport

RESOLVED:

That the comments set out in paragraphs 33 to 37 in Part B of the report and Appendix C to the report be approved and forwarded to East Midlands Airport as the County Council's observations on its Sustainable Development Plan.

REASON FOR DECISION:

To ensure that the County Council makes an appropriate input to the East Midlands Airport's Sustainable Development Plan so that issues of importance for the County Council are clearly expressed and influence the shape and content of the final Sustainable Development Plan.

161. Pre-Application Consultation on Nationally Significant Infrastructure Project - East Midlands Gateway Strategic Railfreight Interchange.

(Mr. J. B. Rhodes CC, having declared a personal interest which may lead to bias in the matter, left the meeting whilst this item was considered.)

The Cabinet considered a report of the Chief Executive concerning the pre application consultation on the East Midlands Gateway Strategic Interchange. A copy of the report, marked '12' is filed with these minutes. An extract from the minutes of the Development Control and Regulatory Board meeting on 12 June were circulated separately and a copy is also filed with these minutes.

Mr Blunt welcomed the report and encouraged the County Council to maintain a dialogue with the developer in order for the interchange to turn out as it should. He added that the

project would have a significant economic impact for the District, County, Region and Country alongside complex transport implications.

It was noted that the developers had so far shown an excellent approach to engaging with the public and it was hoped this would continue, especially when considering the landscape and visual impact concerns of local residents.

RESOLVED:

- a) That a response to the section 42 consultation be made which
- b) acknowledges the economic benefits of the development for Leicestershire and the region beyond but also that the outstanding issues to be resolved and identified in paragraphs 105 to 138 of the report be brought to the attention of the Developer;
- c) That officers of the County Council continue working closely with the Developer's consultants to resolve the outstanding matters before submission of the application;
- d) That delegated authority be given –
 - (i) to the County Solicitor to agree a Local Impact Report to be prepared jointly with North West Leicestershire District Council,
 - (ii) to individual Chief Officers in respect of their service areas to agree and sign Statements of Common Ground with the Developer, and
 - (iii) to individual Chief Officers in respect of their service areas to make written representations, respond to questions by the Examining Authority (PINs), and make written comment on other interested parties' submissions to the Examination.
- e) That, although not directly related to the functions of the County Council, the Authority would wish to be assured that the applicant has considered fully the implications of the proposal for other agencies' requirements such as the Police, Fire and Rescue, and Health, and for local communities.

REASON FOR DECISION:

To comply with Regulations issued under the Local Government Act 2000 and to ensure that appropriate consideration is given to issues such as highways, rights of way, landscape, ecology, the historic environment, and economic benefits. It is essential to meet the timetable for the examination and determination by the Secretary of State which will require the prompt submission of representations and comments.

(Mr J. B. Rhodes CC then returned to the meeting).

162. LTP3: Hinckley Area Project, Zone 1 - Proposed Transport Improvements.

The Cabinet considered a report of the Director of Environment and Transport concerning the implementation of the LTP3 Hinckley Area Project, Zone 1 transport improvements and the forthcoming consultation on Zone 2 and 3. A copy of the report, marked '13' is

filed with these minutes. An extract from the minutes of the Environment and Transport Overview and Scrutiny Committee meeting on 5 June were circulated separately and a copy is also filed with these minutes.

With the agreement of the Chairman, Mr. D. C. Bill CC and Mr S. L. Bray CC, local members for the Hinckley and Burbage Castle Divisions respectively, addressed the Cabinet. Mr Bill welcomed the report and thanked officers for the sensitive approach taken and the positive engagement between residents, members and the authority. He recommended the project be used as an example case study for any future transport consultations.

Mr Bray also welcomed the report and thanked officers for developing a focused and detailed plan. Whilst he was supportive of the plan, he did have some remaining concerns with regards to the traffic calming measures on Brandon and Northfield Road which he would raise with the Director for discussion as part of the projects implementation.

RESOLVED:

- a) That the comments of the Environment and Transport Overview and Scrutiny Committee be noted;
- b) That the Hinckley Area Project Zone 1 transport improvements, as set out in Part B of the report, be approved for implementation.

(KEY DECISION)

REASON FOR DECISION:

Analysis of the County Council's third Local Transport Plan 2011-2026 (LTP3) evidence base identified the LTP3 Hinckley Area as a key area of focus for investment, where the Council needs to stimulate economic growth, minimise congestion levels and reduce carbon emissions.

The evidence base, which was taken from various sources including the Census, the Hinckley and Bosworth Borough Council (H&BBC) Core Strategy and the Leicester and Leicestershire Economic Assessment, indicates that the Hinckley priority area:

- a) needs to develop further economically and attract even more inward investment;
- b) would benefit from wider travel choice (*the H&BBC Core Strategy (2009) states that real travel choice in the area by public transport, cycling and walking is limited*);
- c) experiences transport problems, as a result of congestion on the local road network and incidents on the A5;
- d) will be accommodating future growth e.g through Sustainable Urban Extensions at Barwell and Earl Shilton and significant employment development at MIRA).

In response, Zone 1 will be the first phase of a four-year programme to improve the transport network in Hinckley.

The transport improvements will also provide the physical infrastructure that will complement the County Council's second Local Sustainable Transport Fund (LSTF2) bid, which was submitted to the Department for Transport (DfT) at the end of March 2014.

163. Transfer of Children's 0-5 Public Health Commissioning to Leicestershire County Council.

The Cabinet considered a joint report of the Director of Public Health and Director of Children and Family Services concerning the transfer of children's 0-5 year's public health services from NHS England Area Team to Leicestershire County Council from 1 October 2015. A copy of the report, marked '14' is filed with these minutes.

RESOLVED:

That the progress towards the transfer of commissioning responsibilities for children's 0-5 public health services be noted.

REASON FOR DECISION:

The Government has agreed to complete the transfer of responsibility from NHS England to local authorities for the commissioning of children's 0-5 public health services by October 2015.

The Health Visiting Assurance Board for Leicester, Leicestershire and Rutland (LLR) is now being utilised as a formal Transition Board to oversee the transfer of the 0-5 Healthy Child Programme from NHS England to the local authorities.

164. Items referred from Overview and Scrutiny.

There were no items referred from Overview and Scrutiny.

165. Exclusion of the press and public.

The public were excluded during the following item of business in accordance with Section 100(A) of the Local Government Act 1972.

166. Revision of Developer Contribution Agreement, Birstall.

The Cabinet considered a joint report of the Director of Children and Family Services and the County Solicitor concerning the revision of the developer contribution agreement in Birstall. A copy of the report, marked '18' is filed with these minutes. Comments from the Liberal Democrat Group were circulated separately and a copy is also filed with these minutes.

RESOLVED:

- a) That the discussions to date with the developer for the Hallam Fields housing development, to identify an acceptable solution for primary school places be noted;
- b) That in the light of the changes which have taken place in the availability of primary school places in the area, the County Council accepts a revised contribution for such places;

- c) That the Chief Executive be authorised to take appropriate steps to secure agreement in accordance with (b) above.

REASON FOR DECISION:

- 1) The Education Act 1996 places a statutory duty on the Local Authority (LA) to ensure a sufficient supply of school places. The Education Act 2011 requires the Authority to promote educational excellence by ensuring a good supply of high quality school places and coordinating fair admissions.
- 2) Since 2003, the number of surplus places in schools in the vicinity of Hallam Fields has increased to such an extent that it is no longer appropriate to require the provision of additional school places in the form of a new 180 place primary school. Analysis of pupil numbers and forecasts for the Birstall area now indicates that there is a steadily increasing demand for school places, which is expected to surpass the available capacity in the two local primary schools by September 2015 admissions.
- 3) The revised contribution proposed by Jelson's will allow further primary provision to be developed when needed. An assessment of future demand for primary school places in Birstall will be considered as part of capital planning for the Children and Young People's Service (CYPS) Medium Term Financial Strategy (MTFS) review process.
- 4) Negotiations with Jelsons are currently on-going and details of the final agreement, when reached, will be made publicly available.

2.00 - 3.07 pm
17 June 2014

CHAIRMAN

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