

MEETING OF THE LEICESTERSHIRE COUNTY COUNCIL

WEDNESDAY, 25 SEPTEMBER 2019 AT 2.00 PM

ORDER PAPER

AGENDA ITEM NO. 1 – CHAIRMAN'S ANNOUNCEMENTS

The Chairman will make her announcements.

AGENDA ITEM NO. 2 – MINUTES (Pages 5 to 20)

MRS POSNETT will move and MR LIQUORISH will second:-

“that the minutes of the meeting of the Council held on 10 July 2019, copies of which have been circulated to members, be taken as read, confirmed and signed.

AGENDA ITEM NO. 3 – DECLARATIONS OF INTEREST

The Chairman will invite members who wish to do so to make declarations of interest in respect of items on the agenda for this meeting.

AGENDA ITEM NO. 4

QUESTIONS ASKED UNDER STANDING ORDER 7(1) (2) &(5)

(A) Question by MR BILL

“In view of the positive and upbeat tone of the Secretary of State’s letter of 4 September in which he says that “He is very pleased that the Spending Round announcement means that we can now give Local Authorities the certainty they have been seeking”, when can we now expect a cessation and reversal of the cuts to services to the people of Leicestershire?”

Reply by MR RHODES

“I refer you to my position statement which sets out the potential implications for the County Council of the Spending Review. I would add that sound financial management over the last decade has put the County Council in a good position where we can and will invest any extra funding in front line services. This is not the case for many authorities who will have no option but to use the extra money to reduce their deficits.”

(B) Question by MR HUNT

- “1. The current Local Transport Plan (LTP3) was written nearly ten years ago and approved by Government in very different times. Is it time for review and if not, why not?”

2. What role is central Government currently playing with regard to Local Transport Plans and their implementation plans?
3. When was the last Implementation Plan on Leicestershire's LTP approved by Cabinet?
4. If LTP3 Implementation Plans and Environment and Transport Commissioning Strategy can be replaced by "programme of works set out in the Capital Programme and Highways and Transportation Work Programme", as we say, can the Leader explain how members can input into that process to ensure that all aspects of the LTP will be fully addressed?
5. Now that Cabinet have requested a re-evaluation of our position "with respect to reducing emissions from Leicestershire road transport" how will such a re-evaluation affect the LTP programme, including each goal, anticipated outcome and targets?
6. At the moment, with the exception of essential maintenance, would it be reasonable to say that most of the capital programme is devoted to major highways projects to address traffic and how does that address the carbon emissions we are planning to reduce?"

Reply by MR PAIN

- "1. Our Local Transport Plan (LTP3) has served us well in successfully securing funding for transport projects and it continues to be cited in new funding bids. An updated and refined version of LTP3 was published in 2014, to reflect, amongst other things:
- new sources of evidence
 - the changing financial position / new sources of funding (such as the then emerging Growth Deals)
 - the then new National Planning Policy Framework

Notwithstanding this, it is acknowledged that LTP3 was developed and prepared in very different times. Whilst it was originally envisaged that the process to replace LTP3 would be via a single, overall, wholesale review process, in practice circumstances have dictated a different approach. In response to further changes in national funding, guidance and local priorities, the focus has instead been on developing area or topic specific policies and strategies and plans, including:

- The Leicester and Leicestershire Rail Strategy
- The Asset Management Policy and Strategy, and Highways Infrastructure Asset Management Plan
- Passenger Transport Policy and Strategy

Officers are currently giving consideration to the development of a Walking and Cycling Strategy. Once the scope for this Strategy has been determined, officers should be in a position to begin work to consider what the replacement for our LTP3 might look like. It is currently anticipated that this work will begin next year, subject to the timescale for and inter-actions with work to determine the authority's response to the climate change emergency. The development of LTP4 will be subject to consideration by Members through the scrutiny processes and by the Cabinet and the full Council as appropriate.

2. Under the former regional government structure, performance in the delivery of our LTP was subject to annual scrutiny by the Government Office for the East Midlands (GOEM).

However, since the abolition of bodies such as GOEM in 2011, and with the shift in emphasis by successive Governments towards the award of funding for transport measures via competitive processes that have a heavy emphasis on the delivery of housing and economic growth, Government now plays no real role in the delivery of LTPs.

3. 16 March 2015. In subsequent years, the Cabinet has either approved the Environment and Transport Commissioning Strategy or the Highways Capital Programme and Highways and Transportation Work Programme. These contained or contain broadly the same nature of information as the former Implementation Plans.
4. On an annual basis the Highways Capital Programme and Highways and Transportation Work Programme are subject to consideration by the Environment and Transport Overview and Scrutiny Committee, prior to consideration by the Cabinet. The same approach is taken with the introduction of any new policy or strategy developed by the County Council. Other opportunities for that Committee to assess how aspects of LTP3 are being addressed are afforded through the quarterly Environment and Transport Performance Reports and through the annual Casualty Reduction Report.
5. The report to Cabinet on 13 September 2019: Climate Emergency Declaration - Review of The Environment strategy and Action Plan and Immediate Areas for Action set out proposals for work to be undertaken to enable action to be taken on meeting the commitments set out in the County Council's climate emergency declaration of 15 May 2019. The outcomes of this work will help to inform the development of our next LTP and its associated programmes.
6. Our capital programme reflects the way that the County Council currently receives the bulk of its funding for transportation improvements, that is via national, competitive processes, which, at the moment, continue to have a heavy emphasis on the delivery of housing and economic growth; in non-metropolitan areas, enabling growth very often equates to the need for major highway projects, such as the Melton Mowbray Distributor Road. However, wherever possible our road schemes include measures to improve travel by other means, including walking and cycling.

Wherever possible, for example through consultation responses, we continue to make the case to Government that capital monies to improve provision for walking, cycling and passenger transport are too small in comparison to road and rail investment and need to be increased significantly. We also continue to make the case to Government for increased revenue to help us to support and promote travel by modes alternative to the private car.”

(C) Question by MR HUNT

- “1. According to the latest National Travel Survey published by the Department for Transport:
- The proportion of adults cycling at least once a week fell from 12% in 2015-16 to 11% in 2017-18.
 - At 17, the average number of cycle trips per person in 2018 is the same as it was in 2017 and there has been a 5% decline since 2002.
 - While people cycled 50% further in 2018 compared to 2002, the number of cycling trips has remained static in recent years, indicating that existing cyclists are riding more miles, not more people cycling.

How do these three measures compare with our record in Leicestershire?

2. What objectives or targets do we set for cycling in Leicestershire and what progress have we made in the last three years?”

Reply by MR PAIN

- “1. Nationally, the percentage of people who cycle at least once a once a week was 11.9% in 2015/16 and 11.5% in 2017/18. In Leicestershire that figure dropped from 11.3% to 10.6%. However, this is a sample so, at the Leicestershire level, the decline in cycling may not be statistically significant.

We currently do not have an overall target for levels of cycling in the county and do not at present collect data that would enable us to compare our record in Leicestershire with the national average number of cycle trips per person.

The Environment and Transport Department uses various quantitative and qualitative methods for monitoring to supplement the active lives dataset. In addition to permanent cycle counters located across different sites around the county, which feed into the integrated transport model (LLITM), data is captured through specific projects.

Some current examples of these types of projects which include the monitoring of cycling and walking metrics are:

- Personal Travel Planning (PTP): use of cycle counters where available in the focus areas, participant survey and cycling and walking focus groups

- Adult Cycle Course: Participant rates and follow up surveys
- Better Points (digital based rewards programme): includes a survey covering all modes and provides tracking of journeys by cycling, walking and also public transport
- Bike ability (cycle training programme): Participant rates
- Modeshift STARS (travel planning programme): as part of our work with schools, participating schools take part in before and after surveys

Public Health 'commissions' districts to provide a variety of programmes designed to support the inactive in becoming active. Cycling is part of the core offer that localities are asked to develop. This may be through self-help support (e.g. promotion of events, cycle routes), inclusion in wider active travel programmes or wider workplace health programmes. Attendances in 'cycling based' programmes in locality commissioning plans (e.g. balance-ability, mass participation, led cycle rides etc.) during 2017/18 and 2018/19 were 14,774.

Additionally, through the School Games programme, Leicester-Shire and Rutland Sport (LRS) coordinate a Level 3 Cycling Competition – 132 children and young people have accessed this over the last three years. School Sport and Physical Activity Networks (SSPAN's) alongside British Cycling and Schools will coordinate Level 1 and 2 competitions below this.

2. No formal targets are set but we would encourage as many people as possible to cycle and be physically active.

Moving forward the Environment and Transport Department will be developing a new cycling and walking strategy alongside Public Health's work with LRS on a whole systems approach to physical activity. As part of the development of the cycling and walking strategy we will be reviewing the available data to help shape its direction. In addition to drawing on specific local site and programme data, the strategy will also draw from national data sources such as the National Travel Survey to identify opportunities to measure the success of future cycling and walking schemes and programmes."

(D) Question by MR BRAY

"For many years residents have pressed for action to tackle the on-street parking problems in the residential streets near Hinckley town centre. The County Council is now consulting on plans to introduce a residents' permit scheme in a number of streets like Mount Road, Hill Street, Queen's Road, etc. This has received a mixed response and we await the results of the consultation. However, a number of residents in neighbouring streets, such as Priesthills Road, Hurst Road, Springfield Road, etc., are concerned that, if implemented, this will displace parking to their streets making the problem worse for them. Will the Leader please look at a wider scheme which encompasses the whole of the town centre, rather than just tackling part of the solution?"

Reply by MR PAIN

“The County Council carefully considers the locations for residential parking as such proposals can be very contentious for the local community. We have adopted the criteria as set out below, which must be met in order for a residents’ parking scheme to be considered:

- At least 50% of the properties affected have no off-street parking facility
- Residents are unable to park because at least 40% of available kerb space is occupied by non-residents during the normal working day, usually commuters near a town centre or factory premises, who should be using alternative parking that is provided
- There is sufficient on road space to allow at least one vehicle per household for those who wish to participate in the scheme

We have recently been carrying out investigations into the feasibility of a permit parking scheme around the Mount Road/Queens Road area of Hinckley.

A number of roads in the area were found to satisfy the above criteria. An informal consultation exercise was therefore carried out in August 2019 for a residents’ parking scheme in Mount Road/Thornycroft Road/The Lawns/ Queens Road/ Hill Street and Orchard Street. There was a 44% return to this consultation of which 68% were in favour of introducing a residents’ parking scheme. As such it is intended to undertake a formal consultation exercise on a residents’ parking scheme for these roads in March 2020.

Priesthills Road was looked at this time; however, with 66% of residents having off street parking this street has been discounted from inclusion in the proposed scheme.

A blanket scheme over Hinckley Town centre will not be considered as the characteristics of each street need to be assessed individually to determine if it meets the criteria. Implementing residents parking on streets where the majority of residents have off street parking does not serve any purpose and often can be an annoyance to those residents as residents only parking restrictions will have a negative impact on their visitors.”

(E) Question by MR PARTON

- “1. Would the Leader investigate practice in other authorities where vehicles mounting a pavement to park on grass verges has been outlawed and/or discouraged with the use of wooden roadside posts?
2. Would the Leader also investigate the commencement of charging builders/ home owners/landlords for placing building waste and/or skips in residential parking permit zones (sometimes referred to as ‘bay suspensions’)?”

Reply by MR PAIN

- “1. It is an offence under the Road Traffic Act 1988 for any person in charge of a vehicle to cause or permit that vehicle to stand on a road/footway in such a manner that is considered to be dangerous, or that which causes an obstruction to the safe and effective use of the highway. Any such instances of this should be reported to the Police.

Where there is a Traffic Regulation Order prohibiting waiting, this applies to the Highway which includes the carriageway, footway and verge.

Unfortunately, there is no funding available for schemes which do not meet our current safety criteria therefore Leicestershire County Council does not fund interventions to prevent verge parking through the use of wooden posts.

Third parties, however, are welcome to fund these should they wish providing that the proposals meet our current safety criteria. A licence is required and they must also be prepared to take on the grass cutting of any affected area as it is likely any such posts would prevent access for the County Council's grass cutting equipment.

2. Any skip hire operator wishing to place a skip on the highway is charged £40 per week, all details are available on the County Council's website:

<https://www.leicestershire.gov.uk/roads-and-travel/road-maintenance/highways-permits-and-licences>

It should be noted that there are rules as to where a skip can be placed. This includes not allowing them within residents' parking bays. However, where there is no alternative, permission may be granted on a short term basis.”

(F) Question by MRS HACK

“There have been a number of schools encouraged and approved to join the initiative to receive a visit from the camera car. The Lead Member confirmed in February 2019 that 135 schools had signed up. The funding of the scheme was for 2 years. Now we are 18 months into this scheme:

- (a) what evaluation has there been?
- (b) At the level of participation reported in February, is this level beyond the maximum number of visits per school per term to make a difference to the parking behaviour around schools?
- (c) Is the authority considering additional capacity, or do we need a different strategy for managing traffic around schools?”

Reply by MR PAIN

- “(a) As the initiative starts its second year, feedback from the schools, parents and residents continues to be collected for evaluation. In addition,

enforcement activity continues to be monitored as the camera car is deployed. Once this school year has concluded it is the intention to produce an evaluation report which will be presented to the Environment and Transport Overview and Scrutiny Committee.

- (b) A business case is currently being prepared to consider the need and benefits of procuring a second Camera Enforcement Vehicle (CEV) and operator to increase the range of enforcement activities.
- (c) Recruitment is already underway to appoint a dedicated Civil Enforcement Officer to support the CEV who will be able to issue Penalty Charge Notices to drivers who park inappropriately in locations not covered by the CEV.

The current strategy of working with schools to reduce travel by car through sustainable school travel plans, encouraging and educating parents and appropriate enforcement is considered appropriate and follows national guidance and best practice.”

(G) Question by MRS HACK

“In my division there is a school clear zone, which was paid for using external funding. This introduced restricted parking between 8-9am and 2-4pm. The initial indication was that this zone was a success. However, the parking enforcement of the zone was scaled back to ‘normal levels’ less than 12 months after the zone introduced and just a couple of months after an adjustment to the traffic restrictions.

This has led to local residents feeling abandoned by the County as they were hoping that the compromises they were making to having small levels of restricted parking outside their homes would mean less congestion and appropriate parking around the school at peak times.

The reality is that the parking behaviour is now as bad as prior to the introduction of the clear zone, but parents are now openly parking on single yellow restrictions because of lack of enforcement.

- (a) As the initial reports indicated that the Clear Zone was a success, how many more Clear Zones around schools have been planned in Leicestershire?
- (b) Of those in the planning stage what additional Parking Enforcement capacity is being considered?
- (c) Does the authority believe it has enough capacity to enforce the zones at peak time?
- (d) Highways have been made aware that the parking issues in my division are as bad as before the zone was implemented. What further actions will be implemented for this community to manage the parking behaviour?
- (e) The Lead Member visited the area prior to the implementation of the Clear Zone, would he be happy to visit the Zone again with me at peak time to see for himself the issues we are having?”

Reply by MR PAIN

- “(a) Only one further zone is planned at this time; Coombe Place, Oadby near to Beauchamp College. Consultation has been undertaken with residents and we are currently assessing the responses.
- (b) The parking enforcement regime is not a reactive service, all new proposals are incorporated into the officers’ patrol schedule.
- (c) Enforcement takes place both with the camera car and Civil Enforcement Officer (CEO) patrols. Visits are made as frequently as possible, and the authority is increasing general capacity to operate as a deterrent outside all schools, not specifically clear zones. However, it should be recognised that it would not be efficient use of taxpayers’ money to operate a resource capable of enforcing outside every school in the county at peak times. Where officers have attended the school clear zone in Mrs Hack’s division and observed a high level of contraventions, repeat visits are made to try and encourage compliant behaviours. Further visits are expected to this location during the next two weeks.
- (d) Mrs Hack will recall that, when the clear zone was first conceived, it was for a complete ban of parking in the zone in order to fully discourage parents from entering and parking within the zone. In response to representations made by Mrs Hack and local residents, a number of parking bays were installed. It was advised at that time that the introduction of such bays could encourage parents to enter the zone to try and park within them and this was a risk that was accepted. It appears that such practice is now happening with some parents who have entered the zone looking for a space then choosing to take a chance and parking on the restricted sections when finding there is no available space within the bay.

The County Council will continue to work with the school to promote sustainable travel and discourage parental parking in the area. The zone will also continue to be enforced by CEO’s with their presence balanced and apportioned accordingly across the many other restrictions in the county.

Millfield School has also signed up to the camera car enforcement of school keep clears and this enforcement will continue. In the coming weeks officers will be meeting with the Head Teacher to work towards strengthening the communication to new and existing parents about the scheme and the alternatives available.

Our schools officer will also have presence within the zone and will be looking to work with the enforcement team so that we can monitor the number of parents asked to move on if they are in the car when parked on single yellows.

Data (car counts) is continuing to be collected and will be completed before October half term.

- (e) I have already had a very useful site visit to view the issues and speak to local residents. I am, however, of the opinion that a scheme has been

implemented, including modifications requested by you contrary to officer advice. CEO and camera car enforcement is ongoing as is work with the school endeavouring to influence the parking behaviour of parents. Therefore unless there are new issues arising, such a visit would not provide further benefit.”

(H) Question by MRS HACK

“As an authority we are continuing to put in place Traffic Regulation Orders (TROs) across the highway network. Please could the Leader share with councillors the assessment of the additional Parking Enforcement capacity needed every time a new TRO is agreed?”

Reply by MR PAIN

“No guarantee of enforcement is given when any new TRO is introduced. Where enforcement is required County Council officers discuss requirements and agree the level of enforcement that can be offered. The enforcement service is dynamic in that it will focus on areas where there are high levels of non-compliance to ensure disruption to the network from inconsiderate parking is minimised, and then moves on to enforce other areas. Only where significant new initiatives are implemented on a wide scale across the county is consideration given to the provision of additional parking enforcement capacity.”

(I) Question by MR BILL

“On Friday 13th September I made a submission to the Cabinet meeting on the subject of the accumulative impact of various proposals bordering on to the area I represent and in particular the impact of the County Council’s proposals to develop 1000 acres bordering Junction 2 of the M69. Will the Leader please come to a meeting of the affected people and communities, in order to explain the reasoning behind the County Council’s proposals and engage with the people affected? There is an event being arranged at the Millennium Hall in Burbage on September 30th by the Burbage Parish Council on a cross-party basis to discuss this issue and this would be an ideal opportunity.”

Reply by MR RUSHTON

“The Cabinet report to which Mr Bill refers did not say that ‘the County Council is proposing to develop 1000 acres ...’. The report set the County Council’s position in respect of a potential Strategic Development Area at this location in context and in particular in regard to Blaby District Council’s Local Plan, the need for significant additional housing in Blaby, the County Council’s current landholding of 62 hectares and the proposed rail freight interchange. The report and the spoken summary provided by the officer in the meeting, made it clear that the County Council recognises that development may come forward in this area and that it was important that the County Council worked with residents, parish and district councils to ensure that any proposals coming forward protected existing residents and that any new development is of the right type and has the right infrastructure with it to ensure that the new community is properly supported.

The report also made clear that any housing proposals are at an early stage and reports will be made to members dependent on progress and the County Council's involvement. In response to a request from the local member, the Cabinet agreed to a programme of local consultation as proposals emerge. I do not know who may have been invited to the meeting on 30th September, e.g. developers, landowners, Blaby District Council, but attendance by the County Council in any capacity would be premature."

AGENDA ITEM NO. 5
TO RECEIVE POSITION STATEMENTS FROM MEMBERS OF THE CABINET

GENERAL POSITION STATEMENTS

(Note: Standing Order 8 provides as follows:-

- (a) A position statement may give rise to an informal discussion by the Council.
- (b) At the conclusion of the discussion a formal motion may be moved to the effect that a particular issue relevant to the statement be referred to the Cabinet, the Commission, a Board or a Committee for consideration. This shall be moved and seconded formally and put without discussion. No other motion or amendment may be moved.
- (c) The discussion of any position statement shall not exceed 20 minutes but the Chairman may permit an extension to this period.)

LEADER

- (i) The Leader will make his statement.
- (ii) An informal discussion may then take place.

DEPUTY LEADER

- (i) The Deputy Leader will make his statement.
- (ii) An informal discussion may then take place.

LEAD MEMBER FOR EQUALITIES, COMMUNITY ENGAGEMENT AND RURAL PARTNERSHIPS

- (i) The Lead Member will make her statement.
- (ii) An informal discussion may then take place.

**TO CONSIDER REPORTS OF THE
CABINET, SCRUTINY COMMISSION, SCRUTINY COMMITTEES,
AND OTHER BODIES**

**AGENDA ITEM NO. 6
REPORT OF THE CABINET**

(Pages 21 to 208)

Principal Speakers:-
Mover of motion (as appropriate)
Leader of the Opposition (Mr S J Galton)

(A) Minerals and Waste Local Plan

MR RUSHTON will move and MR PENDLETON will second:

- “(a) That the revised Leicestershire Minerals and Waste Local Plan 2019 - 2031 which incorporates the main modifications recommended by the inspectors in their report dated 21st May 2019, be approved;
- (b) That the Chief Executive be authorised, following consultation with the Lead Member, to make any necessary additional modifications that do not materially affect the Plan policies in accordance with Section 23 (3) (b) of the Planning and Compulsory Purchase Act 2004;
- (c) That the Chief Executive be authorised to carry out the steps required for adoption of the Minerals and Waste Local Plan up to 2031 in accordance with Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012.)”

An amendment will be moved by MR BILL and seconded by MR BOULTER:-

“That the following be added to the motion:-

- ‘(d) In accordance with the resolution agreed by the County Council on 15th May on the need to play our part in combatting climate change, the implementation of this Plan, other strategic reports and key decisions to include a climate change impact statement.’ ”

(B) Local Code of Corporate Governance

MR RUSHTON will move and MR BARKLEY will second:

- “(a) That the revised Code of Corporate Governance referred to in Section B of the report of the Cabinet, be approved;
- (b) That the Director of Law and Governance in consultation with the Director of Corporate Resources and following consultation with the Lead Member for finance, be authorised to make necessary future revisions to the Local Code

of Corporate Governance to ensure that it is up to date and relevant provided that these do not constitute material changes to the Code.”

AGENDA ITEM NO. 7
REPORT OF THE CONSTITUTION COMMITTEE

(Pages 209 to 234)

Principal Speakers:-
Chairman (Mr N J Rushton)
Liberal Democrat Spokesman (Mr S J Galton)

(A) **REVIEW AND REVISION OF THE CONSTITUTION**

Mr Rushton, with the consent of the seconder of the motion, will seek the approval of the Council to move the following altered motion:-

MR RUSHTON will move and MR SHEPHERD will second:

“Motion 1

- (a) That Rule 2A of the Overview and Scrutiny Procedure Rules (Part 4D of the Council’s Constitution) be amended to read as follows:

“RULE 2A
The Scrutiny Commissioners

The Scrutiny Commissioners will exercise the following responsibilities in relation to the overview and scrutiny of the discharge of County Council functions, *whilst recognising that scrutiny committees are encouraged to set their own relevant agendas:*

1. to approve an annual overview and scrutiny work programme *for the Scrutiny Commission*, to ensure that there is efficient use of the committees’ time, and that the potential for duplication of effort is minimised;
2. where matters fall within the remit of more than one overview and scrutiny committee, to determine which of them will assume responsibility for any particular issue, and to resolve any issues of dispute between overview and scrutiny committees;
3. to receive requests from the Executive and/or the full County Council for reports from overview and scrutiny committees and to allocate them if appropriate to one or more overview and scrutiny committees;
4. to put in place and maintain a system to ensure that referrals from Overview and Scrutiny to the Executive, either by way of report or for reconsideration, are managed efficiently;

5. at the request of the Executive, to make decisions about the priority of referrals made if the volume of such referrals creates difficulty for management of Executive business or jeopardises the efficient running of County Council business.”
- (b) That, subject to (a) above, 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

- (c) That the changes to Standing Orders (The Meeting Procedure Rules), as set out in Appendix 1 to the report of the Constitution Committee, 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.)

AGENDA ITEM NO. 8

APPOINTMENTS IN ACCORDANCE WITH ITEM 11 OF STANDING ORDER 4

- (A) To note any changes to the membership of the Cabinet made by the Leader

MR RUSHTON will move and MR SHEPHERD will second:-

“That it be noted that the Leader proposes to appoint Mr T J Pendleton CC as a member of the Cabinet.”

NOTICE OF MOTION

- (a) Post-16 SEND (Special Education needs and Disabilities) Transport – Dr T Eynon

DR EYNON will move and MR RHODES will second:-

“(a) That this Council notes that: -

- (i) Education, Health and Care Plans extend responsibility to plan education for Special Educational Needs or Disability (SEND) pupils to age 25 and place responsibility on parents and carers to ensure their child attends the agreed placement;
- (ii) To assist parents and carers in meeting these responsibilities, this Council is progressing a capital programme of £30million in SEND education provision with the aim of increasing SEND provision in Leicestershire thereby reducing the number of young people with SEND travelling long distances or to out of County schools;
- (iii) The Council’s statutory requirement for students aged 16-18 years old with a disability is to prepare a transport policy statement which specifies the arrangements which are necessary to ‘facilitate attendance’ taking into account a list of factors. There is no requirement to provide transport

and Personal Transport Budgets (PTB) can be used to meet the Council's statutory responsibility under Section 509AB of the Education Act. In relation to students who are 18-25 years old with a disability, the Council is under a duty to provide free transport where this is necessary to facilitate attendance under Section 509F of the Education Act 1996;

- (iv) For post-16 students the Council has discretion to determine what transport is necessary and has planned to achieve this via a default offer of a PTB. This policy is currently paused until September 2020;
 - (v) Before the policy implementation was paused, the responsibility for securing transport provision for Post 16 students was devolved to parents but some were finding it difficult to source suitable providers or transport their own child and this would have impacted on their and their child's quality of life; this issue will return when the policy is reintroduced in September 2020;
- (b) This Council therefore supports the parents and carers involved in the Leicestershire based 'Close the Loop Campaign' who are campaigning to make home to school transport for pupils aged 16-25 with SEND a fully funded statutory requirement for all local authorities and will work through the Local Government Association and with local MPs to raise this issue with relevant Government departments, whilst identifying the costs of making this requirement fully funded."

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