

**MINUTES OF THE MEETING OF THE LEICESTERSHIRE COUNTY COUNCIL
HELD AT COUNTY HALL, GLENFIELD ON WEDNESDAY, 6 DECEMBER 2023**

PRESENT

Dr. R. K. A. Feltham 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, Mr. M. Frisby CC, Mrs. H. J. Fryer CC, Mr. S. J. Galton CC, Mr. D. A. Gamble 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. D. Harrison 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. J. Morgan CC, Mr. M. T. Mullaney CC, Ms. Betty Newton CC, Mr. O. O'Shea JP CC, Mr. J. T. Orson 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 and Mrs. A. Wright CC

27. CHAIRMAN'S ANNOUNCEMENTS.

Deaths of Past Chairman and Former County Councillor

The Chairman reported with sadness the deaths of former County Councillor and past Chairman, Mr Bill Liquorish, and of former County Councillor Mr Don Smart.

Mr Liquorish was a member of the County Council from 2005 to 2021. He represented the Broughton Astley electoral division.

Mr Liquorish mainly served on the Development Control and Regulatory Board and on a variety of Overview and Scrutiny Committees, including a period as Chairman of the Children and Young People's Service Overview and Scrutiny Committee.

He served as Chairman of the Council for the municipal year 2016 – 2017, where his easy-going and personable style did much to build new and lasting relationships whilst presenting the County Council in the best possible light.

Mr Don Smart was a member of the County Council from 1973 to 1981, representing the Melton Mowbray North electoral division.

He served mainly on the Policy and Resources Committee and the Education Committee, where he was Vice Chairman for a number of years.

Members stood in silent tribute to the memory of Mr Liquorish and Mr Smart.

Mr Geoff Welsh

The Chairman reported that Mr Welsh had recently resigned from the County Council due to health reasons.

Mr Welsh had been a member of the Council since 2013, representing the Blaby and Glen Parva electoral division.

He served mainly as one of the Group Spokesmen on the Children and Families Overview and Scrutiny Committee. He was also a Member Champion for Children in Care and Care Leavers.

Members joined with the Chairman in wishing Mr Welsh well for the future; he would be missed in the Council Chamber.

Armistice Day

The County Council marked Armistice Day with a service and two minute silence on Friday 10th November. The short and dignified service was conducted by the Chairman's local vicar Ludger Fremmer. The Chairman thanked Leanne Plummer for playing the Last Post and Reveille so competently. He was also pleased to see that County Hall was illuminated in red for the duration of the Royal British Legion's Poppy Appeal. The Chairman thanked those Members who were able to attend local services on Remembrance Sunday and lay a County Council wreath.

28. MINUTES.

It was moved by the Chairman, seconded by Mr Orson and carried:-

"That the minutes of the meeting of the Council held on 27th September 2023, copies of which have been circulated to members, be taken as read, confirmed and signed."

29. 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 Phillimore declared a non-registrable interest in issues relating to Special Educational Needs and Disabilities discussed in the reports of the Cabinet due to his wife's employment (minutes 32(a) and 32(b) refer).

30. 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 Cabinet report on the Charnwood Local Plan 2021 -2037 in September 2022 stated that there would be "*a proportionate and reasonable deterioration in traffic conditions in the Borough as a result of developments being permitted prior to the overall mitigation package being put in place.*"

From a traffic management point of view, what should we understand to be a “*proportionate*” deterioration in traffic conditions, and how is it measured?

2. Traffic conditions in the above report are also described as a “*reasonable*” deterioration in traffic conditions, Highways improvements in Hinckley are described in the Annual Performance Report as meaning “*smoother* and *more efficient*” journeys. Cabinet members are apt to refer to roads as being “*congestion-busting*”. All these may signify a level of congestion (or in the latter case the complete absence!) but the authority commits considerable resources to obtain reliable estimates of peak hour congestion to support business cases. Why are members not provided with such proper estimates rather than these meaningless phrases?
3. What were (a) our best estimates of the peak hour congestion at the beginning of the Charnwood Plan period and (b) what are now projected for the end of the Plan period?”

Mr O’Shea replied as follows:

- “1. What constitutes a ‘proportionate’ deterioration in traffic conditions will vary according to circumstances, and correspondingly there is no single, universal way to define this, as is the case for other key terms used within the planning arena (perhaps most notably the term ‘severe impacts’ as referred to within the National Planning Policy Framework). As with such other terms, it should instead be understood as a principle, to be applied on a case-by-case basis to Local Plan site allocations as they come forward individually as planning applications, based on professional judgement (and where necessary informed by the outputs of transport assessment work undertaken as part of planning applications).

In coming to a decision about whether the deterioration in traffic conditions arising from particular developments is ‘proportionate’ or otherwise, the Local Highway Authority has to consider a range of factors in the round. For instance, the scope for proportionate deterioration in traffic conditions is likely to be lower at locations (normally junctions) where such deterioration is likely to result in wider network impacts (e.g. congestion spilling over to other locations/junctions, or displacement of traffic to less suitable roads), significant impacts on accessibility to key services and facilities or adverse effects on key road safety hotspots. Conversely, the scope for deterioration is likely to be greater in locations where the opposite is true. Furthermore, the Local Highways Authority’s acceptance of proportionate deterioration in traffic conditions is conditional on securing proportionate (and reasonable in planning terms) contributions from development towards the delivery of the overall local plan mitigation package, which remains essential to ensure that the deterioration is addressed/minimised over the longer-term.

2. The transport evidence and forecasts produced to inform the development of Local Plans, scheme business cases and other comparable work are typically very complex and multi-faceted (for instance, the North and East Melton Mowbray Distributor Road business

cases, including modelling work, ran to several thousand pages). In most cases, it would therefore be impractical and potentially misleading to try and 'cherry-pick' selected technical outputs and figures from such work to utilise for the purposes suggested in the question. The terminology used in reporting to members (such as those cited in the question) seeks to articulate the broad objectives and principles underpinning transport schemes or strategies in a form that is as widely understandable as possible whilst being sufficient to the circumstances. In cases where members need more detailed data (e.g., to support decision making over specific proposals) this will be provided.

3. The most recent work to model the transport impacts of the draft Charnwood Local Plan was completed in June 2022, and is published on the Charnwood Local Plan Examination website as document ['Exam 31'](#). This work assesses the impacts of the Plan against a comparator 'do nothing' scenario (essentially assessing how the transport network would perform without the additional growth proposed through the Plan), and subsequently goes on to identify and model the effects of proposed mitigation packages to address these impacts. Summary statistics produced as part of this work show that at a district/network-wide scale, the Local Plan growth causes a drop in network performance during peak-hours without mitigation, but that this drop is largely addressed by the proposed mitigation package: for instance, during the PM-peak, district-wide average speeds fall by 0.2mph without mitigation from 49.7mph to 49.5mph, but return to 49.7mph with the mitigation package (whilst this change may appear modest, it is actually very significant considering the area, level of growth proposed and number of trips covered by such statistics). As with the examples cited in response to the previous question, these outputs should not be taken in isolation: they are just one part of a much wider, more complex and multi-faceted suite of evidence produced as part of the modelling work, which need be read as a whole alongside the accompanying commentary provided within the report."

Mr Hunt asked the following supplementary question:

"I would ask the Lead Member what he means by 'congestion busting' in terms of the metric that's been given, in terms of average delay or average speed, in his press releases?"

Mr O'Shea replied as follows:

"I'll answer you simply that congestion is congestion and to be honest with you I don't know what more I can say, other than that we have congestion, and we try our very best as a Council and as a Highways Authority to reduce that. If you're not happy with the reply, I'll give you a written reply again from officers."

[Subsequent to the meeting the following additional reply was received:

The phrase 'congestion busting' is colloquially used in press releases to give a general sense of purpose of a particular scheme. It is not intended to be a precise definition and indeed in a similar vein to the previous response to the

original question 1, it is not possible to provide a single, universal definition based on a simple metric/range of metrics. For example, and with reference to the figures provided in response to the original question 3, a transport mitigation package that achieves a forecast 0.2mph increase in average speeds at a district wide level is actually very significant considering the area, level of growth proposed, and number of trips covered by that statistic, but taken out of context may not on the face of it appear to be 'congestion busting'. Conversely, it would be readily more understandable for a scheme to be 'congestion busting' where it results in a 'substantial' reduction in queues and delays at a particular junction, albeit even then what might be considered 'substantial' is subject to the consideration of a range of factors, in the same way as 'proportionate' as per the original question 1.]

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

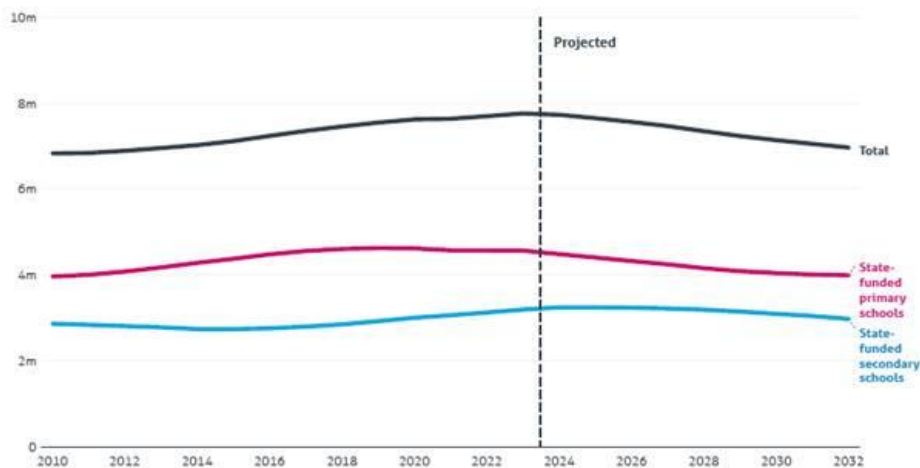
- “1. Why are we so short of secondary school places in the County?
2. How many more places in secondary schools will be needed in the future for children with special educational needs for whom mainstream secondary school is predicted to be the right setting?
3. How can we ensure there are enough places for children with special educational needs for whom mainstream secondary school is the right setting?”

Mrs Taylor replied as follows:

- “1. Nationally the number of pupils in secondary schools have hit a peak (as shown in the Chartered Institute of Public Finance and Accountancy (CIPFA) graph below). This is also reflected in Leicestershire, where the 2022, 2023 and 2024 Year 7 cohorts will be the largest and then a drop is expected.

Overall, there are enough secondary school places in Leicestershire. In the 2022/23 census there were 44080 pupils on roll and a capacity of 49237. There are enough places in each cohort. In 2023 97.6% of pupils gained one of their three preferences for starting secondary school and all on time applicants were allocated a place.

Figure 6.1 Pupils, 2010–2032



Source: Institute for Government analysis of DfE, 'National pupil projections: Reporting year 2023', supported by CIPFA. Notes: Figures are as at January of the given year. Primary pupil numbers are higher than secondary pupil numbers as primary school covers more years of compulsory education. Primary pupil numbers also include pupils in nurseries at state primary schools.

The changes are not uniform across the country: primary pupil numbers have decreased by 5.1% in London since 2019, when numbers peaked nationally, while other areas have seen either more modest decreases or small increases.² Think tank and media reports have attributed this to a growing number of young people being unable to afford starting a family in the capital.^{3,4}

2. There are currently 1759 children with Education, Health and Care Plans (EHCPs) in mainstream education and this is projected to grow by 370 children in the next five years.
3. An EHCP names a provision and is not subject to basic needs admissions criteria, so, if a school place is named, the school is required to take the pupil. The Transforming SEND and Inclusion in Leicestershire (TSIL) programme has developed an inclusivity toolkit to ensure schools are able to meet the needs identified in children's EHCP as well as those children with SEN who do not have an EHCP. In addition to this, the School Organisation Service is working with a number of schools to improve their physical capacity to support SEN pupils to remain in mainstream schools. The mainstream school growth programme is responsible for ensuring there are sufficient school places across mainstream schools to support the projected population growth alongside ensuring sufficient mainstream provision is in place for children with SEN."

Mr Hunt asked the following supplementary question:

"I wasn't previously aware that the EHCP names a school place and can nominate a school to send a child to if the EHCP complies with what that school can offer. If that school has not completed an inclusivity assessment, or if it claims that its full or lacks capacity, what happens to the child when they are allocated a place that hasn't been assessed?"

Mrs Taylor replied as follows:

"An EHCP would recommend a school based on need. We would not

recommend a school that could not meet need. If a mainstream school has said they can't cope with the child, we would do an EHCP and see what support we could provide with wraparound services for that child in mainstream school.

If the assessment was that they would need a specialist placement we would then recommend a specialist placement that can meet their need

I hope that clarifies your question but if not, please email me with a clearer question and I will send you a further written answer."

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

"There was recently a collision at the junction of Olympic Way and Leicester Road in Hinckley. Cars often speed along the stretch of Leicester Road past Olympic Way making it difficult for cars to pull out safely. Parking around the junction reduces visibility and makes it dangerous for cars pulling out of Olympic Way onto Leicester Road. I have requested double yellow lines at this junction on behalf of residents who have asked for them. I am aware that officers are looking into this request. Can I just urge the County Council Highways today to look favourably on putting yellow lines at this junction to make it safer"

Mr O'Shea replied as follows:

"Whilst officers are aware of a recent incident at this location, no specific details have been received from Leicestershire Police of an incident being reported to them, or the police having been in attendance.

Without those details, unfortunately the causation factors for that collision are unknown at this stage, however, officers have contacted the force directly to seek clarity.

With regards to double yellow lines at the junction, all requests received by the County Council need to be considered based on an evidence-led appraisal, to ensure that the County Council's limited resources to address traffic safety and parking problems are employed where most needed.

Officers will consider any information supplied by the Leicestershire Police alongside existing collision data to assess whether there is a safety issue at this location and if so, whether parking restrictions would help address. Mr Mullaney will be updated as soon as that work has been completed."

31. POSITION STATEMENTS UNDER STANDING ORDER 8.

The Leader gave a position statement on the following matters:

- MTFS;
- King's Award for Voluntary Service 2023;
- Devolution;
- Hinckley National Freight Interchange Update.

The Leader also reported that Braunstone Town Council had been awarded Council of the Year by the National Association of Local Councils and extended the County Council's congratulations to the Town Council for this achievement.

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

32. REPORTS OF THE CABINET.

(a) Annual Delivery Report and Performance Compendium.

It was moved by Mr Rushton, seconded by Mr Breckon and carried unanimously:

"That the Annual Delivery Report and Performance Compendium 2023 be approved"

(b) Annual Report of the Director of Public Health.

It was moved by Mrs Richardson, seconded by Mrs Radford and carried unanimously:

"That the Annual Report of the Director of Public Health 2023 be noted with support."

33. REPORT OF THE EMPLOYMENT COMMITTEE.

(a) Pay Policy Statement.

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

"That the County Council's Pay Policy Statement 2024/25, as set out in the Appendix to the report of the Employment Committee, be approved."

34. REPORT OF THE CORPORATE GOVERNANCE COMMITTEE.

(a) Revised Protocol on Member/Officer Relations.

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

"That the revised Protocol on Member/Officer Relations be approved."