



Minutes of a meeting of the Environment and Transport Overview and Scrutiny Committee held at County Hall, Glenfield on Thursday, 5 September 2019.

PRESENT

Mr. A. E. Pearson CC (in the Chair)

Mr. I. E. G. Bentley CC  
Mr. D. C. Bill MBE CC  
Mr. G. A. Boulter CC  
Dr. T. Eynon CC

Mr. D. Harrison CC  
Mr. J. Morgan CC  
Mr J. Poland CC  
Mrs. J. Richards CC

Webcast.

A webcast of the meeting can be viewed at  
<https://www.youtube.com/watch?v=J9GdhZ7uzy4>

In attendance.

Mr. B. Pain CC, Cabinet Lead Member for Environment and Transport.

Mr. O. O'Shea JP CC Cabinet Support Member.

17. Chairman's announcements.

The Chairman reported with great sadness the death of County Councillor and Vice-Chairman of the Council, Mr David Jennings CC who had died on the 30<sup>th</sup> August 2019 aged 72.

David had served on many Committee's since his election in 1992, including as Chairman of the Environment and Transport Overview and Scrutiny Committee.

Members joined the Chairman in standing in silent tribute to the memory of Mr David Jennings CC.

18. Minutes.

The minutes of the meeting held on 6 June 2019 were taken as read, confirmed and signed.

19. Question Time.

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

20. Questions asked by members.

The Chief Executive reported that a question had been received under Standing Order 7(3) and 7(5).

**Dr Eynon CC asked the following question of the Chairman:**

*“When reporting on the recent Judicial Review (19/7/2019) on Cabinet’s proposals for SEND transport charges Mr Justice Swift considered that the policy sought to shift some part of the burden of meeting the cost of home to school transport from the Council to parents but the Council avoided stating this uncomfortable truth so that the County’s SEN Policy lacked coherence with the information given to parents about Personal Transport budgets giving no clue as to the approach that would have been taken to reach the final amount. Will the Committee Chair urge the Cabinet member to address these flaws and bring a full report on his proposals for Personal Transport budgets to our Committee at the earliest occasion?”*

**The Chairman replied as follows:**

“The Director of Environment and Transport following consultation with the Cabinet Lead Member agreed a pause to implementation as the outcome of the Judicial Review had not been received as expected at the end of May. The judgement was received on 19<sup>th</sup> July and a detailed report on the reasons for the operational pause and Mr Justice Swift’s comments about Personal Transport Budgets will be made to the Cabinet on Friday 13<sup>th</sup> September. The Judge’s decision commented on the process for determining PTBs and the information provided.

I would draw Dr Eynon’s attention to the FAQs around Personal Transport Budgets and to the ready reckoner. Whilst officers accept that the detail of how the Personal Transport Budget is calculated is not fully explained there is an indication of how much would be paid based on the mileage between home and school. There are currently 210 individuals in receipt of the grant last academic year who all applied on a voluntary basis to have this payment; 57 of these payments were to Post 16 SEN students.

The system of payments has been in place for three years and following discussion with the Lead Member the Director has begun a review on how PTBs are calculated and to look at how other councils make payments to see whether our processes could be simplified and streamlined for the 2020/21 academic year. I will ask the Director to report on the findings to a future meeting. It should be noted that the offer of a PTB to Post 16 pupils was identified to allow the council to make the necessary MTFs savings. A PTB still satisfies the statutory requirement to “make arrangements for the provision of transport, or otherwise that the authority considers necessary, to facilitate the attendance of all persons of sixth form age receiving education or training” (Section 509AA of the Education Act 1996). “

**Dr Eynon CC asked the following supplementary question:**

“As I understand it the main issue is in the last line of the answer, which is that we don’t have a statutory responsibility to provide post-16 SEN transport, only the responsibility to facilitate it.

One of the issues I think we’ve got all over the Council is the poverty of funding for SEN transport, which is causing us huge problems.

I am sure you are aware there are parents campaigning and there is a 'Close the Loop' campaign which is beginning in the county involving the parents. So what are we doing as a Council to actually reduce the cost of SEND transport for parents and how can we support those parents who want to make representation to the government, in particular over what they see as a loophole in post-16 transport, and get this properly funded."

**The Director of Environment and Transport on behalf of the Chairman replied as follows:**

"I am sure members are very aware given our Medium Term Financial Strategy (MTFS) situation, just the escalation in cost, particularly across SEN affecting Children and Families and the Environment and Transport department's on SEN transport and how that is continually, year-on-year, growing at an exponential rate.

Within the Department we are continually, through procurement, challenging costs; e-auctions, for example, are one way we ensure costs are minimized. We try and make sure, where feasible vehicles carry more than one person. Though you'll understand with SEN transport that is not always possible and in many occasions solo transport is required. We also regularly go back to look at revising routes to see if we can drive our cost savings down in that way.

More corporately you may be aware that the Council has committed to investing 30 million pounds in SEN provision within the county to provide another 700 SEN places. That means in terms of transport, in scenarios where we either must transport an individual from one side of the county to another, or in some cases outside the county, in theory there should be more localised trips, which has an implication for savings in the transport budget. This is a big corporate investment to try and control those costs within both the Environment and Transport and Children and Families departments.

As you say legislation isn't particularly helpful and is certainly not backed up with funding to councils, as we have no specific funding for school transport. I'm sure you will have seen in the media over the last few months about the growing recognition of the challenges across the SEN sector and those escalating costs. Where a few years ago it was more focussed on adult social care there has been a growing realization that SEN is in a very similar position, and the funding models are not sustainable for the level of demand and the growing level of demand we are seeing across the country. You will be aware as well that the County Councils Network and LGA have raised this as a major issue which the Leader of the Council has been very involved in.

In terms of how we can better support parents making that case to government, we would very much support parents, through established groups in Leicestershire such as Family Matters, putting in their voices. The more voices to that message the better to ensure the government takes it seriously and addresses what is a national problem.

**The Lead Member for Environment and Transport also responded that:**

It is really important from my perspective as Lead Member of the Department that the policy has been through a thorough scrutiny. The County Council is constrained by resource available and needs to discharge its SEN policy using that resource. With that said, I am pleased that the Council is undertaking a review, not least to try and find out how other authorities are driving down the cost of transport, that will inform us how we can do the same. We have our own ideas and are constantly looking at innovative ways of controlling the resources and meeting the demands placed upon the County Council.

I would like to add one further thing, in the last few weeks the government have announced £14 billion additional funding for schools. My understanding is that £700 million of that will be specific to SEN Children as it is really important that SEN children are not prevented from getting the education that they need and deserve. We have yet to work out how much of that £700 million will be attributed to transportation costs and how much will be at our disposal to further support the policies that we have in place. It is something that I care about and its one that the Council cares about and we manage as best we can at this point in time.

21. Urgent Items.

There were no urgent items for consideration.

22. 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.

It was noted that all members who were also members of a Parish, Town or District Councils, or Liaison Committee would have personal interest in the draft Minerals and Waste Local Plan (Minute 25) and all members who were members of District Councils the Recycling and Household Waste Sites Future Offer (Minute 28).

23. Declarations of the Party Whip.

There were no declarations of the party whip.

24. Presentation of Petitions.

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

25. Leicestershire Minerals and Waste Local Plan

The Committee considered a report outlining the draft Leicestershire Minerals and Waste Local Plan as part of the adoption process. A copy of the report marked 'Agenda Item 8', is filed with these minutes.

The Committee was advised that the Plan would run to 2031 but is expected to be revised in five years' time, or earlier depending upon how quickly sites are brought forward (as evidenced within the annual monitoring report).

The Committee welcomed the Plan but raised concerns regarding the section dealing with the extraction of unconventional hydrocarbons (shale gas). Officers advised that:-

- i) The inclusion of a policy on unconventional hydrocarbons (shale gas) was necessary to ensure that the Plan was legally compliant and deemed sound. The Plan would not have been found sound had a policy not been included.
- ii) The government policy is that Plans should be positively prepared in all respects, including the need to plan for unconventional hydrocarbons (shale gas).

- iii) The Plan sets out measures and factors to be taken into account if a planning application to drill for shale gas were to be received and this would seek to ensure any such activity was undertaken in an environmentally sound way. The County Council's Development and Control Regulatory Board would consider any such application and could impose conditions. It should be noted that the role of the Board would be in relation to above ground activity. The Department of Business, Energy and Industrial Strategy and the Health and Safety Executive would be the licensing and monitoring body in relation to below ground, seismic matters.

Members noted the comments made but remained concerned that given the Government's policy on shale gas extraction, the concerns of local communities and environmental impacts of shale gas extraction may not be given due consideration.

RESOLVED:

That the comments made in respect of the draft Leicestershire Minerals and Waste Local Plan be brought to the attention of the Cabinet at its meeting on 13 September 2019.

## 26. Environment and Transport Performance Report to June 2019

The Committee received a report outlining the latest performance of the Environment and Transport Department to June 2019. A copy of the report marked 'Agenda Item 9', is filed with these minutes.

Members noted that 'The percentage of municipal waste sent to landfill' had increased to 34.5% and missed the target of 30% and that this had been as a result of the loss of the mechanical biological treatment facility at Cotesbach. It was anticipated that the position would improve from 2020 onwards when a share of Leicestershire's waste would be sent to the incinerator facility in Coventry. The Council was also out for procurement for a further alternative to landfill for an additional 50,000 tonnes of waste. The long-term ambition was that the county would send less than 10% of municipal waste to landfill by 2035, as directed by Government.

RESOLVED

That the report outlining the performance of the Environment and Transport Department be noted.

## 27. Post Implementation Review of Dry Recycling Arrangements

The Committee considered a report updating them on the Council's dry recycling arrangements. A copy of the report, marked 'Agenda Item 10', is filed with these minutes.

Members were pleased to note that following the implementation of the new contractual arrangement's there had been little overall change with the tonnage received or contamination within dry recycling.

RESOLVED:

That the report be noted.

28. Recycling and Household Waste Sites Future Offer

The Committee considered a report outlining proposed changes to the Recycling and Household Waste Site's (RHWS) Service and summer opening hours. A copy of the report marked 'Agenda Item 11', is filed with these minutes.

Arising from discussion the following points were raised:-

- i) Members were reassured that the Council had engaged with all RHWS staff, and the contractors at Whetstone, to ensure that staff were fully aware of the proposed changes to the RHWS Service and summer opening hours. If the proposals were to go ahead the Council would continue to liaise with staff and unions to fully support them during any changes.
- ii) It was a statutory requirement that the Council as the Waste Disposal Authority could not charge for household waste but could charge for construction and demolition waste, there was no legal definition of DIY waste. The Council had chosen to charge for some construction and demolition waste rather than using council tax payer's money to dispose of non-household waste it does not have a statutory duty for, a position that had been checked legally.
- iii) District and borough councils were responsible for enforcement of fly-tipping. No direct correlation had been identified between any previous changes to waste collection or at the RHWS's, such as the introduction of green waste charging in some districts, and increased incidents of fly-tipping. Trends had been broadly stagnant, and it was evident that the majority of fly-tipped waste was household waste, not construction waste, that could have been disposed legally, for free.
- iv) A joint fly-tipping campaign was launched in May 2018 with the City Council and district councils in order to raise awareness of how to dispose of waste correctly, such as by using the RHWS, and the illegality of fly-tipping.
- v) Following previous savings approved by Cabinet only Whetstone was able to accept paint tins, there were no current proposals to change this however the Customer Service Centre would be able to advise residents of other organisations that could accept them. Officers were requested to consider the viability of re-introducing paint disposal at sites other than Whetstone, even if that were on a charged for basis.

RESOLVED:

- a) That the comments made in respect of the proposed changes to the Recycling and Household Waste Site Service, and the summer opening hours, be submitted as part of the consultation that closes 23 September 2019.
- b) That officers provide members with a further graph on visitor numbers for summer opening hours only.

29. Leicester City Council: Transforming Cities Fund and Air Quality Directive

The Committee considered a report informing them of the work Leicester City Council was undertaking with regard to the Transforming Cities Fund (TCF) and Air Quality

Directive (AQD) submissions to Government. A copy of the report marked 'Agenda Item 12', is filed with these minutes.

Arising from the discussion the following points were raised:-

- i) The responsibility for air quality within Leicestershire lies with the city, district and borough councils. The County Council would support these councils in developing plans and submitting bids for funding for air quality measures, such as through a congestion relief scheme.
- ii) The County Council had no power to direct bus companies to use electric buses within the county. Officers were aware that government had recently announced a £200 million fund for electric buses and would investigate how the county could benefit from it.
- iii) The Council were aware of the air quality concerns within North West Leicestershire and Members were pleased that the Council had made a bid to Government via Midlands Connect for the A511 Growth Corridor. The plan would aim to improve movements around North West Leicestershire and try to mitigate the some of the impact of growth.
- iv) Members were concerned of the impact that a Clean Air charging zone would have for those in the county due to a lack of public transport in rural areas and a lack of electric charging infrastructure within the county. Members were assured that this was a scenario that the government decreed should be modelled. The County Council would continue to work with the City to seek to maximise the benefits and minimise any disbenefits to the county.

Members were pleased that a comprehensive report on air quality was being prepared by the Director of Public Health in order to address the Council's commitment to the reduction of its CO<sub>2</sub> to net zero by 2030 through a series of actions and measures that could be adopted by the Council.

RESOLVED:

That the comments of the Committee be included in the report to Cabinet on 22 October.

30. Date of next meeting.

It was noted that the next meeting of the Committee would be held on 7 November 2019 at 2.00pm.

2:00 – 3.42pm  
05 September 2019

CHAIRMAN

This page is intentionally left blank