

Minutes of a meeting of the Highways and Transport Overview and Scrutiny Committee.
held at County Hall, Glenfield on Thursday, 18 January 2024.

PRESENT

Mr. K. Merrie MBE CC (in the Chair)

Mr. R. G. Allen CC
Mr. D. C. Bill MBE CC
Mrs. H. J. Fryer CC

Mrs. A. J. Hack CC
Mr. B. Lovegrove CC
Mr. L. Phillimore CC

In attendance

Mr O. O'Shea CC, Lead Member for Highways and Transport
Mrs M. Wright CC, Cabinet Support Member

36. Minutes.

The minutes of the meeting held on 9 November 2023 were taken as read, confirmed and signed.

37. Question Time.

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

38. 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).

39. Urgent Items.

There were no urgent items for consideration.

40. 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. L Phillimore CC declared a Non-Registrable Interest in agenda item 8: Special Educational Needs School Transport Service – Update as his wife was employed by the County Council in Special Educational Needs. This item did not directly relate to or affect the financial or other wellbeing of Mr. Phillimore to an extent that this prevented Mr. Phillimore from participating in the meeting.

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

There were no declarations of the party whip.

42. Presentation of Petitions under Standing Order 35.

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

43. Medium Term Financial Strategy 2024/25 - 2027/28.

The Committee considered a joint report of the Director of Environment and Transport and the Director of Corporate Resources which provided information on the proposed 2024/25 to 2027/28 Medium Term Financial Strategy (MTFS) as it related to the Highways and Transport side of the Environment and Transport department. A copy of the report marked 'Agenda Item '8' is filed with these minutes.

The Chairman welcomed Mr. O. O'Shea CC, Cabinet Lead Member for Highways and Transport, to the meeting for this item.

Arising from discussion, the following points were noted:

Growth

- (i) The financial position of the Council was both complex and sensitive. A Member commented that the growth forecasted in the report was 'frightening' and currently provided for no growth for areas such as highway maintenance in 2026/27 and 2027/28; growth being dominated by increased demand for SEN Transport.

G17 - SEN Transport

- (ii) There was substantial growth in the demand for SEN Transport, but this did not appear to be reflected in the demand for Adult Social Care Transport. Members queried whether a delayed increase in number of users for Adults Social Care Transport was being forecast. The Director confirmed that the trend for SEN transport demand was not directly translating into increased transport requirements for adults. The statutory responsibility to provide SEN Transport for children to attend school did not apply to adults and given that the eligibility criteria for adult transport services was different, this was not expected. Members noted, however, that work was taking place between departments to create a better understanding on where there could be knock on effects.
- (iii) A Member commented that to reduce the cost of SEN Transport, a key factor would be to understand where the demand for transport came from and where this was going (i.e. to which school). It was suggested that delays in the Education and Health Care Plan (EHCP) process prevented transport needs being met as efficiently as might otherwise be possible. Some children were not able to attend the school located closest to their home and this resulted in increased transport costs. Making late arrangements for transport also added to cost and demand pressures as it was not possible to forward plan and potentially co-ordinate journeys. The Director highlighted that the Children and Families Service had been working hard to reduce the time it took to undertake an EHCP through its Transforming SEND in Leicestershire Programme, and the situation was improving but would continue to be monitored. Members noted the Children and Families Overview and Scrutiny Committee would be considering at its next meeting progress in delivering the TSIL programme.
- (vi) The Council operated an in-house transport service which was beneficial and reduced reliance on the private market. It operated a minibus fleet and deployed

that as efficiently as possible. A key risk for operating an in-house service was the ability to recruit drivers. When there were a significant number of vacancies, this affected service levels and therefore having a mixed in-house and outsourced operation helped to balance and manage that risk. The position was, however, kept under constant review.

- (iv) The current outdated IT system used by passenger transport services was being replaced. Whilst this would be a big programme of work that would take time to bed in, in the longer term this would help make the service more efficient. The new system had in built route optimisation software that would enable officers to plan journeys more easily and efficiently.
- (v) The Director confirmed that the pressures regarding SEN and SEN Transport was a national issue. The Association of Directors of Children's Services (ADCS) and the Association of Directors of Environment, Economy, Planning and Transport (ADEPT) had recently submitted recommendations to Government on the changes and improvements needed. The Director undertook to circulate copies of those recommendations to Committee Members so that these could be endorsed.

Savings

ET6 (SR) Ending of HS2 Programme

- (vi) The costs incurred by the Authority in relation to the HS2 national scheme related to the small team established to work with effected communities and HS2 Limited as the project developed. The Director confirmed that no further costs had been incurred. The savings now included in the MTFs reflected that this service was no longer needed in light of cancellation of the scheme north of Birmingham by the government.

Capital Programme

- (vii) There had been a change in strategy regarding bidding for funding for infrastructure works. Government funding always required the Council to match fund any successful bid. The cost of submitting a bid could also be substantial and there was no guarantee of success. The principal that would now be applied would be that no bid would be submitted in future if it could not be clearly demonstrated that the costs and match funding could be met without the need for Council funding.
- (viii) Developer contributions were agreed as part of the planning process for individual developments. It was proposed that in future, the inflation rate applied in those agreements would be subject to a calculation that would allow for rising inflation, given that some developments took years to come to fruition. At present, the inflation rate was set at the point of completion of the agreement. Rising inflation meant that the contributions agreed did not meet the subsequent costs incurred by the Council in delivering the agreed infrastructure. Members supported the change in approach and agreed that the level of contribution should reflect the costs being incurred at the point of delivery. Members noted that in future the Council would also not deliver the infrastructure until much later when contributions had been received rather than forward funding infrastructure.
- (xi) It was noted that the tender for works required to Zouch bridge had closed. An evaluation of those tenders would now be undertaken following which a decision

would be made on how to proceed. It was too early in the process to know whether the tenders would come in within budget.

RESOLVED:

- a) That the report on the Medium Term Financial Strategy 2024/25 -2027/28 be noted;
- b) That the comments now made be forwarded to the Scrutiny Commission for consideration at its meeting on 29 January 2024;
- c) That the Director for Environment and Transport be requested to Committee Members copies of the recommendations raised by the Association of Directors of Children's Services (ADCS) and The Association of Directors of Environment, Economy, Planning and Transport (ADEPT) in relation to SEN Transport so that these could be endorsed.

44. Third Party Funded Schemes in the Public Highway.

The Committee considered a report of the Director of Environment and Transport which advised the Committee of the process for approval of third-party funded schemes within the public highway. This follows a request by the Scrutiny Commission made at its meeting in June 2023. A copy of the report, marked 'Agenda Item 9', is filed with these minutes.

Arising from the discussion, the following points made:

- (i) Members were pleased to hear that a review would be undertaken regarding assessments for pedestrian crossings often requested by local communities for safety reasons. Members commented that current processes seemed outdated and safety thresholds required to be met too high which was frustrating for local residents.
- (ii) A Member commented that it would be useful to understand the thresholds to be met when such requests were made given that so many appeared to be refused. The Director of Environment and Transport undertook to circulate the criteria currently applied to Members outside the meeting for information.
- (iii) A Member commented that the common, smaller improvement schemes, such as pedestrian crossings, traffic calming and cycle and walking improvements, were the most common enquiries constituents raised with their local members, generating a lot of work. It was suggested that some simple guidance which Members could refer to and use to communicate to residents when such requests were made would be helpful.

RESOLVED:

- (a) That the report on the process for approving Third Party Funded Schemes in the Public Highways be noted;
- (b) That the Director of Environment and Transport be requested to circulate to members after the meeting the criteria currently applied to requests for common, smaller improvement schemes.

45. Storm Henk - Flooding Update.

The Committee considered a presentation provided by the Director of Environment and Transport which provided the Committee with an update on flooding across the County following the recent Storm Henk. A copy of the presentation slides, marked 'Agenda Item 10', is filed with these minutes.

Arising from the discussion, the following points were made:

- i) Members noted that there were areas that had flooded which were unexpected and caught residents by surprise, these never having flooded before. Such residents were therefore unaware of what to do, or where to go for help. It was suggested that the quick dissemination of basic information around what happened now and what would be done next, was necessary. It was further suggested that communication via leaflet dropping would be helpful, as many homes were without electricity and might not therefore have access to other digital means of communication during this period. The Council had a good network of people, including elected members which it could utilise, as well as Leicestershire Matters
- ii) A Member commented that flood warning signs that had been installed on Slash Lane in Barrow on Soar, which was notorious for flooding, had helped prevent additional problems. It was suggested that having flood warning information on mobile phone devices could help to divert people away from flooded roads which exacerbated problems and the response resources required to deal with cars getting stuck.
- iii) It was noted that the Department had been receiving valuable information from those that were on the ground during the response period. Although it would be a long process to determine all the issues as there were many challenges, the expectations of residents would need to be managed and an internal communication group had been set up.
- iv) It was noted that a refreshed Leicestershire Flood Risk Management Strategy had been approved by the Cabinet in December 2023. This provided a useful opportunity therefore to recommunicate messages regarding the need for residents to prepare. There was a likelihood of such flooding events becoming more frequent as the last six Decembers had been noted as the wettest on record.
- v) Members questioned if the Rivers and Canals Trust continued to regularly dredge canals and rivers. It was suggested that British Waterways had in the past been proactive in doing this. A Member commented that if such works were no longer taking place, or were but less frequently, this could be a contributing factor.
- vi) Members queried what the triggers for a Section 19 investigation were and requested that the Director of Environment and Transport circulate these to Members to help them support and guide residents. The Director undertook to circulate a copy of the Council's Flood Risk Management Strategy which included such information, to the Committee after the meeting.
- vii) It was noted that investigations were lengthy processes and could take years. For example, investigations were still ongoing for properties that had flooded in 2019. Members noted that resources and capacity would be an issue as the professional

expertise needed to complete these would be in demand across a number of authority areas also affected by flooding. It would be important to manage residents' expectations in this regard.

- viii) Members acknowledged that communications to residents would emphasise the need for them to take action and to be more self-resilient to these types of events, as there was much that individuals could do to protect their own properties. It was noted that this would form part of the lessons learned process, which would consider how residents could take advantage of support available and what improvements could be made as a community and as individuals to help them be more resilient.
- ix) A Member commented on work undertaken by local farmers at the request of the police to clear roads and cut back trees that had been blown over during the storm. Health and safety and insurance factors arose from such activities and the Member questioned what, if any, liability a farmer might have for removing fallen trees using equipment such as chainsaws. It was suggested that farmers could be called on, for instance by the Police, and clear guidance in such circumstances was needed to ensure this was done legally. The Director agreed to look at this as part of the lessons learned process and to provide the Committee with some clarification on the concerns now raised after the meeting. Members recognised that it would be important for communities to be able to help themselves but that this had to be done safely.
- x) A Member commented that having attended a meeting of the Trent River Flood and Coastal Committee, it was clear that there had been huge impacts from the storm across the Midlands and that the Environment Agency were dealing with the matter. It was suggested that the process the Environment Agency used needed simplifying to ensure cases could be dealt with quicker.

The Lead Member for Highways and Transport commented that although the Department had only a small flooding team, it had done very well in supporting the residents in Leicestershire and thanked them and all staff involved in the response.

The Chairman, on behalf of the Committee, also thanked all the staff involved in the aftermath of the flooding who had provided excellent support to residents.

RESOLVED:

- a) That the presentation on Storm Henk – Flooding Update be noted and the Committee's thanks be passed on to officers involved in the response, noting the excellent work done during what was a very difficult and challenging time for all involved.
- b) That the Director of Environment and Transport be requested to:
 - (i) provide an update to Committee Members on the outcome of the Lessons Learned Workshop to be undertaken at the end of January.
 - (ii) circulate to Committee Members a copy of the Flood Risk Management Strategy which included details of the locally agreed thresholds that triggered a Section 19 investigation.

- (iii) provide clarification regarding the potential liability of farmers that were asked to remove fallen trees from the highway during bad weather.

46. Date of next meeting.

RESOLVED:

It was noted that the next meeting of the Committee would be held on Thursday, 7th March 2024 at 10.00 am.

2.00pm - 4.13 pm
18 January 2024

CHAIRMAN