

Minutes of a meeting of the Scrutiny Commission held at County Hall, Glenfield on Friday, 11 July 2014.

PRESENT

Mr. S. J. Galton CC (in the Chair)

Mrs. R. Camamile CC
Dr. R. K. A. Feltham CC
Dr. S. Hill CC
Mr. Max Hunt CC
Mr. D. Jennings CC

Mr. P. G. Lewis CC
Mr. K. W. P. Lynch CC
Mr. S. D. Sheahan CC
Mr. R. J. Shepherd CC

112. Minutes.

The minutes of the meeting held on 4 June 2014 were taken as read, confirmed and signed.

113. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 35.

114. Questions asked by members under Standing Order 7(3) and 7(5).

The Chief Executive reported that no questions had been received under Standing Order 7(3) and 7(5).

115. Urgent Items.

There were no urgent items for consideration.

116. 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. S. D. Sheahan CC declared a personal interest in respect of item 11 on the agenda (minute 122 below refers) as a County Council appointee to the Ashby Canal Trust.

117. Declarations of the Party Whip in accordance with Overview and Scrutiny Procedure Rule 16.

There were no declarations of the party whip.

118. Presentation of Petitions under Standing Order 36.

The Chief Executive reported that no petitions had been received under Standing Order 36.

119. Mainstream Home to School Transport Policy.

The Scrutiny Commission considered a joint report of the Director of Environment and Transport, the Director of Children and Family Services and the County Solicitor, the purpose of which was to consider proposals to implement a new Mainstream Home to School Transport Policy, following the conclusion of two public consultations, which would be considered by the Cabinet, for approval, on 15 July 2014. A copy of the report, marked 'agenda item 8', is filed with these minutes.

In presenting the outcomes of the second consultation, the Director of Environment and Transport confirmed that the total number of responses received had fallen to 398 responses compared to that of 2,027 received in the first consultation. Whilst this suggested that the new proposals had addressed many of the concerns raised in the first consultation the proportion of the 398 opposed to the revised consultation proposals remained high.

The Director also confirmed that a petition containing 1385 signatures, presented by Mr L. Yates CC to the Scrutiny Commission on 30th April 2014, requesting the provision of transport to the nearest Leicestershire County Catchment school containing 1385 signatures had also been considered and it was noted that the revised policy proposals addressed its main concerns, as detailed in paragraphs 43 to 49 of the report.

The Chairman welcomed to the meeting Mr. P. C. Osborne CC, the Lead Member for highways and transportation.

Mr Osborne welcomed the opportunity to bring back the outcome of the second consultation to the Scrutiny Commission and was grateful to all those who had replied, including local members, to both consultations. He hoped the revised proposals would be seen as equitable and acceptable to everyone. and commended the frequently asked questions section of the report (appendix 7 to the report refers) which he hoped would help parents understanding of the issues raised.

Arising from issues raised by members regarding the appeals process against refusal of eligibility to transport assistance, the County Solicitor clarified the following points:-

- i) Individual appeals by parents were processed by a two stage system under the jurisdiction of the County Solicitor which covered both mainstream and special educational needs home to school transport. In the first instance parents could appeal to another officer who had not been involved in the original decision. If parents remained dissatisfied they then had a right to request a further appeal considered by a panel of three officers who had been independent of the decision making process up until that point;
- ii) There was no charge to parents who launched appeals to the local authority or via an academy as the provision of a free appeal service to parents was a statutory requirement. Where academy schools, which were independent of the local authority, had bought in its services, effectively as a traded activity the charge

levied by the Local Authority was at the flat rate recommended by the Department for Education. It was also to be noted that the Education Funding Agency provided funds to academy schools to manage their appeals process.

- iii) The County Council was required to follow a national scheme which required parents to express school preferences for their child by a date in October, with the final decision made and notified to parents by the end of March for secondary aged school transfers and during May for primary transfers. Only after those decisions were notified of allocation to nearest or second nearest school were parents expected to apply for school transport and places then allocated, which meant parents who appealed were not placed at a disadvantage in seeking transport availability. Should the consultation proposals be approved by the Cabinet, it was confirmed there were no plans for the process to change;

Arising from general discussion, the following points were also noted:-

- iv) The County Council's proposals remained better than the statutory minimum with primary school children receiving mainstream home to school transport when living further than two miles from the nearest school, rather than the statutory three;
- v) The requirement for home to school transport to be provided where there was no safe walking route to school for primary aged children under 2 miles and for secondary aged children under three miles remained and would not be affected should the revised proposals be approved. Following a request, the Director undertook to circulate the Safer walking Routes to School policy to members of the committee, for their information.
- vi) Consideration of the development of an ICT solution to require families to pro-actively apply for statutory home to school transport from the 2016/17 year onwards rather than being provided transport automatically as part of the current admissions process was designed to create efficiencies compared to the current paper based system. Members were assured that in seeking the procurement of an appropriate ICT system, it would be on the basis of being as accessible as possible for parents;
- vii) If schools changed their age range and/or catchment area which meant a different school was now closest to the pupil's home, transitional arrangements would be made for existing pupils to retain their transport provision whilst they remained at their school until their next appropriate transfer point. However, any new pupils entering the school would only receive transport to the new nearest school;
- viii) Overall, the policy proposals were expected to be cost neutral, with one additional post required in the Sustainable Travel Group for one year to support the transition from the old to new policy, to be managed within existing budgets;
- ix) Whilst the Government's policy had been to increase the number of independent schools free from the control of the local authority, provision of transport had remained the responsibility of the local authority rather than the school. In that light, the revised mainstream home to school transport policy proposals had been designed to be as clear and transparent as possible, allowing for a compromise of Leicestershire parents being able to obtain transport to a Leicestershire school but not putting the Authority's budget at risk or placing it at risk of being seen to discriminate between parents of children at different schools;

- x) A number of academies already provided their own school transport arrangements and had received advice and technical support from the County Council on how they might procure their own transport arrangements. For those schools which were most affected by the policy proposals, whilst the Authority was unable to provide additional transport on an exception basis which then could then be subject to review, advice and support was available to any academy which sought to run its own transport arrangements as a result of the policy proposals or for any other reason;
- xi) There remained concern that as a result of the Education and Skills Act 2008, requiring anyone up to the age of 18 to participate in full time education or training from 2015 onwards, a significant financial burden would be placed upon families of students requiring transport to attend further education;
- xii) It was welcomed that following the Notice of Motion, agreed on an all-party basis at the 2 July County Council meeting, a letter had now been sent to Central Government urging it to provide full funding to local authorities to enable them to extend the provision of free school transport to students aged 16-18 living further than three miles from their school.

In concluding its discussion the Committee expressed its support for the revised policy proposals, believing it represented a much improved approach following the initial consultation. Whilst it considered there remained legitimate concerns for some individual schools, the Committee noted that if the Authority was to amend its policy proposals further it would then leave it open to challenge for treating one school more favourably than another. Should the policy be approved by the Cabinet, the Committee wished for the Authority to provide as clear and concise advice as possible to help parents in understanding the new arrangements, both in terms of process and their transport entitlement in the future.

RESOLVED:

- a) That the revised proposals for implementing a new Mainstream Home to School Transport Policy, as detailed in the report to Cabinet, be supported;
- b) That the comments of the Scrutiny Commission as outlined above be submitted to the Cabinet for its consideration at its meeting on 15 July 2014.

120. Communities Strategy.

The Commission considered a report of the Chief Executive, the purpose of which was to seek the Commission's comments on the Council's draft Communities Strategy. A copy of the report, marked 'Agenda Item 9', is filed with these minutes.

The Chairman welcomed Mrs. P. Posnett CC, Lead Member for Communities to the meeting.

Arising from discussion, the following principal points were noted:

- i) The draft Communities Strategy recognised that due to austerity, the County Council had to refocus its resources on delivering its statutory responsibilities, core

functions, and protecting the most vulnerable people in Leicestershire. The Strategy also sought to make best use of the remaining resources still available to the Council to focus on helping communities to support individuals and families in most need, and enabling community groups to provide services for their communities, including services that the County Council could no longer afford to provide;

- ii) There was some concern expressed as to whether there was a sufficient number of volunteers available to support the Council's intentions to reduce the demand on public services and use community volunteers to help design and deliver some services that it currently provided;
- iii) As such, members considered that capacity building of volunteers could be helped through a re-focusing of the support contract the Authority held with the Rural Community Council to ensure a greater amount of support to urban and built up un-parished areas. It was considered the development of community champions would also help in this regard, as would the cascading of information through District Voluntary Sector forums and via other networks such as Residents' Associations;
- iv) In seeking to broaden the pool of volunteers in Leicestershire, the Strategy would also seek to link in to the work and skills agenda, i.e. helping unemployed volunteers develop particular skill sets that could help them back into work;
- v) With regard to supporting community groups in delivering relevant services that the County Council may no longer be able to support, for example rural libraries, such support could include providing assistance to community groups in the recruitment of volunteers and providing a level of tapered infrastructure support;
- vi) It was acknowledged that the level of support that the County Council needed to provide in support to community groups may differ between localities. In all cases where support was considered, an equality impact assessment would be undertaken;
- vii) A criticism of the Government's Big Society policy had been that it was very aspirational but difficult to measure in terms of performance outcomes. The intention of the draft Communities Strategy was to be more focussed and measurable, through the production of a delivery plan and targeted outcomes such as service devolution;
- viii) An all-member briefing would be held as part of the consultation on 7 August, prior to Cabinet considering the consultation outcome on 14 October 2014.

RESOLVED:

- a) That officers be requested to take into account the Scrutiny Commission's comments now made as part of the consultation process for the draft Communities Strategy;
- b) That a further report on the outcome of the consultation exercise be considered by the Scrutiny Commission prior to consideration by the Cabinet at its meeting on 14 October 2014.

121. Property Energy Strategy.

The Scrutiny Commission considered a report of the Director of Corporate Resources which set out the proposed strategy and recommendations as to how energy was to be procured, planned and managed for the County Council's property resources, which would be considered by the Cabinet on 15 July 2014, for its approval. A copy of the report, marked 'agenda item 10, is filed with these minutes.

Arising from discussion, the following principal points were noted:

- i) The acknowledgement in paragraph 21 of the report of the Council's current weak position with regards to energy management and performance of its property resources reflected that in the past, energy quality criteria had a minor impact on the design and construction of buildings generally, including those which the County Council had decided to build and operate from. The proposals within the Property Energy Strategy to move from that weak position to one of strength and control was to be welcomed;
- ii) The planned savings of at least £395,000 through to 2016/17 had already been factored in to the MTFS, but if further savings could be generated as a result of energy efficiency they would be pursued;
- iii) The greatest opportunity for focussing effort to reduce and change current energy consumption levels was focussed around the three largest corporate buildings (which accounted for more than 50% of the total energy costs of corporately managed properties);
- iv) However, all corporate managed properties would continue to be reviewed as part of the strategy and their energy performance monitored. Where buildings were under performing and didn't have the capacity to improve they were likely to be disposed of at the opportune time when they could achieve a desirable market value.

RESOLVED:

- a) That the comments of the Scrutiny Commission as outlined above be submitted to the Cabinet for its consideration on 15 July 2014;
- b) That the Director of Corporate Resources be requested to present a report back to the Commission in 18 months, detailing progress in meeting the budget and performance monitoring targets contained in section 6.2 of the proposed Property Energy Strategy 2014.

122. 2013/14 Provisional Revenue and Capital Outturn.

The Commission considered a report of the Director of Corporate Resources which set out the provisional revenue and capital outturn for 2013/14, a copy of which is filed with these minutes, marked 'agenda item 11'.

Arising from discussion, it was noted that:

- i) the Authority had made progress in achieving its savings in the Medium Term Financial Strategy, but that austerity would continue until at least 2018/19, with additional savings of an estimated £27.5m likely to be required by 2018/19;
- ii) Expenditure incurred in respect of the capital outturn was 97% which was a good outcome compared to the target of 95%;
- iii) There was concern that the Adults and Communities Department, whilst delivering the £12.4m targeted level of savings in 2013/14, had overspent its budget by £4.6m, although it was noted that this was as a result of financial pressures due to an ageing population and pricing pressures;
- iv) Scrutiny of financial performance within the current financial year would be kept under review at the next meeting of the Commission, at which it would receive its first budget monitoring report for 2014/15.

RESOLVED:

That the report be noted.

123. Date of next meeting.

NOTED:

That the next meeting of the Commission, currently scheduled for Wednesday 3 September, was likely to be postponed to a later date.

[Following the meeting it was confirmed that the next meeting would take place on Tuesday 16 September 2014 at 2.00 pm.]

2.00 - 4.40 pm
11 July 2014

CHAIRMAN