

**MINUTES OF THE MEETING OF THE LEICESTERSHIRE COUNTY COUNCIL
HELD AT COUNTY HALL, GLENFIELD ON WEDNESDAY, 1 DECEMBER 2021**

PRESENT

Mr. D. Harrison CC (in the Chair)

Mr. R. G. Allen CC, Mr. R. Ashman CC, Mr. N. D. Bannister CC, Mr. T. Barkley CC, Mr. P. Bedford CC, Mr. D. C. Bill MBE CC, Mr. G. A. Boulter CC, Mr. S. L. Bray CC, Mr. L. Breckon JP CC, Mr. B. Champion CC, Mr. N. Chapman CC, Mr. M. H. Charlesworth CC, Mr. J. G. Coxon CC, Dr. R. K. A. Feltham CC, Mr. M. Frisby CC, Mr. S. J. Galton CC, Mr. K. Ghattoraya CC, Mr. T. Gillard CC, Mr. D. J. Grimley CC, Mrs. A. J. Hack CC, Mr. L. Hadji-Nikolaou CC, Mr. B. Harrison-Rushton CC, Mr. R. Hills CC, Mr. Max Hunt CC, Mr. P. King CC, Mr. B. Lovegrove CC, Mr. K. Merrie MBE CC, Mr. J. Miah CC, Mr. M. T. Mullaney CC, Ms. Betty Newton CC, Mr. O. O'Shea JP CC, Mr. J. T. Orson JP CC, Mrs. R. Page CC, Mr. B. L. Pain CC, Mr T. Parton CC, Mr. T. J. Pendleton CC, Mr. L. Phillimore CC, Mr J. Poland CC, Mrs. P. Posnett MBE CC, Mrs. C. M. Radford CC, Mr. T. J. Richardson CC, Mrs H. L. Richardson CC, Mr. N. J. Rushton CC, Mrs B. Seaton CC, Mr. R. J. Shepherd CC, Mr. C. A. Smith CC, Mrs D. Taylor CC, Mr. G. Welsh CC, Mrs. A. Wright CC and Mrs. M. Wright CC

31. CHAIRMAN'S ANNOUNCEMENTS.

Dr David Pollard and Mr Roland Durrance

The Chairman reported with great sadness the death of the former Chairman of the County Council, Dr David Pollard and former County Councillor Mr Roland Durrance.

Dr Pollard served on the County Council from 1985 to 2005, representing the Blaby Electoral Division. He was Chairman of the County Council during the 2001- 2002 municipal year.

He served the Education Committee, Environment Committee, Economic Development and Employment Committee and the Race Relations Subcommittee.

Mr Durrance served on the County Council from 1973 to 1981, representing the Narborough Electoral Division.

He served on the Policy and Resources Committee, Education Committee and Agricultural Committee.

Members joined the Chairman in silent tribute to Dr Pollard and Mr Durrance.

Armistice Day

Armistice Day was marked on Thursday 11th November when many public spaces and workplaces came to a halt to mark the traditional two-minute silence held at 11.00am. At County Hall a short, dignified service was held,

conducted by the Chairman's local priest Father Peter Wade. The Chairman thanked Susan Williamson from the Council's Corporate Resources Department for playing the Last Post and Reveille so competently. The Chairman was pleased to see that County Hall was illuminated in red for the duration of the Royal British Legion's Poppy Appeal. He also thanked those Members who were able to attend local services and lay a County Council wreath on Remembrance Sunday.

Activism against Gender-Based Violence

County Hall was currently being lit up in Orange to support of Activism against Gender Based Violence, an annual international campaign. The global theme for the current year's 16 Days of Activism against Gender-Based Violence was "Orange the world: End violence against women now!"

Upcoming Events

In the Spring the Chairman hoped to host an event for volunteers at Beaumanor Hall to acknowledge and recognise the good work they had done in Leicestershire communities. He would be hosting his County Service in Ashby De La Zouch in March and Members would receive an invite in due course.

32. MINUTES OF THE EXTRAORDINARY MEETING.

It was moved by the Chairman, seconded by Dr Feltham and carried:

"That the minutes of the extraordinary meeting of the Council held on 29 September 2021, copies of which have been circulated to members, be taken as read, confirmed and signed."

33. MINUTES OF THE ORDINARY MEETING.

It was moved by the Chairman, seconded by Dr Feltham and carried:-

"I move that the minutes of the ordinary meeting of the Council held on 29 September 2021, copies of which have been circulated to members, be taken as read, confirmed and signed, subject to it being noted in the Chairman's Announcements that Mr Bill's 40 years of continuous service began in 1981 (minute 23 refers)."

34. 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.

Mr L Phillimore declared a personal interest in the Annual Delivery Report and Performance Compendium as his wife worked with children with Special Educational Needs and Disabilities (SEND) and the report made numerous references to SEND (minute 37(a) refers).

Mrs A J Hack also declared a personal interest in the Annual Delivery Report

and Performance Compendium as she worked for a Housing Association which supported people with SEND in Leicestershire.

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

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

- “1. The latest population estimate for the Leicester Urban area, as defined by the Office for National Statistics, is approximately 552,000 people. How many of the Leicestershire County population live in the Leicester Urban Area (also referred to as the Leicester Builtup area) and what proportion of the county population do they represent?

2. The Department for Transport (DfT) bidding Guidance for new Bus Service Improvement Plans (BSIP) says that Local Transport Authorities (LTAs) may join produce a single Improvement Plan – *particularly where local economies and travel patterns overlap significantly*, as they do in our county. To be successful the DfT expects LTAs to collaborate to resolve any cross-boundary issues. So, where the vast majority of [bus] services in one area run across the border into another area, the DfT say they would expect a single BSIP [for two or more LTAs] to be produced .How many county bus services, from each of the members of the proposed Enhanced Partnership, start, terminate or pass through the city of Leicester? And what proportion of each company’s services do these represent?

3. The Guidance also says that there can be *real advantages* in developing a multi-LTA BSIP and where two or more LTAs form a Partnership:
 - *LTA resources and funding can be pooled to improve efficiency and cut costs.*
 - *A joint scheme properly joins up cross boundary bus services.*
 - *Local bus operators can share resources to develop the BSIP in a joined-up way.*So, given that the Cabinet has resolved that the County Council will be expecting the Government to provide “*consistent and sustained revenue funding for the resources that it currently does not have*” and “*the levels of capital funding required to deliver our ambitions*”, why are we compromising the success of the Plan by not sharing resources with the City?

4. In November 2020 the Cabinet approved the Leicester and Leicestershire Strategic Transport Priorities document (2020-2050), within which the Leicestershire LTA and City LTA pledged to work together to *support the efficient movement of both people and goods around and through the county*. So how can two separate Enhanced Partnership Plans from each of the highly connected LTAs help us meet that aspiration?

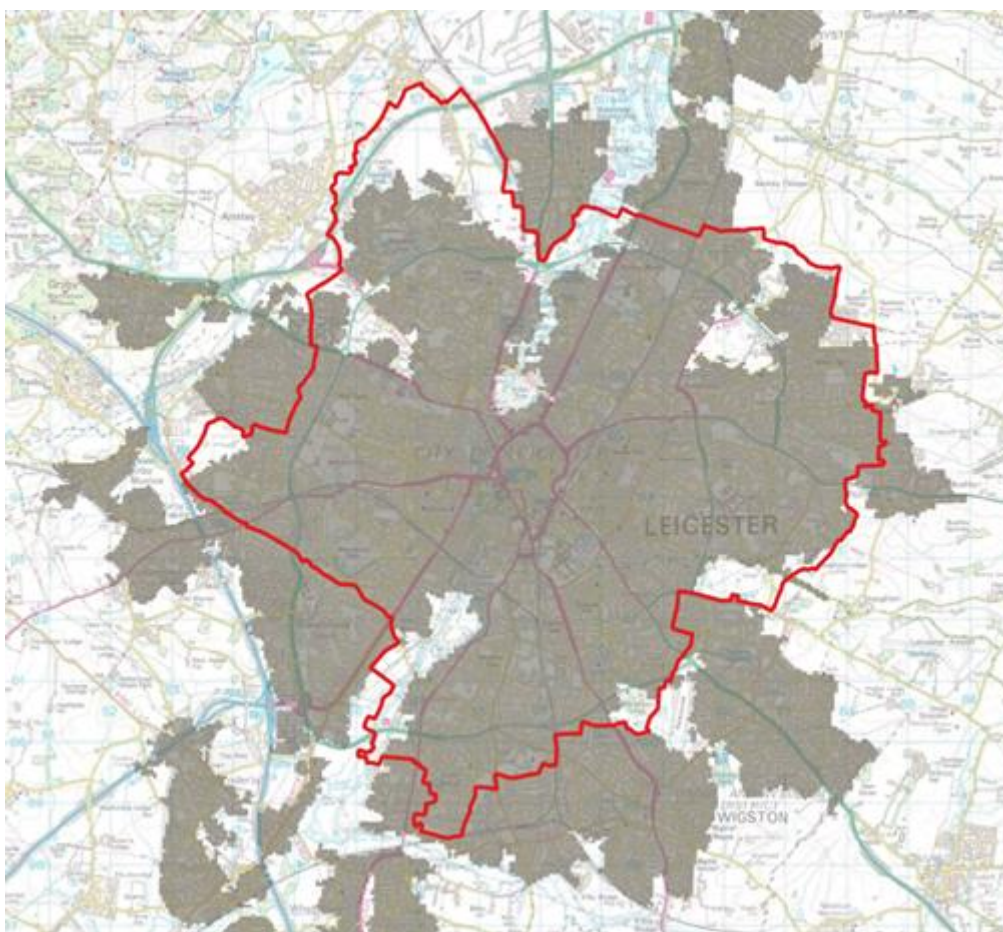
5. What consultations between local authorities took place before deciding not to form a joint Enhanced Partnership with the City LTA; and who

made the final decision?

6. Does existing legislation permit the formation of a single joint Local Transport Board to act for two local authorities which are as intimately connected as our City and County?"

Mr O'Shea replied as follows:

- “1. The Leicester Built Up Area (BUA) population estimates from the official ‘Office for National Statistics’ for 2020 is 544,800. However, it should be noted that the BUA boundary does not totally capture the whole of the City with some development in Hamilton and north of Beaumont Leys not covered. The figure below shows the City boundary in red with the BUA shaded grey.



The City population (within the red boundary) is 354,000. Deducting this from the 544,800 BUA population gives an approximate Leicestershire BUA population of 190,800 (noting the above BUA exclusions). This is 26.8% of the total 713,100 Leicestershire population.

2. The number of county services for each operator which start, terminate or pass through Leicester City together with the proportion (%) of each operator's services which operate in Leicester and/or Leicestershire are detailed below. Please note, for services which have variations (e.g. Arriva 5, 5A and X5), each variation has been counted as an individual service:

Arriva:	35 (64.8%)
Centrebus:	8 (18.6%)
First:	6 (30%)
Kinchbus:	2 (28.6%)
Roberts:	3 (33.3%)
Stagecoach:	2 (50%)

3. The possibility of a joint partnership covering the County and City areas was discussed at senior officer level and also with the Lead Member for Highways and Transport and subsequently at a meeting between the Leader and the City Mayor.

These discussions reflected on considerations such as that as a City with a denser level of population than the County, the bus market in Leicester is different from that of the County (for example 'turn up and go' frequencies of services). Furthermore, cities have had access to Government funding streams not accessible to Counties, such as Transforming Cities Fund (TCF), or have been better able to take advantage of Government funding, such as Zero Emission Bus Regional Areas (ZEBRA) - funding for electric / low emission buses.

Leicester City Council has been successful in securing both TCF and ZEBRA funding. Additionally, it is seeking to introduce a Workplace Parking Levy, with the intention of using revenue from it to support passenger transport service improvements. This provides it with a significant investment platform.

Given such considerations, it was concluded that each authority would have differing needs and requirements of its respective Bus Service Improvement Plans (and that has proved to be the case with the Plans as have now been published) and thus it would be more appropriate to have two separate Partnerships rather than a single, Leicester and Leicestershire Partnership. The Cabinet resolved to proceed with the creation of a Leicestershire Enhanced Partnership at its meeting in June 2021.

Other bodies do exist whereby the County and City coordinate efforts, including the Park and Ride (P&R) Board and the Leicester TCF Board. Projects have already been delivered that benefit county residents, such as the electrification of the P&R bus fleet, and projects to be delivered through TCF should bring further benefits. In addition, informal discussions between the authorities will continue to take place to seek to ensure that best use is made of resources to support improvements to passenger transport services (and other sustainable transport modes more widely) to the benefit of Leicester and Leicestershire residents.

4. The response to question 3 explains why there are two separate Enhanced Partnerships and thus two separate Partnership Plans. The response also highlights where the two LTAs are working together to support the movement of people and goods.
5. See response to question 3 regarding consultation on this matter. The

decision was taken by the Director of Environment and Transport following consultation with the Lead Member.

6. Existing legislation permits the formation of an Enhanced Partnership to deliver Schemes as outlined within the associated Bus Services Improvement Plan. Each Enhanced Partnership acts on behalf of its members to deliver the Schemes within the EP Plan. As Leicestershire and Leicester have their own separate EPs, they will act to deliver their own EP Schemes, but will collaborate on cross boundary issues as appropriate, including with Leicester City. A Local Transport Board formerly existing involving the County and City councils as well as the Local Enterprise Partnership. This purpose of this board was to have oversight of and give direction to the Local Growth Funding process and delivery. It has not met for a number of years.”

Mr Hunt asked the following supplementary question:

“Many thanks for the detailed answer and the wonderful map. However, the substantial part of the answer says that we didn't form an Enhanced Bus Partnership with the City, largely because the City has a denser population and they have more money, but I can't realise why that would prevent us from working with an Authority that has more money and more passengers for buses. Was there any other reason or can the Lead Member supply any further information to that?”

Mr O'Shea replied as follows:

“Thank you Mr Hunt, I shall make sure that you get a written reply to explain your confusion.”

[Subsequent to the meeting, the following written reply was received:

“The answer provided explained the various considerations and communications that were undertaken in relation to Enhanced Bus Partnerships. It must be noted that it is for each individual authority to decide if they wish to consider forming a combined partnership and, as such, the City and County formed their own decisions on this matter. As provided in the original response, it was concluded that each authority would have differing needs and requirements of its respective Bus Service Improvement Plans and that has proved to be the case with the Plans as they have now been published. Consequently, it would be more appropriate to have two separate Partnerships rather than a single, Leicester and Leicestershire Partnership.

During the development of their BSIPs both authorities shared their drafts for comment prior to submitting them to the DfT. In their discussions, both the Leader and the City Mayor committed to communicate and engage with one another as they move forward with their Enhanced Bus Partnerships and implementing the BSIPs confirming the intention for both authorities to work together on improving bus services for county and city residents.”]

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

“The Leader will no doubt be aware of reports in the press about Derbyshire County Council officers routinely reading emails sent to elected members’ email addresses. Elected members often receive sensitive and confidential emails from the residents that they represent and therefore does the Leader agree with me that this is worrying and can he confirm that no Leicestershire County Council officers are reading members emails?”

Mr Breckon replied as follows:

“The practice that Derbyshire County Council had in place, i.e. each email account having at least one delegate (someone who can access the account if the main account holder is unavailable) is not and has ever been in place at Leicestershire. However, County Council officers and Members can delegate access their account to a named person if they so wish.”

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

“Can the Leader please confirm how many Leicestershire schoolchildren were still waiting for school transport to be arranged:

1. after the start of the school term in August; and
2. by October half term?”

Mr O’Shea replied as follows:

“The actual start of the school term varies across schools, colleges and pupils attending schools in other local authority areas. The figures below identify the overall number of pupils on transport and those with transport applications, awaiting transport on the key term dates.”

Key Term Start Dates	Number of Pupils with Transport Assistance in place	Number of Pupils who applied but awaiting Transport Assistance	Total number of pupils
30 th August (All LCC School returned)	1807	395	2202
6 th September (Most FE Colleges and other LEA's returned)	2182	162	2344
13 th September (All Returned)	2224	146	2370
October Half Term	2300	126	2426

24 th November	2347	101	2448
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Number of applications received after 30th August

246

(D) Mr Bray asked the following question of the Leader or his nominee:

“Can the Leader update me on any progress in finding a replacement school crossing patrol for St. Peter’s School in my division (St. Mary’s)? If no progress has been made what other measures are being looked into to make crossing safer for children in this busy town centre location?”

Mr O’Shea replied as follows:

“We have continued to seek to recruit a school crossing patrol to St Peter’s School, London Road in Hinckley and have tried to attract candidates. Because of the relatively short times of operation (45 minutes in the morning and 35 minutes in the afternoon) it is likely to appeal to someone with connections to the school and/or living in close proximity to the school.

Our service is reliant on members of the community coming forward to fill these paid school crossing patrol roles. Unfortunately, to-date no applications for this location have been received. A PV2 assessment which checks the volume of traffic and children crossing was conducted in May 2021 and the site still meets the requirements for having a patrol.

Officers contacted Mr Bray on the 18th October 2021 with reference to the requests raised via the Members’ Highway Fund and updated him on the upgrades intended to be installed outside the school.

At present, twin amber flashing lights exist to advise motorists to reduce their speed during school start and finish times. Those lights will be removed and replaced with a new Vehicle Activated Sign (VAS). The sign will be illuminated to advise of children crossing the road during school start and finish times together with amber lights, incorporated into the sign itself.

The sign also acts as a reminder to the 30mph speed limit, where any vehicle exceeding that speed will also receive a reminder of the posted limit. The sign will help provide an added visual awareness of a school being present and children crossing, whilst also raising speed awareness along the road.

An example of how the sign will function is shown below. All other existing signs advising of a school in the area will remain and the upgrades are expected to be completed by January 2022.”



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

- “1. Could the Leader please list the total number of claims for damage to vehicles on County roads for each of the past 5 years, with claims for damage caused by pot holes identified separately?
2. How many of these claims were successful (please list for each of the last 5 years)?
3. What was the average pay out or settlement for successful claims (please list for each of the last 5 years)?”

Mr Breckon replied as follows:

- “1. The number of compensation claims made to the County Council for each of the past five years for vehicle damage due to poor road conditions is as follows:

Year	Total number of claims	Pothole Claims	Others
2016	250	190	60
2017	288	228	60
2018	363	316	47
2019	210	173	37
2020	180	135	45
2021 (part year)	155	137	18

2. The number of compensation claims made to the County Council for vehicle damage due to poor road conditions, where compensation was paid out, is as follows:

Year	Total number of Pothole Claims paid	Others claims paid
2016	9	3
2017	34	3
2018	45	0
2019	12	0
2020	5	0

2021 (part year)	7	0
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3. The total amount paid out in compensation (to date) for vehicle damage due to poor road conditions, and the average payments, is set out below:

Year	Total compensation paid for pothole damage	Average Payment for Pothole Damage	Total compensation paid for other damage	Average Payment for other damage
2016	£1,363.28	£151.48	£1,220.81	£406.94
2017	£5,498.86	£161.73	£135.00	£45.00
2018	£14,397,29	£378.88	£0	£0
2019	£16,394.11	£1,639.41	£0	£0
2020	£2,548.00	£516.80	£0	£0
2021 (part year)	£654.00	£93.43	£0	£0"

36. POSITION STATEMENTS UNDER STANDING ORDER 8.

The Leader gave a position statement on the following matters:

- A County Deal for Leicestershire;
- Fair Funding;
- Integrated Rail Plan;
- Tree Strategy;
- Joint meeting with Jane Hunt MP and Ed Argar MP;
- Meeting with the City Mayor.

A copy of the position statement is filed with these minutes.

37. REPORT OF THE CABINET.

(a) Annual Delivery Report and Performance Compendium.

It was moved by Mr Rushton, seconded by Mrs Taylor and carried:

“That the Annual Delivery Report and Performance Compendium 2021 be approved.”

38. REPORT OF THE CORPORATE GOVERNANCE COMMITTEE.

(a) Appointment of External Auditors from 2023/24.

It was moved by Mr Barkley, seconded by Mr Richardson and carried:

“That the County Council accepts Public Sector Audit Appointments’ invitation to opt into the sector-led option for the appointment of external auditors for five financial years from 1 April 2023.”

(b) Code of Conduct and Protocol on Member/Officer Relations.

It was moved by Mr Barkley, seconded by Mr Richardson and carried:

- “(a) That the revised Code of Conduct for Members as set out in Appendix A to this report be approved and adopted;
- (b) That the revised Protocol on Member/Officer Relations as set out in Appendix B to this report, be approved and adopted.”

39. REPORT OF THE CONSTITUTION COMMITTEE.

(a) Review and Revision of the Constitution.

It was moved by Mr Rushton, seconded by Mrs Taylor and carried:

Motion 1

- (a) That the proposed changes to the Constitution, as set out in the Appendices to this report, other than those which relate to Standing Orders (the Meeting Procedure Rules), be approved;

Motion 2 – Procedural Motion in accordance with Standing Order 37(b)

- (b) That the changes to Standing Order 35 (7) (The Meeting Procedure Rules), as set out in Appendix A to this report, be approved.”

(NOTE:- Standing Order 37 requires that this procedural motion, having been moved and seconded, stands adjourned until the next ordinary meeting of the Council.)

40. REPORT OF THE EMPLOYMENT COMMITTEE.

(a) Pay Policy Statement.

It was moved by Mr Breckon, seconded by Mr Bedford and carried:

“That the County Council’s Pay Policy Statement 2022/2023, as set out in the Appendix to the report of the Employment Committee, be approved.”

2.00 pm – 3.37 pm
01 December 2021

CHAIRMAN