



*Meeting:* **Cabinet**

*Date/Time:* **Tuesday, 25 June 2019 at 2.00 pm**

*Location:* **Sparkenhoe Committee Room, County Hall, Glenfield**

*Contact:* **Mr. Matthew. Hand (Tel. 0116 305 2583)**

*Email:* **matthew.hand@leics.gov.uk**

### **Membership**

Mr. N. J. Rushton CC (Chairman)

Mr. R. Blunt CC    Mr. J. B. Rhodes CC  
Mr. L. Breckon JP CC    Mrs H. L. Richardson CC  
Mr. I. D. Ould OBE CC    Mr. R. J. Shepherd CC  
Mr. B. L. Pain CC

**Please note: this meeting will be filmed for live or subsequent broadcast via the Council's web site at <http://www.leicestershire.gov.uk>  
– Notices will be on display at the meeting explaining the arrangements.**

### **AGENDA**

<u>Item</u>	<u>Report by</u>
1. Minutes of the meeting held on 24 May 2019.	(Pages 3 - 12)
2. To advise of any other items which the Chairman has decided to take as urgent elsewhere on the agenda.	
3. Declarations of interest in respect of items on the agenda.	
4. Scrutiny Review Panel on Corporate Parenting.	Chief Executive (Pages 13 - 32)



- |     |  |  |                   |
|-----|--|--|-------------------|
| 5.  | Delivering Growth in Leicestershire - East of Lutterworth Strategic Development Area and other Development Projects. | Chief Executive and Director of Corporate Resources                    | (Pages 33 - 42)   |
| 6.  | Annual Report on the Commercial Strategy 2018/22.  | Director of Corporate Resources  | (Pages 43 - 56)   |
| 7.  | Capital Investment into Social Care Accommodation Based Support Services.  | Director of Adults and Communities and Director of Corporate Resources | (Pages 57 - 118)  |
| 8.  | Review of Long Term Residential and Nursing Care Fees.   | Director of Adults and Communities                                     | (Pages 119 - 232) |
| 9.  | Re-Development of Disability Services in North West Leicestershire.  | Director of Adults and Communities                                     | (Pages 233 - 244) |
| 10. | Leicestershire Substance Misuse Strategy 2020-23.  | Director of Public Health  | (Pages 245 - 262) |
| 11. | North and East Melton Mowbray Distributor Road - Outcome of Planning Application.                                    | Director of Environment and Transport                                  | (Pages 263 - 270) |
| 12. | Highways Initiative - Delivering for Parishes and Communities.   | Director of Environment and Transport                                  | (Pages 271 - 278) |
| 13. | M1 Junction 23/ A512 Improvement.  | Director of Environment and Transport                                  | (Pages 279 - 288) |
| 14. | HS2 Phase 2B Design Refinement Consultation.   | Director of Environment and Transport                                  | (Pages 289 - 304) |
| 15. | Recycling and Household Waste Sites Future Service Offer.  | Director of Environment and Transport                                  | (Pages 305 - 316) |
| 16. | Leicestershire Youth Justice Plan 2019 - 20.   | Director of Children and Family Services                               | (Pages 317 - 346) |
| 17. | Leicestershire County Council's Planning Obligations Policy.   | Chief Executive  | (Pages 347 - 408) |
| 18. | Items referred from Overview and Scrutiny.   |  |                   |
| 19. | Any other items which the Chairman has decided to take as urgent.  |  |                   |

Minutes of a meeting of the Cabinet held at County Hall, Glenfield on Tuesday, 25 June 2019.

PRESENT

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

Mr. R. Blunt CC  
Mr. L. Breckon JP CC  
Mr. I. D. Ould OBE CC  
Mr. B. L. Pain CC

Mr. J. B. Rhodes CC  
Mrs H. L. Richardson CC  
Mr. R. J. Shepherd CC

In attendance

Mrs. C. M. Radford CC, Mr. T. J. Pendleton CC, Mrs. D. Taylor CC, Mr. P. Bedford CC, Mr. S. J. Galton CC, Mrs. R. Page CC, Mrs. B. Seaton CC and Dr. T. Eynon CC.

283. Minutes of the previous meeting.

The minutes of the meeting held on 24 May 2019 were taken as read, confirmed and signed.

284. Urgent items.

There were no urgent items for consideration.

285. 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. Shepherd CC declared a personal interest in agenda item 13 (M1 Junction 23 / A512 Improvement) as a member of Charnwood Borough Council.

Mr. R. Blunt CC declared a Disclosable Pecuniary Interest in agenda item 14 (HS2 Phase 2B Design Refinement Consultation) as an owner of land affected by HS2 and he undertook to leave the meeting during consideration of that item.

Mr. Rushton CC, Mr. Blunt CC, Mrs. Richardson CC, Mr. Breckon CC and Mr. Shepherd CC declared a personal interest in agenda item 17 (Leicestershire County Council Planning Obligations Policy) as members of district councils.

286. Scrutiny Review Panel on Corporate Parenting.

The Cabinet considered a report of the Chief Executive regarding the key findings and recommendations of the Scrutiny Review Panel which reviewed the Council's Corporate Parenting Offer, particularly the role of elected members as corporate parents. A copy of the report, marked 'Agenda item 4', is filed with these minutes.

Mrs. Seaton, Chairman of the Scrutiny Review Panel, introduced the Panel's report. She explained that the Panel welcomed the Authority's work in developing the role of the County Council as a corporate parent, in particular the work as the Virtual School in promoting apprenticeships and the efforts to capture and involve the voices of Children in Care and Care Leavers.

Mrs Seaton added that the Panel's recommendations focused on furthering the Council's offer and strengthening the role of Elected Members through improvements to reporting arrangements, additional training and the establishment of Member Champions.

RESOLVED:

- a) That the Scrutiny Review Panel's Final Report and recommendations of the Panel set out therein be accepted;
- b) That the Chief Executive be requested to ensure that the recommendations of the Review are acted upon.

(KEY DECISION)

REASON FOR DECISION:

By accepting the recommendations set out within the report, the Council will strengthen its Corporate Parenting Offer including the role of elected members.

287. Delivering Growth in Leicestershire - East of Lutterworth Strategic Development Area and other Development Projects.

The Cabinet considered a joint report of the Director of Corporate Resources and the Chief Executive concerning work undertaken to establish an approach for the delivery of the East of Lutterworth Strategic Development Area (SDA) scheme. The report sought the Cabinet's approval to undertake a detailed assessment of the delivery options available and to appointment a specialist independent business management consultancy to provide expertise and guidance. A copy of the report, marked 'Agenda item 5' is filed with these minutes.

Mr. Rhodes said that the hiring of external consultants to provide guidance during the process of establishing a preferred approach for the delivery of the scheme would help the Council choose a method which would help maximise return on its investments and ensure its Strategic Plan objectives were delivered.

RESOLVED:

- a) That the Director of Corporate Resources in consultation with the Chief Executive and Director of Law and Governance be authorised to explore further the options set out in the report for the delivery of development projects on Council-owned land, with particular regard to the East of Lutterworth SDA, including -
  - i. appointing specialist consultants to assist and advise the Council on the most appropriate delivery option(s);

- ii. undertaking engagement with members, officers, and other parties as necessary to establish the Council's growth delivery objectives;
  - iii. engaging in soft market testing of all or some of the options identified in the report, as he considers appropriate;
- b) That a further report be submitted to the Cabinet on 22 November 2019 regarding the outcome of the work undertaken and the proposed way forward.

(KEY DECISION)

REASONS FOR DECISION;

Given the anticipated planning permission for the East of Lutterworth SDA later this year it is important that the Council identifies its preferred approach for the delivery of this scheme to ensure it is in a position to commence infrastructure construction in 2020 and can comply with the terms of the LAAC (Local Authority Accelerated Construction) and HIF (Highway Infrastructure Fund) funding which require housing development to commence on site in early 2021.

In assessing the options for this specific site, consideration would be given to how these might also support the delivery of other development schemes in the County and the benefits of the Council playing a more proactive role in future developments to benefit from increased returns, sharing in the costs and risks, and to secure delivery of its wider Strategic Plan objectives.

Specific consideration of the possible growth delivery objectives would be key. The involvement of officers and members in this process would ensure these are sufficiently challenged and tested.

Undertaking soft market testing will identify market appetite for the options, and assist in defining the scope of the approach the Council may wish to take forward and how this can be realised/ procured.

Additional support and expertise is required to explore thoroughly the options and clearly understand the issues relating to their impact on delivery of the East of Lutterworth SDA scheme and wider aspects of the Council's future asset development plans and obligations, such as adult social care and affordable housing.

288. Annual Report on the Commercial Strategy 2018/22.

The Commission considered a report of the Director of Corporate Resources which provided an update on the performance of Leicestershire Traded Services, the progress with the development of a more commercial approach across the County Council. A copy of the report, marked 'Agenda item 6', is filed with these minutes.

RESOLVED:

- a) That the performance against the targets identified in the Commercial Strategy since June 2018 be noted;

- b) That the future development of the Commercial Strategy as outlined in the report and the appended Leicestershire Traded Services Review and Outlook for 2019/20 be welcomed.

REASON FOR DECISION:

The Annual Report on the Commercial Strategy outlines the progress that has been made by the County Council (via the Leicestershire Traded Services) by introducing a more commercial approach to ensure that trading income makes an increasing and meaningful contribution to the Council's budget.

289. Capital Investment into Social Care Accommodation Based Support Services.

The Cabinet considered a joint report of the Director of Adults and Communities and Director of Corporate Resources which sought approval for the proposed Social Care Accommodation Development Plan and Investment Prospectus. A copy of the report, marked "Agenda item 7", is filed with these minutes.

Mr. Blunt said that by investing in the property element of the residential care market the Council would be able to control costs better and provide the types of accommodation people required.

RESOLVED:

- a) That the Social Care Accommodation Development Plan and Investment Prospectus 2019-2037, be approved and the Director of Adults and Communities, in consultation with the Director of Corporate Resources, be authorised to review and update the Investment Prospectus annually;
- b) That the priorities for the development of specific social care accommodation units between 2019-2022 as identified in paragraph 30 of the report, be noted;
- c) That the proposed approaches to increase the supply of social care accommodation, as detailed in paragraphs 40 to 54 of the report, including the procurement of a Registered Social Landlord to act as a Landlord for Council developed properties and provide additional design expertise in the short to medium term, be approved
- d) That a range of flexible frameworks be used to identify suitable providers to deliver care and support for most provision within the new social care accommodation developments but consideration also be given to the option for the Council to deliver care directly;
- e) That it be noted that a further report will be considered by the Cabinet in autumn 2019 which will include details of the capital investment required to progress the Year 1 priorities identified in the Social Care Accommodation Development Plan, along with a proposed scheme of delegation.

(KEY DECISION)

REASONS FOR DECISION;

The revenue costs of supporting those with social care needs are increasing and are likely to continue to increase annually for the foreseeable future. Accommodation based care is to a greater or lesser extent dependent on costs associated with the provision of accommodation which itself is influenced by investment models within the private social care and investment markets. By engaging with the market, the Council has sought to understand how it can ensure the required supply of accommodation is developed at an affordable and sustainable cost to the Council. To this aim it has developed a Social Care Accommodation Development Plan and Investment Prospectus that recognises that there will always be a mixed market of provision and the Council.

Enabling the Director to review and update the Investment Prospectus each year would ensure that it remains up-to-date and relevant.

Funding for work associated with the Social Care Accommodation Development Plan and Investment Prospectus is in place for 2019/20 but capital investment required for the Year 1 priorities will need further consideration.

290. Review of Long Term Residential and Nursing Care Fees.

The Cabinet considered a report of the Director of Adults and Communities which detailed the findings of the two-stage consultation exercise on changes to the way in which the Council agreed prices for residential care and residential nursing care and sought approval for the implementation of a process for calculating fee rates. A copy of the report, marked 'Agenda item 8', is filled with these minutes.

Mr. Blunt said that the proposed increase in fees paid by the Council would support the sustainability and viability of service providers, ensuring that sufficient care and support services continued to be provided in the County.

RESOLVED:

- a) That the feedback from the two-stage consultation exercise on the proposals for a fee model for residential care and residential nursing care be noted;
- b) That the fee levels detailed in paragraph 58 of the report, for placements in Leicestershire be approved and implemented from 8 April 2019, in summary:
  - Older Adults Residential base rate - £579 per week;
  - Older Adults Residential Plus base rate - £638 per week;
  - Working-age Adults - £727 per week;
  - Supplementary Need Allowance - £11.81 per hour;
- c) That an annual uplift to the fee levels at (b) above be applied, calculated using a split of 57/43 for staffing and non-staffing costs with Average Weekly Earnings used for the staffing element, and Consumer Price Index for non-staffing costs, and amended as necessary to take account of any additional pension contributions be applied to placements within Leicestershire and to bespoke packages for working-age adults created using the Care Funding Calculator, noting that changes to the National Living Wage or fees may require this uplift to be reviewed in future;

- d) That with regard to Supplementary Need Allowance hours, the staffing uplift be applied to give an increase of 3.96% on the hourly rate given in (b) above;
- e) That each existing contracted provider of residential care and residential nursing care be required to sign the revised Core Contract, Specification, and Individual Placement Agreement in order for the revised fees to be paid;
- f) That Quality Assessment Framework premium payments to providers of residential care and residential nursing care cease as part of the implementation of the new fee rates, contract and specification;
- g) That it be noted that the Council will continue to pay fees for out-of-county placements in line with those of the local authority in which the accommodation is located;
- h) That the above changes, expected to cost £7 million, be resourced from corporate contingency funds earmarked for service cost increases;

#### REASONS FOR DECISION;

The Care Act 2014 places statutory duties on councils to establish a usual price for the care home placements they fund. This price needs to give due regard to ensuring that there are sufficient care and support services in the local market to meet the needs of all people who require care and support. It also places a duty on councils to give due regard to ensuring provider sustainability and viability to enable them to meet their employer duties and responsibilities and provide the agreed quality of care.

The Adults and Communities Department undertakes an annual fee review process with the residential and nursing care market, but it has not fundamentally reviewed its pricing structure since 2011. It is recognised that there have been significant changes to the way care and support is delivered since this time and that the demographic of people moving into residential care arranged by the Council is now different. A fundamental review of the Council's fee structure and fee levels was therefore necessary to ensure this remains fit for purpose and supports a sustainable care market across the County.

Following approval by the Cabinet in October 2018, the Council engaged in an open, inclusive and thorough consultative process to establish the proposed fee model and contractual documentation to reach a set of proposals that are fair and sustainable for both the Council and providers.

#### 291. Re-Development of Disability Services in North West Leicestershire.

The Cabinet considered a report of the Director of Adults and Communities which detailed progress made to prepare for the re-development of overnight short breaks services, supported living and Community Life Choices in North West Leicestershire and sought approval to proceed with the development based on the service design principles and site plan. A copy of the report marked 'Agenda item 9' is filed with these minutes.

Mr. Blunt welcomed the development which would be managed carefully in order to minimise the disruption caused to venerable people currently accessing services at the site.

RESOLVED:



That the re-development of short breaks services, supported living accommodation and Community Life Choices (formerly known as day services) facilities at the Hamilton Court/Smith Crescent site in Coalville be approved on the basis set out in the report and the appended plans.

(KEY DECISION)

REASONS FOR DECISION:

The re-development of a short breaks building that is purpose-built will provide facilities which can meet the needs of adults with a disability ensuring carers are supported to continue caring by providing them with an overnight break from that role.

The development of supported living in North West Leicestershire (NWL) will contribute to adult social care priorities in relation to increasing the opportunities for adults with a disability to live independently. Demand analysis was presented to the Cabinet in October 2018 which projected demand for supported living (and other forms of accommodation) by district. According to the demand analysis an additional 39 supported living units are required in NWL by 2027.

The inclusion of space and facilities on the site to provide Community Life Choices (CLC), currently provided at Coalville Community Resource Centre would enable efficiencies as a result of the co-location of County Council staff.

The total site development would also result in significantly improved County Council property assets.

292. Leicestershire Substance Misuse Strategy 2020-23.

The Cabinet considered a report of the Director of Public Health which sought the approval to consult on the draft Leicestershire Substance Misuse Strategy 2020-23. A copy of the report, marked 'Agenda item 10', is filed with these minutes.

Mr. Breckon welcomed the draft strategy which aligned to several outcomes of the Council's Strategic Plan for 2018-22 which was approved by the County Council in December 2017.

Mr. Ould noted that the investment in treatment services had a positive impact on reducing substance misuse related crimes and delivered significant social care savings.

RESOLVED:

- a) That the draft Leicestershire Substance Misuse Strategy 2020-23 be approved for consultation;
- b) That a further report be considered by the Cabinet on 22 November 2019 detailing the findings of the consultation and presenting the final Strategy for approval.

REASONS FOR DECISION:

The draft Leicestershire Substance Misuse Strategy 2020-23 has been developed in recognition of the need to coordinate substance misuse related work across the Council.

Developing a strategy that is endorsed by the Council will set an agreed direction for substance misuse service provision across Leicestershire.

Undertaking a consultation on the draft strategy would ensure the priorities meet the needs of the local population and that the priorities align with those identified by stakeholders. The consultation would also be in keeping with the Council's corporate standards to ensure that all stakeholders are made aware of the Local Authority's priorities and given an opportunity to make comments at an early stage.

293. North and East Melton Mowbray Distributor Road - Outcome of Planning Application.

The Cabinet considered a report of the Director of Environment and Transport which advised of the outcome of the North and East Melton Mowbray Distributor Road (MMDR) planning application and sought approval to proceed with preparations for the delivery of the scheme. A copy of the report, marked 'Agenda item 11', is filed with these minutes.

Members noted the comments of the Environment and Transport Overview and Scrutiny Committee, a copy of which is filed with these minutes.

Mr. Pain said that the report highlighted the Council's commitment to the project and its agreement to significantly forward fund the scheme with support from Melton Borough Council. He added that the conditions set as part of the planning approval would ensure appropriate action was taken to minimise the environmental impact of the new road.

Mr. Rhodes welcomed the scheme and said he was continuing to look into a local issue, raised by way of a representation during the consideration of the planning application, which concerned safety implications of the scheme.

RESOLVED:

- a) That the comments of the Environment and Transport Overview and Scrutiny Committee be noted;
- b) That the award of planning consent for the North and East Melton Mowbray Distributor Road scheme be noted;
- c) That the delivery of the scheme be approved, noting that a financial risk-sharing agreement for the scheme is being negotiated with Melton Borough Council.

(KEY DECISION)

REASONS FOR DECISION:

To note approval of the planning application for the North and East MMDR which is being delivered to a challenging programme meaning that the County Council is forward funding its delivery and working in an innovative manner to achieve this.

Funding of £49.5m has already been obtained from the Department for Transport (DfT), subject to the DfT's approval of the Final Business Case. The remainder of the scheme costs, estimated to be £14m, are being forward funded by the County Council. A risk sharing financial agreement with Melton BC regarding developer contributions to the scheme is still being finalised but any delay in delivery of the scheme could result in slippage and jeopardise DfT funding.

294. Highways Initiative - Delivering for Parishes and Communities.

The Cabinet considered a report of the Director of Environment and Transport which sought approval for the allocation of additional resources for the provision of highway services for parishes and communities. A copy of the report, marked 'Agenda item 12', is filed with these minutes.

Mr. Pain welcomed the proposals which would provide the Department with additional capacity to improve the way in which it engaged with communities on highways matters.

Mr. Ould said that the allocation of additional resources despite the significant reduction in its maintenance budget illustrated to parish councils that the Council listened to their concerns and helped to alleviate them where it could.

RESOLVED:

- a) That an enhanced highways service for parishes and communities for the remainder of 2019/20 as detailed in the report be approved;
- b) That a detailed survey of targeted highway assets (signs and lining) be undertaken in preparation for the future delivery programmes;
- c) That £0.55m be allocated from the Environment and Transport reserves for the remainder of 2019/20 to enable the delivery of the proposals;
- d) That further reports be submitted to the Cabinet and Environment and Transport Overview and Scrutiny Committee later in 2020 regarding progress with the initiative and future funding proposals.

REASONS FOR DECISION:

The enhanced service to parishes and communities has been developed due to the increase in the number of parish communications directly to the service and via County Council Members.

The analysis of parish communications has also identified increasing concerns with specific groups of highway assets, which the additional resources will be targeted at addressing.

The increased community and parish engagement combined with the enhanced provision contribute directly to the priorities of the Leicestershire Communities Strategy "Working Together to Build Great Communities" and the Council's Strategic Plan and Single Outcomes Framework.

295. M1 Junction 23/ A512 Improvement.

The Cabinet considered a joint report of the Director of Environment and Transport and Director of Corporate Resources concerning progress of the planned M1 Junction 23 (M1 J23) A512 improvement scheme and the approach taken to secure third party contributions. A copy of the report marked 'Agenda item 13' is filed with these minutes.

Members noted the comments of Max Hunt CC, a copy of which are filed with these minutes.

The Director reported that work on the improvement scheme had been undertaken in line with the Environment and Transport 2019/20 Highways Capital Programme and Highways Transportation Work Programme which was approved by the Cabinet in March 2019. He added that the required developer funding contribution had reduced from £10m to £8m due to a reduction in the expected build costs.

Mr. Pain welcomed the progress made which would enable the necessary agreements to shortly be in place and the scheme to be progressed.

#### RESOLVED:

- a) That the necessary preparations to deliver the M1 J23 / A512 Improvement Scheme as identified in the Highways Capital Programme up to 30 June 2019 be continued, noting that this will involve negotiations to obtain the necessary legal agreements, secure third party contributions, and undertake public engagement;
- b) That the approach to securing third party contributions as set out in paragraphs 28 and 32 of the report and the risks associated with securing those contributions be noted
- c) That following assurances being given, the Director of Environment and Transport, following consultation with the Director of Corporate Resources, the Director of Law and Governance and the Cabinet Lead Member for Environment and Transport, be authorised to let the contract for work on the M1 J23 / A512 Improvement Scheme.

#### REASONS FOR DECISION:

Subject to funding, the County Council is committed to delivery of a comprehensive scheme at M1 J23 and the A512 that will:-

- i. Bring together all interested parties to make best use of public and private sector resources;
- ii. Enable coordinated delivery of several planning requirements in one scheme;
- iii. Reduce disruption on a critical part of Leicestershire's road network;
- iv. Future proof the area in preparation for planned growth;
- v. Unlock strategic employment and housing sites identified in Charnwood Borough Council's Core Strategy helping to support the delivery of planned growth, maintaining 5 year land supply and ensuring a reduction in speculative development; and,
- vi. Ensure developments contribute fully to their share of costs.

Without agreement as to the third-party contributions and the mechanism for securing those contributions being in place further consideration would need to be given as to whether it was viable for the Council to pursue the scheme.

Satisfactory assurances have been received with regard to the third-party funding required for the delivery of the M1 J23 / A512 Improvement Scheme as planned.

296. HS2 Phase 2B Design Refinement Consultation.

*[Mr. R. Blunt CC left the meeting during consideration of this item.]*

The Cabinet considered a report of the Director of Environment and Transport concerning the Government Design Refinement Consultation on HS2 Phase 2b, and how the changes would affect Leicestershire. A copy of the report, marked 'Agenda item 14', is filed with these minutes.

Members noted the comments of local member Dr. T. Eynon CC, a copy of which are filed with these minutes.

Mr. Pain said that as part of the Council's consideration of the consultation proposals, it would look closely at the Railhead at Ashby-de-la-Zouch and whether those works would support further consideration of reopening the Leicester to Burton line to passenger traffic. He added that HS2 had the potential to provide significant economic benefit to the region and the Council was working hard to ensure the impact on communities arising from the scheme was minimised.

Mr. Rushton noted that information was still awaited as to where those working on the project in Leicestershire would be housed during its construction.

RESOLVED:

That the implications for Leicestershire arising from the changes to the HS2 route and creation of a temporary construction railhead, be noted.

REASON FOR DECISION:

To ensure that members are aware of the latest Government Consultation on HS2 and its potential implications for Leicestershire.

*[Mr Blunt returned to the meeting.]*

297. Recycling and Household Waste Sites Future Service Offer.

The Cabinet considered a report of the Director of Environment and Transport concerning proposals to achieve savings included within the 2019-23 Medium Term Financial Strategy (MTFS) in relation to the Recycling and Household Waste Site (RHWS) Service and sought approval to commence a consultation exercise on proposed changes to RHWS summer opening hours. A copy of the report, marked 'Agenda item 15', is filed with these minutes.

Mr Pain said that the Council's 14 waste sites continued to be well used and the consultation proposal to shorten the sites' opening hours during the summer months would enable the required allocated savings to be realised whilst minimising the impact on site users. He welcomed the initiative to increase the sites' re-use capabilities which matched the Council's environmental ambitions.

## RESOLVED:

- a) That the commencement of a consultation exercise on the proposed change to the Council's Recycling and Household Waste Sites (RHWS) summer opening hours, be approved;
- b) That the expansion of the existing permit scheme and the acceptance of additional waste streams at the Council's RHWS on a trial basis, be noted;
- c) That a further report be submitted to the Cabinet on 22 November 2019 detailing the outcome of the consultation and presenting the final proposal for approval.

## (KEY DECISION)

## REASONS FOR DECISION:

The recommended changes to the opening times of the RHWS would contribute to the required savings as set out in the 2019 MTFs, approved by the County Council on 20 February 2019.

Expanding the existing permit scheme would provide a conservative saving whilst deterring trade waste and satisfying regulatory requirements to enable free collection and treatment.

While there is no direct saving with the acceptance of the additional non-household waste types, it is an enhancement to the existing service and can be introduced quickly and with minimal risk, increasing recycling options for the public.

298. Leicestershire Youth Justice Plan 2019 - 20.

The Cabinet considered a report of the Director of Children and Family Services which presented the Leicestershire Youth Justice Strategic Plan for 2019-2020 for approval. A copy of the report, marked 'Agenda item 16', is filed with these minutes.

Mr. Ould welcomed the Plan which showed the Council's Youth Offending Service continued to perform at a high level with offending, re-offending and custody rates all performing favourably compared to national averages.

## RESOLVED:

That the County Council at its meeting on 10 July be recommended to:

- i. Approve the draft Leicestershire Youth Justice Strategic Plan 2019 – 2020, as set out in the appendix to this report;
- ii. Authorise the Director of Children and Family Services, following consultation with the Lead Member for children and young people, to make minor amendments to the Youth Justice Strategic Plan 2019-2020 as are considered necessary to ensure it remains current and conforms to the requirements of the Youth Justice Board.

## (KEY DECISION)

## REASON FOR DECISION:

The County Council has a statutory duty under Section 40 of the Crime and Disorder Act 1998 to produce an annual Youth Justice Plan.

299. Leicestershire County Council's Planning Obligations Policy.

The Cabinet considered a report of the Chief Executive concerning the review of the County Council's planning policy for developer contributions towards county-wide services and infrastructure and sought approval for a revised draft Planning Obligations Policy. A copy of the report, marked 'Agenda item 17', is filed with these minutes.

Mr. Rushton said that the Council was committed to delivering growth and infrastructure within the County and the revised Policy would help the Authority to secure the necessary funding required to do this.

Mr. Ould noted that current housing developments were often not being accompanied by the necessary funding for pupil places and it was therefore crucial that Section 106 developer contributions were allocated correctly.

## RESOLVED:

- a) That the key comments received during the consultation exercise and the changes made to the draft policy as a consequence be noted;
- b) That the County Council at its meeting on 10 July be recommended to:
  - i. Approve the revised Leicestershire County Council Planning Obligations Policy;
  - ii. Authorise the Chief Executive, following consultation with the Lead Member for planning matters, to make necessary future revisions to the Leicestershire County Council Planning Obligations Policy to ensure that it is up to date and relevant, provided that these do not constitute material changes to the Policy.

## (KEY DECISION)

## REASONS FOR DECISION:

It is essential that the impacts of new development are mitigated through the provision of appropriate and necessary infrastructure, services and community facilities and that developers contribute appropriately to those requirements.

The County Council adopted its current developer contributions policy 'The Leicestershire Planning Obligations Policy (LPOP) in December 2014. The policy needs to be updated in response to recent changes to the planning system, for example the recently reviewed National Planning Policy Framework (NPPF) (February 2019) and to reflect the changing costs and funding opportunities for providing infrastructure to support new development.

The Policy falls within the plans and strategies forming part of the County Council Policy Framework by Local Choice (Schedule 2 to Article 4.01 of the Constitution) and thus requires approval by the County Council.

A delegation to enable the Chief Executive to make amendments will enable minor changes to be made to keep the document up to date, proportionate to infrastructure costs and consistent with revised planning policy and legislation.

300. Items referred from Overview and Scrutiny.

There were no items referred from Overview and Scrutiny.

In attendance

Apologies

2.00 - 3.15 pm  
25 June 2019

CHAIRMAN





**CABINET – 25 JUNE 2019**

**NORTH AND EAST MELTON MOWBRAY DISTRIBUTOR ROAD –  
OUTCOME OF PLANNING APPLICATION**

**REPORT OF THE DIRECTOR OF ENVIRONMENT AND TRANSPORT**

**PART A**

**Purpose of the Report**

1. The purpose of this report is to advise the Cabinet of the outcome of the North and East Melton Mowbray Distributor Road (MMDR) planning application and to seek consent to proceed with preparations for the delivery of the scheme, accepting that a risk-sharing financial agreement with Melton Borough Council (Melton BC) regarding developer contributions to the scheme is still being finalised.

**Recommendations**

2. It is recommended that the Cabinet:-
  - (i) Notes the award of planning consent for the North and East Melton Mowbray Distributor Road scheme; and,
  - (ii) Authorises delivery of the scheme, noting that a financial risk-sharing agreement for the scheme is being negotiated with Melton Borough Council.

**Reason for Recommendations**

3. To note approval of the planning application for the North and East MMDR which is being delivered to a challenging programme meaning that the County Council is forward funding its delivery and working in an innovative manner to achieve this.
4. Funding of £49.5m has already been obtained from the Department for Transport (DfT), subject to the DfT's approval of the Final Business Case. The remainder of the scheme costs, estimated to be £14m, are being forward funded by the County Council. A risk sharing financial agreement with Melton BC regarding developer contributions to the scheme is still being finalised but any delay in delivery of the scheme could result in slippage and jeopardise DfT funding.

### **Timetable for Decisions (including Scrutiny)**

5. Compulsory Purchase Orders (CPOs) and Side Road Orders setting out changes to existing roads due to the MMDR are currently being prepared and are programmed to be issued in July 2019.
6. The North and East MMDR scheme is programmed for construction to commence on site from February 2021, aiming for completion early in 2023. A programme of advanced works is scheduled to take place from May 2020 and mobilisation of the main contract works will begin in December 2020.
7. The Environment and Transport Overview and Scrutiny Committee received a report on the matter at its meeting on 6 June 2019. Its comments will be reported to the Cabinet.
8. A further Cabinet report will be submitted prior to submission of the Final Business Case in late 2019 and prior to any agreement being signed for award of DfT funding.

### **Policy Framework and Previous Decisions**

9. The Cabinet has received a number of reports in recent years on the transport strategy for Melton Mowbray and development of a distributor road. In May 2016, it was agreed to undertake the necessary consultation and negotiations to enable a preferred route to be identified.
10. At its meeting on 12 December 2017, the Cabinet noted the outcome of consultation on the proposed northern and eastern route of the MMDR and further work that had been undertaken to develop the Outline Business Case (OBC). The Cabinet reaffirmed its earlier decision to prioritise the northern and eastern sections of the MMDR, approved the 'recommended route' for further development and consultation, and agreed to commit funding to submit the planning application and to carry out all further necessary work to prepare the scheme for construction, subject to the necessary processes being completed. The Cabinet also authorised officers to carry out various activities including continued dialogue with landowners and other stakeholders, acquiring land by agreement, and preparatory work for use of CPOs.
11. In view of the extremely tight timescale, the Cabinet authorised the Chief Executive to approve and submit the OBC to the DfT by 22 December 2017. The Director of Environment and Transport was authorised to undertake further engagement and consultation as a result of any changes/ improvements to the recommended route arising from detailed design work and feedback and to agree the 'Preferred Route' for planning and acquisition purposes.
12. Pursuant to the above Cabinet decision, the 'Preferred Route' for the North and East section of the MMDR was agreed by the Director on 8 May 2018, following consultation with the Cabinet Lead Member. Following development of a route plan and announcement of the success of the Large Local Majors Funding bid, landowners directly affected by the route were informed on 8 June 2018.

13. At its meeting on 6 July 2018, the Cabinet received a report on progress with the scheme. The Cabinet authorised the submission of a planning application and agreed that; minor alterations be made to the scheme as required during detailed design work, discussions with landowners/stakeholders continue to secure land needed for the scheme, and that CPOs and Side Roads Orders be made, confirmed and implemented. The Director of Corporate Resources was authorised to sign a 'Memorandum of Understanding' setting out the principles for development of a financial risk-sharing agreement between the County Council and Melton BC.
14. As detailed in previous reports, the development of the MMDR is consistent with a number of the Council's plans and policies, including:-
  - The third Leicestershire Local Transport Plan (LTP3), which contains six strategic transport goals, of which Goal 1 is to have a transport system that supports a prosperous economy and provides successfully for population growth; and,
  - The Council's Enabling Growth Action Plan, which supports the development of market towns for employment land as a priority and refers specifically to working with Melton BC to plan for Melton Mowbray's growth.

### **Local Member Views**

15. Local County Councillors have been consulted as part of the earlier stages of delivery of this scheme and are supportive.
16. Members have been kept informed of progress with the scheme including the success of the Large Local Majors Fund bid, and the agreement of the Preferred Route.

### **Resource Implications**

17. The total cost of the North and East section of the MMDR scheme is currently estimated to be around £63.5m, including further development costs and project development and construction risk, of which £49.5m has been awarded by the DfT from the Large Local Majors Fund.
18. In broad terms, the financial exposure for the County Council is in the region of £14m. It is expected that this will be recouped in later years through developer (s106) contributions. However, given the demands on the Authority's finances, an initial agreement has been reached with Melton BC to develop a mechanism for risk sharing using the growth in business rates, council tax and new homes bonus received by the County Council and Melton BC as a result of investment in the new road. Heads of Terms have previously been agreed in this regard. The exact nature of the financial agreement, in terms of how the level of contribution from each party will be decided, is still being considered. More detail is given in Part B of this report.

19. The Director of Corporate Resources and the Director of Law and Governance have been consulted on this report.

**Circulation under the Local Issues Alert Procedure**

A copy of this report has been circulated to Members representing the electoral divisions in the Melton area – Mr. J. T. Orson CC, Mr A. E. Pearson CC, Mrs P. Posnett CC, and Mr J. B. Rhodes CC.

**Officers to Contact**

Ann Carruthers  
Director, Environment and Transport  
Tel: (0116) 305 7000  
Email: [Ann.Carruthers@leics.gov.uk](mailto:Ann.Carruthers@leics.gov.uk)

Ian Vears  
Assistant Director, Environment and Transport  
Tel: (0116) 305 7966  
Email: [Ian.Vears@leics.gov.uk](mailto:Ian.Vears@leics.gov.uk)

## **PART B**

### **Background**

20. A number of reports have previously been taken to Cabinet at key stages detailing the background, justification and development of this scheme, summarised in Part A above.

### **Planning Application - Ref. 2018/Reg3Ma/0182/LCC**

21. Following the most recent Cabinet report (6 July 2018) work has been underway to progress the detailed design of the North and East MMDR scheme. This has included modelling, archaeological and ecological surveys, ground investigations, design work and extensive engagement with landowners.
22. The planning application was submitted in October 2018. The application was submitted to the County Council as the Planning Authority: in accordance with Regulation 3 of the Town & Country Planning General Regulations 1992. Under this Regulation, the County Council determines planning applications for development which it is carrying out (or which is being carried out on its behalf). The detailed submission can be viewed via the Council's [Planning Portal](#).
23. The County Planning Authority undertook a 30-day public consultation exercise on the planning application, from 14 October to 19 November 2018. A number of comments were received from interested parties, landowners and stakeholders.
24. As a result of feedback from the consultation exercise, a small number of minor modifications were required to the proposals and some additional information was required to be provided. This formed an Addendum to the planning application, which was supplied to the Planning Authority on 18 March 2019. An additional 30-day consultation period took place, which concluded on 24 April 2019.
25. Following a request from the Planning Authority, a trenching report and an Archaeological Impact Assessment were submitted as another Addendum to the application. This necessitated a further 30-day consultation which ended on the 21 May 2019.
26. The Leicestershire County Council Development Control and Regulatory Board (DCRB) approved the planning application on 23<sup>rd</sup> May 2019.
27. One representation was made at the DCRB meeting regarding the safety implications of the scheme in relation to Cross Lane, Burton Lazars and the proposal to gate the entrances to Sawgate Road/Lag Lane. The resident raised his concern that he believed there to be an existing safety issue at a bend near to his property that might be exacerbated by the closing off of Sawgate Road/Lag Lane. The resident requested that double yellow lines be provided along Cross Lane at the location in question. The MMDR Stage 1 Road Safety

Audit did not identify any issues particular to this location and at this stage double yellow lines will not form part of the scheme proposal. However, additional audits will take place throughout the life of the scheme to assess safety.

### **Financial Risk**

28. The total cost of the North and East section of the MMDR scheme is currently estimated to be around £63.5m. The majority of this will be covered by the award of £49.5m by the DfT from the Large Local Majors Fund, subject to approval of the Full Business Case later in 2020.
29. Thus, in broad terms, the financial exposure for the County Council is in the region of £14m. It is expected that this will be recouped in later years through developer contributions (payments towards the cost of local infrastructure requirements arising from development approved in the main by Melton BC as the Local Planning Authority). Although a number of development applications remain to be submitted and determined, to date contributions to the road through signed 106 agreements total over £7.4m. The earliest point at which the first instalment of contributions could be expected is the end of 2020.
30. The estimated cost to take the scheme through design to the point of being able to commence construction work is £4.1m. An additional estimated £500,000 of design risk cost has been identified through the Outline Business Case quantified risk assessment and risk workshops. These risks relate to staff resourcing, complexity of design issues (particularly within floodplain and relating to structures), requirements of statutory undertakers and delays due to the statutory order process. If this risk was realised this would result in a total forecast cost to construction of £4.6m.
31. As with all major schemes there is a likelihood of cost overruns. Although the work completed to date seeks to estimate as accurately as possible the scheme cost, the funding agreement with Melton BC will also need to address this.
32. Discussions are ongoing between the County Council and Melton BC to agree on a financial risk sharing agreement to enable an equitable means of repayment of the £14m the County Council is forward funding to ensure delivery of this infrastructure. It should be noted that no additional funding will be available from the DfT over and above the £49.5m.

### **Timetable for Implementation**

33. It is currently expected that the scheme programme will be as follows:-
  - Risk sharing agreement signed by the Council and Melton BC (Summer 2019);
  - Making of the Statutory Orders - CPO and Side Roads (Summer 2019);
  - Statutory Orders Objection period (with any required Public Inquiry being concluded and a favorable decision being made by autumn

2020). The process for Statutory Orders comprises the drafting making of orders setting out Compulsory Purchase requirements and impacts on Side Roads (existing highways and other rights of way) (July 2019) followed by an objection period, possible public inquiry and inspector's report and recommendations. This is included in the programme. The potential for a public inquiry is being mitigated through continued discussions with landowners around impact minimisation and potential compensation packages. If a public inquiry is not required, the programme could be brought forward and main construction started in autumn 2020.

And, subject to the above and all other necessary processes: -

- Approval of Full Business Case by the DfT and release of funding (Winter 2020), subject to Cabinet approval;
  - Land acquisition (December 2020);
  - Contract Award (December 2020);
  - Construction begins (February 2021);
  - Construction ends (March 2023); and,
  - Road opens (May 2023).
34. Should the Housing Infrastructure Fund (HIF) bid for the Southern section of the MMDR be successful, it is expected that the project scope for the existing North and East MMDR scheme would be widened to include this southern section. The southern link of the road is subject to award of HIF monies by Homes England and will be covered in a separate report to the Cabinet once the outcome of the bid is known. If the HIF bid is successful, the risk share agreement with Melton BC should cover the Southern as well as the North and East sections of the road.

### **Equality and Human Rights Implications**

35. An Equality and Human Rights Screening Report has previously been produced for this scheme and submitted as part of the Cabinet report in July 2018.
36. The full Equality and Human Rights Impact Assessment formed part of the planning application submission which can be viewed online. This includes full details of assessed impacts and proposed mitigation where applicable.

### **Environmental Implications**

37. A full assessment of the environmental impacts of the scheme was conducted as part of the Environmental Impact Assessment submitted with the planning application. Again, this can be viewed online through the County Council's planning portal.

**Background Papers**

10 March 2017 – Cabinet - ‘Melton Mowbray Transport Strategy and Distributor Road – Development of a Business Case and Identification of a Preferred Route’: [bit.ly/2J8AKGe](http://bit.ly/2J8AKGe)

10 March 2017 – Cabinet - ‘Environment and Transport Interim Commissioning Strategy 2017/18 Refresh’: [bit.ly/2J8AKGe](http://bit.ly/2J8AKGe)

12 December 2017 – Cabinet – ‘Melton Mowbray Distributor Road Proposals’: [bit.ly/2GMnOTB](http://bit.ly/2GMnOTB)

6 July 2018 – Cabinet – ‘North and East Sections of the Melton Mowbray Distributor Road Proposal’: [bit.ly/2Lia7RF](http://bit.ly/2Lia7RF)



**ENVIRONMENT AND TRANSPORT OVERVIEW AND SCRUTINY COMMITTEE  
MEETING: 6 JUNE 2019**

**NORTH AND EAST MELTON MOWBRAY DISTRIBUTOR ROAD - PLANNING  
APPLICATION**

**DRAFT MINUTE EXTRACT**

The Committee considered a report of the Director of Environment and Transport updating them on planning approval of the North and East Melton Mowbray Distributor Road and issues surrounding the risk sharing agreement with Melton Borough Council and developer contributions. A copy of the report, marked 'Agenda Item 13' is filed with these minutes.

Arising from the discussion the following points were noted:

- i) The planning application for the North and East Melton Mowbray Distributor Road had been approved, subject to conditions, by the Development Control and Regulatory Board on 23 May 2019.
- ii) Leicestershire County Council were forward funding £14million of the £63.5million expected scheme costs, £49.5million would be covered by an award from the Department for Transport from the Large Local Majors Fund subject to submission of the Full Business Case and approval by the DfT, expected spring 2020. By forward funding the scheme the County Council would be able to deliver the road with significant savings while also significantly accelerating the delivery of the road.
- iii) Concern was raised over the possibility that the Council would not recoup the forward funded element of the scheme due to a number of issues such as potential viability challenges or failure of developments to come forward.
- iv) Members were reassured that section 106 monies were already being collected towards the road and that the Council had secured over £7million of S106 money already. In addition upfront provision of infrastructure would reduce the risk of development not coming forward. Whilst recognising the risk, the Council was reasonably confident that the remaining S106 money would be secured. Any remaining risk would be mitigated through a risk sharing agreement with Melton Borough Council.

**RESOLVED:**

That the comments of the Committee be forwarded onto Cabinet for consideration at its meeting on 25 June 2019.