

**EXECUTIVE
 3 OCTOBER 2023**

PRESENT: COUNCILLOR M J HILL OBE (LEADER OF THE COUNCIL)

Councillors Mrs P A Bradwell OBE (Executive Councillor for Children's Services, Community Safety, Procurement and Migration) (Deputy Leader), Mrs W Bowkett (Executive Councillor for Adult Care and Public Health), R D Butroid (Executive Councillor for People Management, Legal and Corporate Property), R G Davies (Executive Councillor for Highways, Transport and IT), D McNally (Executive Councillor for Waste and Trading Standards) and Mrs S Woolley (Executive Councillor for NHS Liaison, Integrated Care System, Registration and Coroners)

Councillors: M Brookes (Chairman of the Highways and Transport Scrutiny Committee)(in attendance via Microsoft Teams), P M Dilks (Chairman of Scrutiny Panel A) and A N Stokes (Chairman of the Overview and Scrutiny Management Board) attended the meeting as observers

Officers in attendance:-

Justin Brown (Assistant Director Growth), David Coleman (Chief Legal Officer), Andrew Crookham (Executive Director Resources), Sam Edwards (Head of Highways Infrastructure), Glen Garrod (Executive Director - Adult Care and Community Wellbeing), Nicole Hilton (Assistant Director - Communities), Tara Jones (Head of Service, Children in Care Transformation and Partners in Practice Programme), Dave Pennington (Head of Property Development), Martin Samuels (Executive Director of Adult Care and Community Wellbeing), Heather Sandy (Executive Director of Children's Services), Vanessa Strange (Head of Infrastructure Investment), Nigel West (Head of Democratic Services and Statutory Scrutiny Officer) and Rachel Wilson (Democratic Services Officer)

25 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors L A Cawrey and C J Davie.

An apology for absence was also received from Debbie Barnes (Chief Executive) and Andy Gutherson (Executive Director – Place).

26 DECLARATIONS OF COUNCILLORS' INTERESTS

There were no declarations of interest at this point in the meeting.

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27 ANNOUNCEMENTS BY THE LEADER, EXECUTIVE COUNCILLORS AND EXECUTIVE DIRECTORS

The Leader of the Council welcomed Martin Samuels, the new Executive Director - Adult Care and Community Wellbeing to his first meeting of the Executive.

28 MINUTES OF THE MEETING OF THE EXECUTIVE HELD ON 5 SEPTEMBER 2023

RESOLVED

That the minutes of the meeting held on 5 September 2023 be signed by the Chairman as a correct record.

29 NORTH HYKEHAM RELIEF ROAD - PLANNING APPLICATION

The Executive Councillor for Highways, Transport and IT introduced a report which sought approval for a change to the approved route of the North Hykeham Relief Road (NHRR) and to submit a planning application to the County Planning Authority for the NHRR. He commented that this was an exciting scheme which had taken some years of planning. This would be a strategic investment by the Council in one of the busiest and most congested parts of the road network.

The Head of Highways Infrastructure and Laboratory Services presented the report and outlined the two elements within the report which required approval. The Executive received a short presentation which provided a 'fly-through' video of the proposed new route. Members were advised that officers were reasonably confident that cost estimates would be in the medium range of around £193.7m.

In relation to the public consultation, concerns had been raised about the severance of the Viking Way at the second Public Exhibition Event, and this feedback had been taken into consideration and the design subsequently revised around the proposals for the Viking Way footpath. These proposals had since been generally well received with positive feedback at the third consultation event.

Councillor M Brookes, Chairman of the Highways and Transport Scrutiny Committee was in attendance via Microsoft Teams to present the comments of the Committee following its consideration of this item at its meeting on 11 September 2023 and unanimously supported the recommendations to the Executive and were content with the report. It was reported that the use of traffic signals was queried and members of the Committee were sceptical about the effectiveness of traffic lights on roundabouts. However, officers reassured the Committee that this would increase the effectiveness of the traffic flow on a 5-arm roundabout. The Committee also commented that designs should reflect future infrastructure developments and requested that budgets and costs were closely monitored to factor in any inflation and fluctuations in prices.

During discussion by the Executive, the following was noted:

- In relation to the proposal to include traffic lights on the A46 North Hykeham roundabout, it was commented that this had been very successful when used on the Holdingham roundabout and so was fully supported by the Executive. It was confirmed that the A46 North Hykeham roundabout would be the only one within the scheme to have traffic lights.
- Clarification was sought regarding the £10m from developer contributions and what the effect would be for economic development, and whether this was included in the Local Plan. Officers advised that as part of the modelling and design of the scheme, they had accounted for all of the planned development within the Central Lincolnshire Local Plan. The County Council would forward fund through Section 106 agreements and would recoup that when the development came forward.
- A query was raised regarding why there wasn't a pedestrian crossing on the section of road between The Bentley Hotel and the service station. The Executive was advised that this was an existing public right of way which was quite dangerous. Adding an improved crossing was explored, but it was established that there was not the additional space required to allow for a crossing. Following consultation with local residents and the Public Rights of Way Team, it was agreed to create a new route for a footpath down Middle Lane, crossing on the south side of the roundabout where it would not have an impact on traffic flow.
- It was queried how confident officers were that the planning application would not need further revisions. There was reasonably high confidence that the planning application would go through due to the procurement of a design and build contract and so the scheme was being driven by the contractor. It was also noted that it was not thought that a scheme of this scale had been developed to this level of detail before going to Planning. It was likely that there would be non-material amendments but these would not need to go back to committee and would be dealt with at officer level.
- The next step of the process following seeking planning permission would be to come back to Executive to seek approval to submit the side roads orders and the compulsory purchase orders. In terms of any land lock issues, it was noted that any issues had been resolved with landowners and land agents.

RESOLVED

1. That a change in the preferred route of the North Hykeham Relief Road adopted by the Executive in December 2006 to that described in section 1.3 of the report and illustrated in Appendix 1 of the report, be approved.
2. That the submission of a planning application to the County Planning Authority under Regulation 3 of the Town and Country Planning General Regulations 1992 for the development of the North Hykeham Relief Road, as described in section 1.3 of the report and illustrated in Appendix 2 of the report, be approved.

3. That authority be delegated to the Executive Director of Place, in consultation with the Executive Councillor for Highways, Transport and IT, to determine the final form of and to submit the planning application.

30 LINCOLNSHIRE SECURE CHILDREN'S HOME - LAND PURCHASE AND SECTION 203

The Executive Councillor for Children's Services, Community Safety, Migration and Procurement introduced the report and advised that this was a follow-on report following the approval of the business case for the new Lincolnshire Secure Children's Home (LSCH) in July 2022 which set out the rationale for the replacement of the existing secure unit with a new larger facility. The current 12 bed facility had been built in 1997, and whilst generally regarded as being highly successful, the building was no longer capable of meeting these high expectations. Whilst the Council continued to deliver this service, there was no realistic option to continue to use the building. Since 2017, work had been ongoing with the DfE to identify a suitable location within Lincolnshire for a new build secure children's home, and following further discussions it was agreed that the original plan of a 22 bed unit should be increased to a 28 bed unit. It was also highlighted that the project would be fully funded by the DfE.

Following an extensive countywide search, a suitable site for the new facility was finally identified at Bonemill Lane, Sleaford. However, this site was the subject of a restrictive covenant which would prevent the use of the site for residential purposes including as the secure children's home. The report outlined the legal basis on which the Council could proceed to construct the LSCH notwithstanding the existence of the covenant and sought approval to purchase the site and into an enabling works contract as the first stage of eventual construction on the specific legal basis as set out in the report.

The Chairman of the Overview and Scrutiny Management Board presented the comments of the Children and Young People Scrutiny following its consideration of this report at its meeting held on 8 September 2023 where the Committee unanimously supported the recommendations to the Executive. The Committee recognised that the current home was dated and did not allow for further development. Assurance was provided that invoking Section 203 to override the restrictive covenants was a managed risk and was a power which had been used by other local authorities to also override restrictive covenants. All affected landowners had been contacted on a regular basis throughout this process to allow them to comment on the proposals. Timescales and next steps were discussed and there was confidence that construction would be able to commence in early 2024.

During discussion by the Executive, the following was raised:

- Queries were raised regarding risk around the restrictive covenants and what was the level of confidence that there wouldn't be challenge. The Executive was advised that this had been examined fully to ensure that all criteria had been met including public interest and it was believed that all requirements of this Section were met by this decision and it was expected that the Council could successfully defend any objection.

- The land had been valued on a commercial basis, and the Council was proposing to purchase at the slightly lower end of the valuation, therefore if the project was unable to proceed the land would hold its value.
- It was noted that the whole of the unit was contained and the areas of open space were within the secure premises.
- There was support for the scheme, and it was commented that if it could help children before they became adults then it was of benefit.
- Clarity was sought regarding the difference between secure beds and welfare beds. Officers advised that the welfare beds were for children and young people whose behaviour was putting them at risk, but the Council would need to go before the court for this. However, it was important to note that this was not a sentence. The secure beds were for those children and young people placed on criminal grounds.

RESOLVED

1. That subject to the planning permission remaining free of challenge until expiry of the statutory challenge period the acquisition for planning purposes, pursuant to Section 227 of the Town and Country Planning Act 1990, of the freehold interest in the land at Bonemill Lane in Sleaford, Lincolnshire shown edged blue on the plan attached at Appendix A of the report, be approved.
2. That it is the intention of the Council in acquiring a freehold interest in the relevant land for planning purposes to engage the provisions of Section 203 of the Housing and Planning Act 2016, to the extent of the land in respect of which planning permission was granted on 4 August 2023, shown edged red on the Plan at Appendix A of the report, in order to override the restrictive covenants to the full extent of that section, to enable the Council to carry out the development and use of the new Lincolnshire Secure Children's Home.
3. Subject to the planning permission remaining free of challenge until expiry of the statutory challenge period delegates to the Executive Director – Resources, in consultation with the Executive Councillor for People Management, Legal and Corporate Property the authority to enter into a contract for the detailed design of a 28 bed Lincolnshire Secure Children's Home and enabling works of a value not exceeding the approved DfE grant, with a full scheme appraisal to follow once a greater degree of cost certainty is available.

31 SCRUTINY PANEL A FINAL REPORT - TOWN CENTRE IMPROVEMENTS

Councillor P M Dilks, Chairman of Scrutiny Panel A, introduced the report and stated that it was a privilege to present this report to the Executive which detailed ways in which the County Council could help town centres to thrive, adapt and embrace the changes and challenges of a fast-changing world.

Recognition was given to the excellent support of the officers to the 14 months of focused work by the Panel, as well as the contributions from external experts and partners.

Councillor Dilks also thanked members from across the political divide who served on the Panel, with particular thanks to the Vice-Chairman, Councillor Tracy Carter, for her dedication and knowledge of town centres and their business communities.

Early in the review, it was recognised that of the many towns across Lincolnshire, all were unique and there was no one-size-fits-all solution. As a result, six specific strategic areas were identified where the county council had a role which could be used to engage and promote improvement which were:- Leadership and Policy; High Street Businesses; Placemaking, Funding and Skills; Technologies Innovation and Digitalisation; Data-Driven Decision Making & Targeted Investment; and Green Growth. Evidence was then gathered which helped the Panel make recommendations under all of these strategic areas.

The final report was presented to the Environment and Economy Scrutiny Committee on 12 September 2023, and the Committee unanimously supported the key recommendations, and also provided detailed comments which were included in the report.

During discussion by the Executive, the following was noted:

- Clarification was sought regarding recommendation 4(a) of the report in relation to 5G infrastructure. The Executive was advised that 5G was being installed on the basis of national planning criteria and so it was important to have a local voice in affecting the position of that infrastructure.
- Government would review the business rates process, and this was something which could be taken forward in the Scrutiny Review Action Plan.
- In terms of people living above shops, it was queried whether discussions around reforming the system were taking place nationally, and if there was a role for the County Council for lobbying on this. It was confirmed that a response in relation to this had already been submitted to parliament.
- It was suggested that whilst the report did not identify the cost of parking as an issue, it was believed that it was and actively discouraged some people from visiting town centres. There had been an aspiration to change car parks to pay on departure to encourage, however this was an expensive option when first considered, but due to the increase in parking apps which were available it could be an appropriate time to explore this option again.
- The effects of out of town shopping centres within walking distance of town centres was also highlighted.
- It was suggested that there was a need to look at the bigger picture, as there were companies that were doing very well and needed to be attracted to the high streets.

The Chairman of the Panel thanked the Executive for their comments and acknowledged that there were challenges around car parking, but the real challenge was identifying what towns could offer and how they could attract people to visit, either through developing leisure premises or historic assets.

RESOLVED

1. That the Town Centre Improvements Scrutiny Review final report be received.
2. That arrangements be made to respond to the report within two months, and that the Executive Councillor for Economic Development, Environment and Planning:
 - a) Indicates in the response which recommendations have been accepted; and
 - b) Where recommendations have been accepted, to bring forward an action plan for their implementation.

32 APPOINTMENT TO OUTSIDE BODIES

Consideration was given to a report which requested that the Executive made an appointment to the County Council Network (CCN) to fill the vacancy created by the resignation of Councillor Robert Parker from the County Council on 31 July 2023.

RESOLVED

That the appointment of Councillor Karen Lee to the County Council Network (CCN) be approved.

The meeting closed at 11.57 am