

**MINUTES OF THE MEETING OF THE LEICESTERSHIRE COUNTY COUNCIL
HELD AT COUNTY HALL, GLENFIELD ON WEDNESDAY, 19 MARCH 2008**

PRESENT

Mr. Mike Jones CC (in the Chair)

Mr. A. D. Bailey CC, Mr. D. C. Bill CC, Mr. G. A. Boulter CC, Mr. D. R. Bown CC, Mr. N. J. Brown CC, Mrs. R. Camamile CC, Mr. M. H. Charlesworth CC, Mr. J. G. Coxon CC, Mrs. J. A. Dickinson CC, Dr. R. K. A. Feltham CC, Mr. R. Fraser CC, Mr. S. J. Galton CC, Mr. D. A. Gamble CC, Mr. B. Garner CC, Mr. M. Griffiths CC, Mr. P. S. Harley CC, Mr. G. A. Hart CC, Dr. S. Hill CC, Mr. D. W. Houseman CC, Mr. Max Hunt CC, Mr. P. A. Hyde CC, Mr. D. Jennings CC, Mr. A. M. Kershaw CC, Mr. John Legrys CC, Mr. P. G. Lewis CC, Mr. W. Liquorish JP CC, Mr. J. S. Moore CC, Mr. A. P. Natzel CC, Dr. M. O'Callaghan CC, Mr. J. T. Orson JP CC, Mr. P. C. Osborne CC, Mr. I. D. Ould CC, Mr. M. B. Page CC, Mrs. R. Page CC, Mr. K. Parker CC, Mr. D. R. Parsons CC, Mrs. L. A. S. Pendleton CC, Prof. M. E. Preston CC, Mr. J. B. Rhodes CC, Mr. P. A. Roffey DL, CC, Mr. N. J. Rushton CC, Mr. S. D. Sheahan CC, Mr. R. J. Shepherd CC, Mrs. M. L. Sherwin CC, Mr. E. D. Snartt CC, Mr. D. A. Sprason CC, Mr. C. A. Stanley CC, Mr. N. A. Stork CC, Mr. E. F. White CC, Mr. R. M. Wilson CC and Mr. D. O. Wright CC

138. CHAIRMAN'S ANNOUNCEMENTS.

Major S Southworth MM

The Chairman reported with sadness that former County Councillor Major Stanley Southworth had died on 21 February, 2008 aged 86 years. Major Southworth had been elected to the County Council in 1989 and served until 2001, representing the former Breedon electoral division.

He had served on a wide variety of committees during his period of membership including the Policy and Resources Committee, and had acted as Conservative Spokesman of the Public Protection and General Purposes Committee and Pension Fund Management Board.

In 1996 Major Southworth had become the first Chairman of the new Combined Fire Authority and had served in that capacity until 2001 when he had retired from local politics. It was recalled that "The Major", as he had been affectionately known, had been a great champion of the Fire and Rescue Service and he had taken great pride in his association with the Leicestershire Brigade, which he had regarded with some justification as second to none.

Mr R K Dickens

The Chairman also reported with sadness the death recently of former County Councillor Ron Dickens aged 79 years. Mr Dickens had been elected to the County Council in 1981 and had served until 1985 representing the former Hinckley No 4 (Castle) Electoral Division.

Members joined the Chairman in standing in silent tribute to the memory of

Major Stanley Southworth and Mr Ron Dickens.

Community Heritage Initiative

The Chairman reported that the Council's Community Heritage Initiative had recently been highly commended, at a ceremony in London, by judges representing the Local Government Chronicle and Health Service Journal.

The Chairman felt sure that members would wish him to thank and congratulate all volunteers and officers concerned, in respect of the initiative which was one of the top two of its type in the country.

Miss P Clayfield CC

Members joined the Chairman in passing on their best wishes to Miss Pam Clayfield CC who it was reported was about to undergo further medical treatment.

Visitors

The Chairman welcomed to the meeting all visitors and guests of members.

139. MINUTES.

It was moved by the Chairman, seconded by Mr A M Kershaw and carried:-

"That the minutes of the meeting of the Council held on 20 February 2008 copies of which have been circulated to members, be taken as read, confirmed and signed."

140. DECLARATIONS OF INTEREST.

The Chairman invited members who wished to do so to make declarations of interest in respect of items on the agenda for the meeting.

The following declarations were made:-

<u>Member</u>	<u>Minute No.</u>	<u>Interest</u>
Mr P C Osborne	145(A)	Personal and Prejudicial
Dr O'Callaghan	145(B)	Personal Non Prejudicial
Mr Orson	"	Personal Non Prejudicial
Mr Roffey	"	Personal Non Prejudicial

141. QUESTIONS ASKED UNDER STANDING ORDER 7(1)(2) AND (5).

(A) Mr Stanley asked the following question of the Leader or his nominee:

- "1. In reply to a question put at the meeting of the Council on 5 December 2007 I was advised that 2008/09 will be the first year that the Dedicated School Grant has included a specific funding

allocation targeted at deprivation. Could the Leader please indicate what criteria is being used to ensure that the grant is received by the schools that warrant it?

2. Could he provide me with a list of schools which will receive these funds and the amounts involved?"

Mr Ould replied as follows:

- "1. Whilst identified as a separate allocation within the Dedicated Schools Grant, the Pockets of Deprivation funding is not ringfenced and there is no requirement for this funding to be delegated to schools.

In accordance with the wishes of the Schools (Funding) Forum, this funding is distributed to mainstream schools and Phase 1 Children's Centres. It is distributed to schools in accordance with the Index of Multiple Deprivation Score for each individual school using the same methodology as used within the social deprivation element of the Special Educational Needs Factor. This method was endorsed by the Schools (Funding) Forum.

The multiple index of deprivation is used to rank schools in order of most deprivation based upon the home addresses of its pupils. The most deprived third receive a weighting of 4 for each pupil, the next third a weighting of 2 and the bottom third a weighting of 1 using the January pupil numbers.

2. The school level allocations are shown in the table attached to these minutes (marked Table 1)."

(B) Mr Sprason asked the following question of the Leader or his nominee:

"Could the Leader outline what he understands to be the implications for Leicestershire people of the recent statement on the future of motorway widening by the Secretary of State for Transport?"

Mr Rushton replied as follows:

"The Secretary of State for Transport, Ruth Kelly, announced a wide ranging review of the Government's approach to tackling congestion and capacity issues on the motorway network. The Government had planned to widen the M1 in Leicestershire, from Junction 21 to 24, to dual four lanes; this is now under review and it is possible that the Government will propose adding the required capacity to the M1 by use of Active Traffic Management, as has been trialled successfully on the M42 east of Birmingham.

The Highways Agency has stated that it still has to deal with problems with Junctions 21 and 24 and that Active Traffic Management is not the tool to address such problems. We are given to understand that the Junction 24 improvements will still include a Kegworth bypass,

wholly funded by the Highways Agency, but a programme has not been announced. We still expect consultation on revised proposals for Junction 21 later this year.

The County Council welcomes the consideration of Active Traffic Management, as this has the potential to increase capacity on the motorway without environmentally intrusive and damaging widening schemes, with long periods of disruption caused by construction works."

Mr Sprason asked the following supplementary question:

"Could I please ask the Lead Member for clarification that, if Active Traffic Management is now the Government's preferred option, will he ensure that the junction work at Junction 22, Markfield and the promised noise reducing measures, will still be part of that scheme?"

Mr Rushton replied as follows:

"I will certainly take up that point on Mr Sprason's behalf. Although, if you look at the stretch of motorway between the M69 and the Kegworth Bypass, in my view, it would be particularly difficult to accommodate Active Traffic Management there, just because of the nature of the carriageways. If it was accommodated there low noise tarmac is certainly essential for people living in Mr Sprason's division."

(C) Mr Roffey asked the following question of the Leader or his nominee:

"Can the Leader please provide a suitable commentary on recent allegations made on the website www.detourmelton.net about the Melton By-Pass and the role of the local authorities?"

Mr Rushton replied as follows:

"The allegations on the "detourmelton" website contain so many inaccuracies that it is difficult to deal with them all. In essence, it is alleged that we are ignoring Melton in favour of other, less worthy, places; that we have got the route choice wrong; and that we should not be looking for developer funding.

It is never possible to have a strict "pecking order" for the development of bypasses. The choice of places to work is influenced by the nature of the problem, the cost and deliverability of the proposed bypass and the availability of funds. The website refers to places where bypasses have been provided by the County Council to deal with safety, environmental and traffic problems, such as Rearsby, but also by the Highways Agency (Great Glen) and by another Council (Oakham). The site refers to Loughborough, where our proposed Inner Relief Road will deal with congestion and safety issues and help with the regeneration of the town centre, which is presently split in two by a main road. These are all important projects, which bring benefits to the people who live there.

Melton is important and that is why we are working to secure a bypass. However it must be recognised that bypassing Melton would be challenging and also costly because of topography, the length of road required and the need to cross the River Eye and the railway.

Route choice:

Traffic conditions in Melton are made difficult by the fact that two main roads (Leicester to Grantham and Oakham to Nottingham) cross in the town. That is why last year we invested £1million in improving traffic in Melton and will be investing more this year with the improvement of the Thorpe End junction. A bypass of either route would make a significant difference to the town and traffic analysis indicates that, although the A607 route is better, it is only marginally so.

Any route would have to pass value-for-money tests to secure Government funding. A “half” bypass would cost around £35million (based on Earl Shilton rates and Melton is much more complicated); the suggested route on the website would cost over £50million.

These costs would have to be set against other bids for the Government’s Regional Funding Allocation (RFA) and the securing of significant developer contributions is essential for a bid for RFA to succeed.

The choice of where to put its housing allocations is down to Melton Borough Council. It is also Melton Borough Council that is responsible for securing developer funds through Section 106 Agreements; a power that is not available to County Councils. Where a large block of housing goes will have a very significant impact on traffic in the town and it is for that reason that a bypass would logically go where the housing is placed.

Developer funding:

Developers have paid for roads in the County (Lutterworth southern bypass, Epinal Way extension in Loughborough) and it is entirely right that they make their contribution to improving the network in Leicestershire, where appropriate. This helps to secure public funds and make sure that public investment goes further. The website says at one point that “the County should get Government funding, as they have done elsewhere, rather than relying on developers” but also that “all development in Melton should pay towards a bypass”. Which is right? Again, it appears the author is confused. The RFA is not limitless – we would like to see the Government allocate more funds to the East Midlands – and it is already over committed. By working to secure developer funding, the County Council is significantly improving the chances of bringing a Melton bypass forward. The website somehow suggests that we, or Melton, have missed an opportunity presented by the building of 500 houses “half the developer’s cost towards a bypass”. Since this would only generate about £6 million for roads, it would be a very short bypass. This

website does nothing to help the case for a Melton Bypass. It misleads visitors and I hope the County Council can help in correcting the erroneous picture the website has created."

Mr Roffey asked the following supplementary question:

"Could the Lead Member please say what he considers to be the most appropriate route for a bypass?"

Mr Rushton replied as follows:

"In my view the most appropriate thing for Melton Mowbray is a complete ring road. If Melton Mowbray happened to be in France it would have been built 20 years ago. At the moment we are being consulted by Melton Mowbray Borough Council on a LDF core strategy. We will be pointing out to them that we think that a ring road is the ultimate solution for Melton Mowbray and will be telling them the benefits and the costs of each particular leg of Melton Mowbray bypass. As an Administration, we think that the one and only solution for Melton Mowbray is a complete and proper ring road and will be pressing the Government to provide the funding for it."

(D) Dr O'Callaghan asked the following question of the Leader or his nominee:

"At the meeting of the Constitution Committee held on 3 March 2008 the Leader stated that all the Cabinet and Cabinet Support Members had job descriptions, targets and performance management reviews, etc and that they were freely available in the public domain.

1. Would the Leader confirm that this is still the case?
2. I have requested that these documents from the last two years for all Cabinet Members and Support Members be made available to me. Would the leader agree to do so please?
3. When were the above job descriptions, targets and performance management reviews for individual Cabinet Members and Support Members first devised?
4. When was the latest version of each of the above devised?
5. Would the Leader list all the Cabinet and Support Members and provide for each the date when their last set of targets was drawn up and discussed with them?
6. Would the Leader list all the Cabinet and Support members and provide for each the date of their last performance review?"

Mr Parsons replied as follows:

"I refer Dr O'Callaghan to our recent exchange of correspondence. It is increasingly clear that, whilst the Cabinet have job descriptions and

targets, there is nothing comparable in place on the scrutiny side. The responsibility for this failing on the part of scrutiny must lie with the Chairman of the Commission who, I understand, has asked scrutiny spokespersons in the last few days to cobble together job descriptions by yesterday. Since the generic information which enables job descriptions to be tailored was drawn to his attention when he took over the Scrutiny Commission in 2005, but he has done nothing until last week, when I reminded him, I am surprised that Dr O'Callaghan is using the time of the Council to highlight his embarrassment."

(E) Mr Hunt asked the following question of the Leader or his nominee:

- "1. What is the rate of traffic growth in the East Midlands for the years 2006 and 2007 against the base rate (of 100) in the year 2000 and what equivalent figures are available for the town of Loughborough?
2. Since traffic currently travels at an average 12.2mph from the peripheral County villages into the City at peak hours, and traffic has increased by at least 10% over the last ten years what speeds does the county estimate traffic to flow on average in peak times should traffic volumes rise by a further 10%?
3. How is the County Council progressing towards its target of an 8% growth rate in cycling from the 2003 level to 2010?
4. What were the average weekly number of cycle trips at the current automatic count sites used as the core indicator for LTP1 for 2006 and 2007?
5. What response has the County Council made to Cycling England's competition, announced recently, to nominate ten new Cycling Towns to join the Demonstration projects aimed at developing cycling in their areas and bid for a share of the £47m funding which forms part of the record £140m funding for cycling announced by Transport Secretary in January.
6. What is the percentage of schools which had adopted school travel plans and the percentage of total pupils that represents in 2006/7?
7. How does the County Council record new investment in vehicles by bus companies and how has this developed over the last three years?"

Mr Rushton replied as follows:

"The questions require a significant amount of work to provide the levels of detail required and it will not be possible to provide such detailed answers immediately. I have asked the Director of Highways, Transportation and Waste Management to let Mr Hunt have the information as soon as it reasonably can be collected.

Specifically, in answer to question 5, the County Council has entered into dialogue with Leicester City Council over a potential joint bid for Central Leicestershire as one of the "cycling towns". This enables us to share expertise to achieve a seamless cycle network, with associated promotion and publicity, that surpasses administrative boundaries. A joint approach between two local highway authorities is likely to be viewed favourably by the Department for Transport."

Mr Hunt asked the following supplementary questions on the replies to questions 1, 3, 4 and 6

"I am told that a significant amount of work will have to be done to provide these figures, but is the Deputy Leader not aware that these are published figures and is he not aware himself of what the answers are because, I have not seen the published figures, but they are published?"

Mr Rushton replied as follows:

"If they are published why is Mr Hunt bothering to ask me the question? Also if they are not published this will require significant amounts of work and cost, and if I was asked for a choice between answering these somewhat detailed questions or resurfacing 300 or 400 yards of pavement in one of my villages, I would certainly not be answering Mr Hunt's questions."

(F) Mr Bown asked the following question of the Leader or his nominee:

"The following is a list of transport schemes and bypasses which with the exception of the Kegworth Bypass were included in the list of 'schemes which do not yet have approval' published jointly by emra and emda in July 2006.

Could the Leader indicate the order of priority for the list (if any), and for each scheme; progress so far, the likely start/complete date and any indication of cost, and likely sources of funding (government, developer, etc):

A6 Kibworth Bypass
Kegworth Bypass
Melton Mowbray Bypass
Syston Eastern Bypass
Lutterworth Western Relief Road
Wymeswold Bypass
Sharnford Bypass?"

Mr Rushton replied as follows:

"The Leicestershire Local Transport Plan 2006-2011, approved by the County Council in March 2006, identified the schemes listed in the question (which are not in priority order) as those which would be

given preliminary investigation for possible construction after the Plan period. The Regional Funding Allocation (RFA, the list referred to published by emra and emda) identifies potential schemes over the period up to 2011 and includes those potential schemes, reflecting the Leicestershire LTP.

The RFA is subject to a refresh in the coming year when an overall review will be undertaken of the current list of new schemes along with any new proposals.

In respect of each scheme:

- A6 Kibworth Bypass has yet to be programmed for investigation.
- Kegworth Bypass will be constructed by the Highways Agency as part of their project to improve Junction 24 of the M1, at no cost to Leicestershire County Council. We do not have a programme date.
- Melton Mowbray Bypass is presently the subject of consultation by Melton Borough Council, as it is impacted by the choice of housing allocations. The current estimated cost, depending on route, is around £35 million and would require a substantial contribution from developers.
- Syston Eastern Bypass has yet to be programmed for investigation.
- Lutterworth Western Relief Road. A first level investigation has been the subject of public consultation over the past month. In the light of that consultation, a review of the approach is appropriate and recommendations on the way forward will be made in the summer.
- Wymeswold Bypass has yet to be programmed for investigation.
- Sharnford Bypass. An outline study of costs has been commissioned and this will be assessed to determine whether or not it is likely to pass the value-for-money test required for all schemes.

It will be seen that priority has been given to Melton Mowbray Bypass and the studies of Lutterworth and Sharnford. Any proposal will have to demonstrate to the Government high value-for-money in order to receive RFA money, so at this stage it is not possible to give firm dates for any individual project."

(G) Mrs Sherwin asked the following question of the Leader or his nominee:

"Could the Leader please explain what the County Council is doing to

recognise good practice and initiatives in schools and other organisations which relate to the fight against climate change and to the improvement of the environment within Leicestershire?"

Mr White replied as follows:

"There are many initiatives across the County Council which seek to recognise and support good environmental practice in schools, particularly in respect of the County's EcoSchools programme, waste and travel;

EcoSchools

The EcoSchools programme has been operating in Leicestershire for over 10 years and provides a framework of support for a whole school approach to environmental awareness and action. Over 30% of schools in the County have registered as EcoSchools, with 28 receiving the highest accolade, the Green Flag Award.

The Stepping Stones Project held its first Acorn awards for 'good school grounds' in 2007. The winning school, Waterleys Primary in Wigston, received £150 vouchers for a local plant nursery.

Waste

A waste certificate is being developed which provides a standard for schools to work towards. The certificate will be awarded in recognition of the school's achievements in reducing waste and managing their rubbish in a more environmentally friendly way. Officers also offer talks to schools on recycling and composting. School visits incorporate activities that allow children to learn about waste and recycling in a fun way.

At present, in partnership with the Waste Resources Action Programme (WRAP), compost bins are available either free of charge or at a very low cost for all schools. A biannual collection of textiles from schools is run as a competition and the winning schools receive ESPO book vouchers.

Travel

Schools receive advice and guidance from Council travel planning officers to reduce the number of car arrivals at the school gate. By 2006/07, 161 (53%) schools had developed a travel plan. A further 30 schools are currently working towards submitting their approved plans by 31 March 2008. Schools have developed numerous initiatives such as the Walking Bus or securing funding for secure cycle storage facilities.

In recognition of their efforts a "Walking Bus" evening is held at County Hall once a year, where all the volunteers from the respective schools are invited to meet and to share best practice with others.

The "A2B" School Travel Newsletter is distributed to all schools,

libraries, Parish and District Councils on a termly basis. The newsletter celebrates best practice that is going on in schools with regard to sustainable travel initiatives.

Up to date 47 schools (c11,000 pupils) have joined the highly successful "Star Walker" scheme organised by the County Council, whereby pupils receive a small reward for walking or cycling to school."

Mrs Sherwin asked the following supplementary question:

"Could the Lead Member identify any school or group that have received an accolade for their environmental activities and approach?"

Mr White replied as follows:

"Waterleys, Wigston is already mentioned in the reply. They have done particularly well this year. There are a few schools that stand out. It has been a good year for EcoSchools. Ten have been awarded green flag and four with their third green flag in a row. Congerstone for instance, third green flag awarded in February 2008, made links with Twycross Zoo and obtained a Healthy Living Award by growing vegetables, composting and recycling. Ratby third green flag awarded in December 2007, environmental clubs for students, issues raised at the staff meeting. They now have an outdoor classroom and grow vegetables. Sheepy Magna Primary, first green flag awarded this year. Thurlaston, third green flag, engaged the local community by planting at the local church, growing vegetables and giving them out to pupils to take home and staff were involved in curriculum planning to integrate environmental issues. Market Harborough Primary, second green flag February 2007, they are working towards being a Fairtrade school, so learnt about Fairtrade in school and have Fairtrade products in the tuck shop, and use Fairtrade tea and coffee. So there is a lot of good work and schools are really important places to begin working on environmental issues. The EcoSchools programme is doing exactly that."

(H) Mrs Dickinson asked the following question of the Leader or his nominee:

"What is the County Council doing to make a positive contribution to the environment in the Enderby Meridian Electoral Division?"

Mr Page replied as follows:

"600 trees have very recently been planted at a number of sites in the Enderby area as part of the Enderby Forest Initiative, including Mill Lane Recreation Ground and Enderby Golf Course. I am very pleased that the Leader was able to be involved personally in some of the planting events.

A further 3,000 trees are to be planted to mitigate the effects of the proposed park and ride site at Leicester Lane, Enderby.

A £50,000-per-year tree planting initiative has been agreed by Cabinet, which will provide around 80,000 new trees over the next 40 years across the County. This will target the old Leicester Forest, west of the City, and rural areas of east Leicestershire but will exclude the National Forest where similar schemes are already in place. The initiative will replace those trees lost to Dutch Elm disease and other disorders such as Ash decline.

It is clear that the Enderby Meridian Division, which is certainly deserving, will benefit considerably from this County Council initiative but it is equally clear that the legacy for the County will be on a much greater scale."

Mrs Dickinson asked the following supplementary question:

"Can Mr Page assure me that the mitigation of the effects of the Park and Ride Scheme will not just be visual but will have a positive effect on the air quality which is very poor, with judicious planting of trees best suited to this function and that these will be a good mixture of deciduous and non deciduous varieties?"

Mr Page replied as follows:

"The answer to the question is yes. We will be putting in a number of American pines which I gather are very good at absorbing CO₂ but also are extremely good at absorbing nitrogen oxides, which other trees are not. We are taking that into account in the planting."

(I) Mr Stanley asked the following question of the Leader or his nominee:

- "1. What is the Administration doing to ensure that the County Council meets its commitment to having recognised dyslexia-friendly status by September 2009?
2. What financial resources are involved?
3. Is he confident that this target will be achieved?
4. How many dyslexia friendly schools are there at present in Leicestershire?"

Mr Ould replied as follows:

- "1. Leicestershire County Council is working with the British Dyslexia Association (BDA) to encourage schools to work to the Dyslexia Friendly Schools Standards developed by the BDA. The criteria for local authority quality mark have recently been changed by the BDA and no longer refer to a specific number of schools, preferring to focus on seven areas of practice.
2. Leicestershire committed £26,000 in 2007-08 from the school development grant, in addition to the funding generally

available to schools to support children with SEN. A further £35,000 will be committed in 2008-09.

3. The target of obtaining the Local Authority quality mark will be achieved by September 2009, with the support of Leicestershire Schools.
4. Developing dyslexia friendly schools is a key priority in the Targeted Services action plan. Ten schools are being funded by a County steering group to oversee the implementation of this work. The Group is due to meet again on 30 April, and comprises representatives of headteachers, the Leicestershire Dyslexia Association and support services."

(J) Dr Hill asked the following question of the Leader or his nominee:

"Given that Communities, through Community Associations, have, in the past, contributed to the capital cost of school premises for Community use, on the understanding the Community would have free use of buildings in perpetuity, is it the Council's intention to apply to the Chancery Division of the High Court for a declaration, variation or scheme of arrangement to over-ride the implied trusts on which the premises are held?"

Mr Ould replied as follows:

"The County Council has one school where the Charity Commission were involved in setting up a formal charitable scheme in circumstances where community money was contributed to the capital cost of school premises. The Scheme protected the capital investment in the event of the building ceasing to be available for community use, and required the return of an appropriate sum of money to the community. But the Charity Commission had no expectation of the building being provided free, and no such requirement was placed on the County Council.

Back in the 1960's and 1970's the County Council provided funding for community education, which either paid for or subsidised community activities. That funding was withdrawn in 2004, after a review and extensive consultations with both schools and the community, to enable the Authority to concentrate on its statutory obligations in respect of educating children in our schools. Even where the community contributed to the capital funding of facilities at a school, the County Council does not accept there was ever any expectation or obligation in law to provide revenue funding in perpetuity. Depending on the circumstances there may be a charitable purpose trust which protects the capital investment but nothing more. The County Council has therefore kept the Charity Commission fully informed of its actions in a recent case where there has been a dispute over this issue with a Community Association."

(K) Mr Bown asked the following question of the Leader or his nominee:

"Could the Leader confirm or not if he will be writing to the Secretary of State for the Department of Environment and Rural Affairs regarding the estimated cost of the protection of newts from the Earl Shilton Bypass?"

Mr Rushton replied as follows:

"Yes, I have written to the Secretary of State for the Department of the Environment and Rural Affairs and will forward Mr Bown a copy of the letter."

(L) Mr Sheahan asked the following question of the Leader or his nominee:

- "1. Would the Leader please let me have the sequence of events which has led to the facility of a nursery at Albert Village Primary School facing closure?
2. What legal and policy obligations does the Authority have towards avoiding nursery provision at the School being lost?
3. What steps are the County Council taking in an attempt to avoid this eventuality?"

Mr Ould replied as follows:

- "1. In 1998 the Early Years Sub-Committee made a recommendation to Council that a Common First Time Admissions Policy be established. Full consultation was completed by 2004. At its meeting on 18 January 2005, Cabinet agreed to move to a Common First Time Admissions Policy across the County. This is being implemented over six years allowing two years for each of three tranches of schools to move to full 4+ admission, i.e. all pupils aged 4 by the start of the Autumn Term to start school in September. This impacts the nursery provision at maintained nurseries (of which there are only 2 in the County) because 4 year-olds will be in school rather than in the nursery and their funding will be reflected in the school budget rather than the nursery budget. Having only 3 year-olds in the nursery with less funding available to the overall nursery operation means that the nursery will not be financially sustainable. After Easter 2007, the governing body of Albert Village School issued a notice to parents to inform them that the nursery would no longer be maintained from September 2008.
2. The Childcare Act 2006 requires local authorities to assess the local childcare market and to secure sufficient childcare for working parents. Childcare is deemed sufficient if it meets the needs of the community in general and in particular those families on lower incomes and those with disabled children. Local authorities take the strategic lead in their local childcare

market; planning, supporting and commissioning childcare. Local authorities are not expected to provide childcare direct but will be expected to work with local private, voluntary and independent sector providers to meet local need. The local authority is not obliged to provide maintained nursery provision and must ensure that all provision is cost-effective and of high quality. Almost all of the provision in Leicestershire is through the private, voluntary and independent sectors. The recent Childcare Sufficiency Assessment has not identified a shortage of childcare in Leicestershire but the importance of continued provision for families in Albert Village is recognised.

3. The local authority is committed to trying to find a way in which day care can continue to be provided in the local area. The Early Learning and Childcare Service has undertaken a 'market test' in the area (and in partnership with Derbyshire County Council) to try to identify other potential, high quality, day care providers from the private, voluntary and independent sector. As a result it transpires that a private provider is already seeking planning permission to establish a 58 place day nursery in the village. At the same time, officers have met with parents who are interested in establishing community provision and prefer this option to a private provider. Neither of these options will be able to be in place to secure change by the start of the Autumn Term 2008 (change is guided by the DCSF document 'Making Changes to a Maintained Mainstream School' 2006). The Children and Young People's Service has identified transitional funding that will enable current provision to continue until August 2009 to ensure that alternatives can be properly assessed and developed."

Mr Sheahan asked the following supplementary question on the reply to question 1.

"With reference to the last sentence of Mr Ould's reply and so as not to leave the impression that the school closed the nursery, would he clarify that the funding for the nursery was withdrawn from the school budget allocation?"

Mr Ould replied as follows:

"I am not sure of the answer, so I will have to check it outside the meeting and get back to Mr Sheahan."

Mr Sheahan asked the following supplementary question on the reply to question 2.

"The last sentence of the reply states that the importance of continued provision for families in Albert Village is recognised. If that is so, why has the threat of closure hung over the nursery for so long and a stay of execution only granted at the last minute?"

Mr Ould replied as follows:

“The stay of execution, as it is put, was granted at the last minute because private providers, who the Labour Government tell us we have got to use extensively, were unable to provide a suitable site. Having discussed this with the Leader of the Council, he then issued a press statement to the effect that until we could find a suitable site the nursery would stay open. I am a bit surprised at that question, because Mr Sheahan was a member of the Common Admissions Policy Group which brought in these Common Admissions Policies.”

Mr Sheahan asked the following supplementary question on the reply to question 3:

“Would Mr Ould care to join me in congratulating the Albert Village Parents’ Group for their hard work and constructive engagement with the Council’s officers and give them his blessing for their further endeavours to find a permanent solution for nursery provision in Albert Village?”

Mr Ould replied as follows:

“Well I think that that’s a very good sentiment that I could only agree with.”

142. POSITION STATEMENTS UNDER STANDING ORDER 8.

The Leader presented a position statement on the following matters:

Beacon Award
Travel Vouchers for Young People
Concessionary Travel
High Speed Rail Plans
Vox Pop.

The Chairman of the Scrutiny Commission presented a position statement on the following matters:

Scrutiny Reference Group Meeting
Review of Scrutiny
Performance Management
Scrutiny Spokespersons
Accountability
Press
Scrutiny Review Panels
Overview and Scrutiny Committee Work Programmes.

Copies of the Position Statements are filed with these minutes.

143. REPORT OF THE CABINET.

(a) Code of Corporate Governance.

It was moved by Mr Parsons, seconded by Mr Rushton and carried:-

“That the revised Code of Corporate Governance, as referred to in Section A of the report of the Cabinet, be approved.”

144. REPORT OF THE CONSTITUTION COMMITTEE.

(a) Report of the Independent Remuneration Panel on Members' Allowances.

It was moved by Mr Parsons and seconded by Mr Rushton:-

- “(a) That the report of the Independent Panel on Members' Allowances, as set out in Appendix A to the report of the Constitution Committee, be received and that the recommendations contained therein be approved;
- (b) That the present scheme of allowances be revoked on 31 March 2008 and that the scheme of allowances set out in Appendix B to the report of the Constitution Committee be adopted with effect from 1 April 2008.”

The motion was put and carried.

145. NOTICES OF MOTION:

(a) Eco Town - Mr Legrys

Mr. P. C. Osborne, having declared a personal and prejudicial interest, left the meeting during the consideration of this item.

It was moved by Mr John Legrys and seconded by Mr Stanley:-

- “(a) That this Council notes:
 - (i) the current proposal for an 'Eco Town' in Leicestershire;
 - (ii) the comments made by the Chief Executive in his letter to the Government on the proposed eco town in Leicestershire including:

“To summarise, it is our view that the Government's aspirations for housing growth can be accommodated in Leicestershire, but the proposed Eco-town at Pennbury is not the right location for this growth. The evidence points to better locations in the county, in particular Coalville, and we would welcome the opportunity for these to be examined further through the Regional Planning and LDF process.”

- (b) That this Council condemns planning behind the scenes and

calls for a full debate across the County on the need for homes to fight climate change and satisfy demand of local families;

- (c) That this Council therefore:
 - (i) requests a detailed explanation as to why Coalville was considered a better location for an Eco Town;
 - (ii) rejects any proposal for an Eco Town in Coalville;
- (d) That this Council welcomes any plans to develop the National Forest Line through North West Leicestershire.”

An amendment was moved by Mr Galton and seconded by Dr Feltham:-

“That the motion be amended to read as follows:-

- ‘(a) That the Council notes that
 - (i) no proposal has been made by the County Council for an Eco-town development in Coalville;
 - (ii) the suggestion that additional development could be accommodated in the area of the Leicester-Burton Corridor was made by the Independent Panel, which conducted the Examination in Public of the Regional Plan, not the County Council;
 - (iii) the Chief Executive’s letter clearly states that the original submission by the Co-op for a “sustainable urban extension” was turned down because the development did not meet the policy criteria;
 - (iv) the Eco-town scheme is driven by the desire of the Government to build 3 million new homes;
 - (v) Eco-towns are in addition to the number of dwellings proposed in Regional Plans and Development Frameworks;
- (b) That accordingly, this Council:
 - 1. welcomes the Panel’s recommendation of pursuing the development of the National Forest Line;
 - 2. raises serious concerns that the Eco-town scheme could by-pass local planning procedures;
 - 3. continues to raise concerns about an Eco-town near Stoughton because of its negative transport, environmental and regeneration impact.’ ”

The amendment was put and carried, 39 members voting for the amendment

and 11 against.

The substantive motion was put and carried.

(b) Secondary Schools Organisation in Melton Mowbray and the Vale of Belvoir - Dr O'Callaghan

It was moved by Dr O'Callaghan and seconded by Mr Bown:-

- “(a) That this Council notes
 - (i) the discussion at the Council meeting on 21 March 2007 and the agreement reached on the guiding principles for the development of catchment areas for the Melton Schools;
 - (ii) the reduction in admissions number for Long Field and John Ferneley to 160 from September 2009;
 - (iii) that applications for places in secondary schools for September 2008 currently run at 195 for John Ferneley, 154 for Long Field and 41 for King Edward VII;
 - (iv) the current proposals for a single open catchment area for the three secondary schools in the town;
 - (v) the concerns regarding these proposals expressed by parents and/or governors of schools in Melton including King Edward VII, Sherard, Asfordby Hill, John Ferneley, St Francis, Asfordby Captains Close and others;
- (b) That this Council requests
 - (i) the Cabinet when considering the proposals on catchment areas at its meeting on 8 April to look at all issues regarding catchment areas, admissions criteria and admissions number so that as many parents as possible get the school of first choice for their child;
 - (ii) The Cabinet to ensure that sufficient funding is available for the schools during the transition period.”

An amendment was be moved by Mr Osborne and seconded by Mr Ould:-

- “1. That paragraphs (a) (iv) and (v) of the motion be amended to read as follows:-
 - ‘(iv) the current proposal for a single open catchment area for secondary schools in the town, which was proposed by the Implementation Board comprising representatives of all secondary schools in the area and subsequently supported by the Children and Young People's Overview and Scrutiny Committee as the best option for managing

the transition, achieving balanced pupil intakes and supporting the longer term development of the schools' partnership;

- (v) the views on this proposal expressed by parents and governors of all schools in Melton, which will be taken properly into account by the Cabinet in its consideration of the matter;'

2. That the following be added at the end of paragraph (a) of the motion:-

- '(vi) the commitment already given by the Cabinet to ensure that sufficient funding is made available to schools during the transitional period;
- (vii) that the County Council has been recognised as one of the top performing authorities nationally for the allocation of school places, having met 97.9% of first choice parental preferences for autumn 2008 admissions.'

3. That paragraph (b) of the motion be amended to read as follows:-

- '(b) That the Council requests the Cabinet to ensure that in taking this matter forward it continues to work closely in partnership with parents, schools and other stakeholders so that any misinformed comment does not put at risk this once in a lifetime opportunity of improving education provision and choice in the area, the £45 million proposed investment in Melton itself, or the ability of the County Council to work with Government to improve the quality of secondary education elsewhere in the County.'

The amendment was put and carried, 30 members voting for the amendment and 11 against.

The substantive motion was put and carried as follows:-

“(a) That this Council notes

- (i) the discussion at the Council meeting on 21 March 2007 and the agreement reached on the guiding principles for the development of catchment areas for the Melton Schools;
- (ii) the reduction in admissions number for Long Field and John Ferneley to 160 from September 2009;
- (iii) that applications for places in secondary schools for September 2008 currently run at 195 for John Ferneley, 154 for Long Field and 41 for King Edward VII;

- (iv) the current proposal for a single open catchment area for secondary schools in the town, which was proposed by the Implementation Board comprising representatives of all secondary schools in the area and subsequently supported by the Children and Young People's Overview and Scrutiny Committee as the best option for managing the transition, achieving balanced pupil intakes and supporting the longer term development of the schools' partnership;
 - (v) the views on this proposal expressed by parents and governors of all schools in Melton, which will be taken properly into account by the Cabinet in its consideration of the matter;
 - (vi) the commitment already given by the Cabinet to ensure that sufficient funding is made available to schools during the transitional period;
 - (vii) that the County Council has been recognised as one of the top performing authorities nationally for the allocation of school places, having met 97.9% of first choice parental preferences for autumn 2008 admissions.
- (b) That the Council requests the Cabinet to ensure that in taking this matter forward it continues to work closely in partnership with parents, schools and other stakeholders so that any misinformed comment does not put at risk this once in a lifetime opportunity of improving education provision and choice in the area, the £45 million proposed investment in Melton itself, or the ability of the County Council to work with Government to improve the quality of secondary education elsewhere in the County."

2.30 pm – 6.56 pm
19 March 2008

CHAIRMAN