



Minutes of a meeting of the Environment and Transport Overview and Scrutiny Committee held at County Hall, Glenfield on Thursday, 14 January 2021.

PRESENT

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

Mr. D. C. Bill MBE CC
Mr. G. A. Boulter CC
Mr. D. Harrison CC
Mr. Max Hunt CC

Mr. J. Morgan CC
Mr. L. Phillimore CC
Mr J. Poland CC
Mrs. J. Richards

In attendance.

Mr. B. Pain CC, Deputy Leader of the Council
Mr. T. Pendleton CC, Lead Member for Highways and Transportation
Mr. O. O'Shea JP CC Cabinet Support Member.

Mr B. Rhodes CC Lead Member for Finance

27. Minutes.

That the minutes of the meeting held on 5 November 2020 were taken as read, confirmed and signed.

28. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 34.

29. Questions asked by members.

The Chief Executive reported that questions had been received from Mr Hunt CC under Standing Order 7(3) and 7(5).

Mr Hunt asked the following questions of the Chairman:-

1. "Public Transport has taken quite a knock during the last year. What do we know about the use of the County's contribution (including Concessionary Fares) to local bus services, the support provided by central government and the ability of existing services to survive the coronavirus public health crisis?"

The Chairman replied as follows:-

Leicestershire County Council is continuing to pay operators concessionary travel reimbursements at 2019/20 (pre-covid-19) levels during 2020/21, in line with government guidance. Total spend in 2019/20 was £5.03m. Expenditure in 2020/21 is therefore expected to be at that level.

The funding support for operators from central government is in the form of the Covid-19 Bus Services Support Grant (CBSSG). This funding is designed to ensure bus operators can maintain necessary services at a level which is enough to meet reduced demand, but also to allow adequate space between passengers on board, in line with social distancing guidance.

The authority has claimed the following amounts from the Government's CBSSG funding:

- 17 March - 8 June 2020 - Amount claimed: £170,121
- 9 June - 3 August 2020 - Amount claimed: £99,241
- 4 August - 28 September 2020 - Amount claimed: £247,412.20

The CBSSG fund is expected to run until at least 18th January 2021. Further claims will be made for the remainder of this period as appropriate.

Additionally, Government has enabled local authorities (LAs) to use Supported Bus Services Funding (SBSF) allocated to them last year pre-Covid-19 to subsequently provide additional support to subsidised services during the Covid-19 period; the authority was awarded £556,000 of SBSF. This funding was originally intended to enable LAs to improve some current supported services and to restore some lost bus services where most needed. It is now expected that all of this funding will be required to support subsidised services affected by Covid-19.

Further information on these funds can be found on the County Council public website which is updated periodically as part of our commitment to transparency and compliance with the funding terms and conditions. This can be accessed at: <https://www.leicestershire.gov.uk/roads-and-travel/buses-and-public-transport/covid-19-support-for-passenger-transport>

The impacts on the current bus market and service provisions have been, and continue to be, significant. It is not currently known whether the government will extend the CBSSG funding past 18th January, or if so for what period. Therefore, it is difficult to foresee the true impact on service provision in the future, however the County Council remains committed at present to supporting existing service provision to enable our communities to access essential services in line with our Passenger Transport Policy and Strategy (PTPS) during this difficult time. We continue to engage with operators on an on-going basis, which informs our on-going approach to service provision.

2. "Our current Local Transport Plan places a significant emphasis on Quality Bus Partnerships to offer more accessible public transport including a joint approach between local authorities and bus operators to improve services. It states that the local authority will invest in transport infrastructure, passenger facilities and/or information and the bus operator invests in higher quality services and/ or newer vehicles aimed at increasing bus patronage and improving customer satisfaction. What are the Quality Bus Partnerships delivering in this regard and what areas do they cover?"

The Chairman replied as follows:-

During the life of the LTP3, working relationships with operators have transitioned away from formal Quality Bus Partnerships, a concept largely founded on traditional fixed routes operated by conventional buses; however, the authority continues to have strong working relationships with bus operators, communicating frequently to support the commercial bus network, in provision of quality information and service provision. This is in line with the adopted authority's PTPS, publication of which post-dates LTP3. The authority continues to invest in Passenger Transport infrastructure through area and corridor approaches such as the A426 quality bus corridor, which saw the delivery of

bus priority measures married with enhancements to buses and bus stop infrastructure. In addition to these types of projects, we continue to ensure high quality infrastructure, and services where appropriate, are provided for new developments through the development management process. This might not always be in the form of a traditional 'bus', as the ArrivaClick on demand service running to New Lubbesthorpe shows. Even pre-pandemic it was becoming apparent that more flexible models of passenger transport operation might offer a more appropriate and longer-term basis as a way forward for passenger transport; this serves to highlight why the authority's PTPS enables a more flexible approach in comparison to the LTP3.

3. "Whilst the County Council has improved much of the infrastructure to support bus passengers within major schemes, like Loughborough Town Centre, and sometimes where section 106 monies are available for new developments, what responsibility do the County Council or Quality Bus Partnerships extend to the provision of bus shelters where new bus routes are established in existing conurbations, particularly where services are at half hour or longer intervals."

The Chairman replied as follows:-

We understand there are benefits in installing additional bus shelters where new routes are established, however this is considered on a case by case basis taking into account factors such as location, frequency and usage levels. The costs associated with a new shelter i.e. purchase, installation, on-going maintenance and cleaning are balanced against the aforementioned factors when assessing the situation. In most cases when new routes are introduced that fall outside of major schemes and new developments, the likelihood is that the service will be less frequent and will have little or no established usage therefore a bus shelter would not be considered appropriate. However, a particular location could be reviewed again when more data becomes available or usage increases.

4. "There is widespread confusion over the supply and maintenance of bus shelters across the county, and particularly whereby Districts say County is responsible, County is vague and unclear, and Parishes just get on with it regardless. Are we concerned and if so where can I access a clear and definitive County Council policy on the supply and maintenance of infrastructure to support bus users?"

The Chairman replied as follows:-

We appreciate that the ownership of bus shelters can be very confusing for the general public as the situation has developed historically with the County, district and parishes being responsible for their own bus shelters. The County Council however has a clear and established responsibility for a total of 210 bus shelters across the county and provides cleaning and maintenance for those assets through an external contractor. In cases where the County is not responsible for a shelter and where damage is reported, County tries to establish ownership but ultimately if there is a health and safety implication, the repair costs will be covered by the County Council. These cases occur infrequently, and a resolution is found in a timely manner. The PTPS (section 6.4) outlines how the County Council supports the bus operators and the commercial network and in turn bus users. The County Council will always consider requests for new or replacement shelters against the factors explained in Q3 and will permit third party shelter installations under a licence arrangement, where it is considered safe and feasible and will always signpost Districts or Parishes to appropriate suppliers.

Mr Hunt asked the following supplementary questions:

1. "Do we have any latitude within Government guidelines in paying over £5million concessionary fares to bus companies and where can the guidelines be accessed."

The Chairman replied as follows:-

The methodology set out in the Government guidance in paying Concessionary Travel represents their preferred approach for calculating reimbursement. Authorities are free to use the methodology of their choice in estimating reimbursement subject to ensuring compliance with European regulation No 1370/2007, as well as relevant domestic legislation that governs concessionary travel reimbursement. While the Government has drafted this guidance to be wholly consistent with legal requirements pertaining to the compensation payable to bus operators, in specific certain circumstances it may be appropriate to deviate from it.

Authorities must reimburse bus operators for all concessionary journeys starting within their boundaries, regardless of whether the concessionary passholder making the journey is resident in the area. Reimbursement to operators are normally paid as a product of the number of concessionary passholder journeys, which has obviously dropped significantly during the pandemic. The Council has been paying operators at the same amount as 2019/20 throughout this financial year, in accordance with government Covid-19 guidance which urged authorities to reimburse at these levels despite the reduction in passenger numbers.

By maintaining concessionary fares funding at pre-Covid levels, the Council are playing an important part in supporting local bus services. In turn, this is allowing the government to maintain its support for the bus network. The most recent government guidance while asking that payments are made at pre-Covid levels, does allow authorities to consider reducing concessionary fare reimbursement funding to the level of service that operators are providing, so if an operator is only providing 80% service levels then the authority may consider reducing concessionary fare funding to 80%. Since the introduction of the most recent lockdown local operators have begun to consider such reduction in service levels.

Government guidance can be accessed here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/909536/reimbursing_bus_operators_for_concessionary_travel_2020_to_2021_guidance.pdf

2. “In what way have our bus services transitioned from ‘on traditional fixed routes operated by conventional buses’?”

The Chairman replied as follows:-

Since the development of the LTP3 over a decade ago there has been a notable change in the bus market with more and more flexible demand responsive transport services in operation, the Arriva Click service around Lubbethorpe is a recent example of this. The Government’s drive for better rural mobility through demand responsive solutions, together with the rapid advancements of mobile apps and platforms emphasise the way in which the bus and passenger transport market as a whole is changing and heading. The County’s recently adopted Passenger Transport Policy and Strategy (PTPS) aims to reflect this.

3. “The Passenger Transport Policy and Strategy states that “The Bus Services Act 2017 has opened possibilities for new partnership models (e.g. Advanced Quality Partnerships and Enhanced Partnerships)” When would this become relevant?”

The Chairman replied as follows:-

Whilst the 2017 Act has opened further possibilities for new partnership models, this is very much dependent on the funding available and the desire of commercial operators to enter into such partnerships. Advanced Quality Partnerships and Enhanced Partnerships tend to be most viable where there is a healthy and established commercial bus market

in operation and this is more generally the case within large Cities. Leicestershire has an extensive supported bus network and the focus of our Passenger Transport Policy and Strategy (PTPS) has been to complete a full review of this network to ensure access to essential services is being provided in the most cost-effective way (albeit review progress has been impacted by the pandemic). The passenger transport market has been changing and the Covid-19 pandemic will generate significant challenges for operators with even further changes likely in the future, the need to adapt to these changes flexibly will therefore be key. With such challenges and changes on the very near horizon it will be important to assess the impacts before considering the value of entering into any such formal partnerships.

4. “Would you not agree that in the provision of bus shelters, just as with many public services, to paraphrase Bruce Springsteen, nobody takes responsibility if everyone’s responsible?”

The Chairman replied as follows:-

The County Council is clear on the bus shelters it is responsible for and maintains and cleans those shelters accordingly.

30. Urgent Items..

There were no urgent items for consideration.

31. 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 personal interest in relation to Special Educational Needs and Disabilities (SEND) Transport issues referred to in Agenda Item 8 on the Medium Term Financial Strategy 2021/22-2024/25.

32. Declarations of the Party Whip.

There were no declarations of the party whip.

33. Presentation of Petitions.

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

34. Change to the Order of Business.

The Chairman agreed to vary the order of the business from that set out on in the agenda, taking Agenda Item 9: Environmental Performance Report 2019-20 and Greenhouse Gas Report 2019-20 ahead of Item 8: Medium Term Financial Strategy 2021/22 – 2024/25.

35. Environmental Performance Report 2019-20 and Greenhouse Gas Report 2019-20.

The Committee considered a report of the Director of Environment and Transport on the Environmental Performance Report and Greenhouse Gas Report 2019-20. A copy of the report, marked 'Agenda Item 9' is filed with these minutes.

The Director informed the Committee that 12 of the key performance indicators (KPI) had been met or were ahead of target, including carbon reduction, renewable energy and energy consumption. While there was plenty for the Authority to celebrate regarding progress made it was also important to look at the three amber and three red indicators. Members were assured that continued development and implementation of the Environment Strategy and the planned Strategic Approach to Biodiversity as well opportunities arising from the Government's Environment Bill and Agriculture Bill would further aid the Authority reach and exceed set targets.

Arising from the discussion the following points were noted:-

- i. There were five outstanding environmental risks, three of which linked to drainage at Recycling and Household Waste sites. The Director assured Members that dialogue was continuing with the Environment Agency regarding improvements and that planned works had been scheduled. Members noted that such works would take time to implement due to the nature of excavation works and capital financing required.
- ii. Total CO2 under the Authorities influence while rated amber was improving. Members were assured that the County Council was looking to address the indicator as part of its wider approach to carbon reduction via the Tranche 2 Roadmap that would be developed over the year and focus on the Council's unmeasured emissions and the wider Leicestershire emissions. Members requested that consideration be given to the monitoring of travel plans for industrial developments, as well as school travel plans.
- iii. Members noted that non-County Hall sites performed worse than County Hall in relation to percentage recycled. This was as a result of the sites being in multi occupancy which presented different challenges as it was harder to educate and enforce the matter. Officers would continue to train staff and provide direct signage to mitigate the challenge.
- iv. Non compliance relating to the air conditioning units was as a result of the filing not being up to date with maintenance plans, Members were assured that this was being addressed by Property Services.

In concluding the discussion Mr Pain CC thanked Officers for the work undertaken to reduce carbon emissions to date and the further commitment following the joint pledge with the UK100 coalition to achieve 'net-zero' across the County faster than Government's 2050 goal. It was anticipated that as technology advanced and became more affordable there would be more opportunities to build on progress with innovations such as hydrogen power and electric vehicles.

RESOLVED:

That the Environmental Performance Report 2019-20 and Greenhouse Gas Report 2019-20 be noted.

36. Medium Term Financial Strategy 2021/22 - 2024/25.

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 2021/22 to 2024/25 Medium Term Financial Strategy (MTFS) as it related to the Environment and Transport Department. A copy of the report marked 'Agenda Item 8' is filed with these minutes.

The Chairman welcomed the Deputy Leader, Mr B Pain CC, the Cabinet Lead Member for Resources, Mr J B Rhodes CC, the Cabinet Lead Member for Highways, Transport and Waste Mr T Pendleton CC and the Cabinet Support Member Mr O O'Shea CC to the meeting for this item.

In introducing the report, the Director of Environment and Transport advised members of the continuing financial challenges facing the Council and that further savings were required to address future challenges, notably Special Educational Needs and Disabilities (SEND) transport and continued waste tonnage increases.

Arising from the discussion the following points were noted:-

Growth

- i. **G13 - SEN Transport** – Growth reflected the increased client numbers and costs arising from increasingly complex needs presented by some service users. Figures forecast expected 10% growth in the service (as per data provided by the Children and Families Department). as well as a 3% increase in transport costs. The Department continued to look at how growth may be contained over the duration of the MTFS and were aware that colleagues nationally were raising concerns about the overall cost of SEN provision and transport with Government.
- ii. Data on previous growth in pupils identified with SEN and predicted growth would be circulated to Members. A briefing would further be organised to help Members understand the process of preparing Education, Health and Care plans for those children with SEN needs.
- iii. **G14 – Developing External Funding Bids** – The report presented the removal of the one-off growth for temporary capacity to support the development of external funding bids in 2020/21. Members were advised the Department would continue to have some capacity to prepare bids for funding and was covered elsewhere in the budget. However, it was recognised that there was a wider conversation that needed to be had with Government regarding efficiency of the bidding process for authorities and the resource that it required.
- iv. **G15 - Highways Maintenance** – Funding for highway maintenance from the Department for Transport had effectively been reduced by £10million a year over the last decade. The County Council invested an additional £3.7million funding in the previous year in recognition of the importance of this service and underfunding it faced. As a result of Covid-19 Government had amalgamated a number of funding streams, some of which would previously have been part of a competitive bidding process, and allocated £9.5million to the County Council to be spent by the end of the current financial year. While the Authority welcomed the funding, assurance for long term funding was needed for the Authority to plan most effectively and achieve the best value for money.

- v. There was a concern that due to Government's continual underfunding of Council services residents were seeing a decline in the most visible services to them such as highway maintenance. This was despite increasing council tax that was required to support the financial pressures on the Council.
- vi. Members noted that in previous years the Department had reduced full width grass cuts from six to five following an earlier budget consultation where residents had rated it as a lower priority. However, the reduction had resulted in heavy backlash, thus the six cuts were reinstated, which was welcomed by Members. Members noted that twelve parish councils had signed up to the Wildflower Verge Scheme, it was recognised that the Council still needed to manage such verges to ensure that weeds did not dominate, allowing wildflowers to thrive and encourage pollinators. It was pleasing that communities support and appreciated the environmental commitment from the Authority.
- vii. The Department had to prioritise speeding measures such as the community speed enforcement initiative. There were over 150 sites of resident's concern, unfortunately there was only funding for an additional seven average speed camera sites, though sites would be moved over time and as appropriate.
- viii. **G16 – Waste Tonnage** – The Department typically assumes underlying growth of 1% per annum to accommodate new housing being built in the county. However for 2021/22 3.2% was required to address the rise in household waste during the pandemic, noting that the New Year had seen the highest ever level of tonnage through the Recycling and Household Waste Sites for a week in January and that the level of recyclates was also at its highest point in part due to increasing online shopping.

Savings

- ix. **ET1 – Revised Passenger Transport Policy** – Due to Covid-19 the Policy had been paused. There was a concern that the impact of the pandemic would destabilise operators and require them to withdraw further services, while the Council would need to continue to ensure residents could access key amenities.
- x. **ET2 – Review of Social Care and SEN Transport** – Members noted that there remained a delay in the delivery of savings from the post-16 SEN transport proposals due to the judicial review and legal proceedings. The Court had found the Authority legally compliant and the Council hoped to implement the proposal from September 2021, dependent on the outcome of the remaining appeal.

Savings under Development/External Influences and Other Factors Influencing MTFS Delivery

- xi. The Director assured Members that the Department had undertaken an initial review to manage the level of SEN transport growth and were working with Newton Europe to look at efficiency, journey optimisation and challenge the occupancy of vehicles. Part of the work involved looking at bringing the most expensive SEN journeys in-house to manage the costs associated.
- xii. There was a concern that Government's proposal to remove the fuel duty discount for red diesel from April 2022 would have a substantial financial effect on costs given a

proportion of the Council fleet, such as gritting vehicles and other work vehicles, run on this fuel.

Capital Programme

- xiii. The Department would continue to use funding for Integrated Transport Schemes (an assumed £2.73million each year from 2021/22 to 2024/25) to match fund grant bids such as into the Single Local Growth Fund and National Productivity Investment Fund, as well as fund advanced design and feasibility studies. Such match funding allowed the Department to gain leverage from other funding streams that Government offer to enable access to greater funding for bigger improvements on the network. Members were assured that maintenance was considered separately as part of other funding streams.
- xiv. Early estimates of the Melton Mowbray Distributor Road led to £49.5million being secured through Government's Large Local Majors funding pot, while the County Council would forward fund £14million. Such forward funding would be claimed back through developer contributions.
- xv. Officers would provide further detail regarding the Windrow Composting facility on timing and proposed savings it would offer.

Members thanked officers for producing a budget during such challenging times.

In closing the debate Mr Pendleton advised the Committee that the Department would continue to look to support communities, such as with the community speed enforcement initiatives, despite the pressure to make further savings. It was evident that more needed to be done about innovative thinking regarding the pressures on SEND transport and that work would continue with colleagues in Children's and Families.

RESOLVED:

- a. That the report and information now provided be noted;
- b. That further information be circulated to members on past growth in numbers and cost, and future forecast demand for SEN transport and that a briefing be set up with Children and Families on the ECHP process;
- c. That the comments now made be forwarded to the Scrutiny Commission at its meeting on 25 January 2021.

37. Final Report of the Scrutiny Review Panel on Flooding.

The Committee considered a report of the Flooding Scrutiny Review Panel. A copy of the report marked 'Agenda Item 10' is filed with these minutes.

Mrs. M. Wright CC Chairman of the Scrutiny Review Panel introduced the report. She advised members that the Panel had been established following significant flooding events in October and November 2019. The purpose of review was to consider the role of the Council as Lead Local Flood Authority and its partnership working with flood risk management authorities.

Arising from the discussion the following points were noted:-

- i. Flooding can have devastating effects on residents' lives which could leave them away from their home for an unspecified time in the aftermath. Flooding events often came at unpredictable times in unforeseen places, the Council needed to ensure that communications reflected this and that residents were aware and informed of potential flood risk. It was evident that those who had never experienced a flood were often at risk of experiencing the most severe impact.
- ii. The Environment Agency operated a 24/7 Floodline and provided a service that allowed residents to find out whether they were within a flood zone, and any warnings. Members were asked to encourage their residents to sign up for the Service.
- iii. Members felt it was important that the Authority looked to make partners accountable to residents in completion of actions arising from Section 19 investigations.
- iv. The Flood Risk Management Team had experienced staffing shortages due to the high demand on the skill set required which resulted in high turnover. During the review Members had been pleased to note that recruitment was ongoing and that support from external consultants had reduced in more recent months as a result.
- v. The Flood Risk Management Team were completing detailed Section-19 Investigations into the causes of flooding in Stoney Stanton and Cossington. Final modelling work was still to be completed before final conclusions could be reached. Local Members would be kept informed as the matters progressed.
- vi. Local planning authorities were responsible for approving any new developments and taking any comments from Leicestershire County Council, as Lead Local Flood Authority, on board. In this regard it was noted that only planning authorities could enforce mitigating measures and ensure developments were up to the agreed standard as approved.
- vii. The Committee was of the view that that the Government needed to do more to require flood mitigation measures be built as standard on houses built on flood plains as LPA's could only work to national regulations. The County Council could not influence such measures.
- viii. Mr Harrison CC emphasised the role Members could play as Community Champions setting out the positive experience within Appleby Magna where the community had stepped up and worked together with partners to put mitigating measures in place.
- ix. Members further agreed it was important that parishes and residents looked at their own risk and looked to build resilience within their communities through initiatives such as the Volunteer Flood Warden scheme.

In conclusion Mr B. Pain CC, Deputy Leader, stated that while the Water Management Act assigned the Council the role of Lead Local Flood Authority, it had no enforcement powers and current legislation did not provide the Authority with the ability to compel risk management authorities to take action, even when identified as part of Section-19 Investigations.

Members thanked the Scrutiny Review Panel for their detailed report on the matter and looked forward to receiving a progress report in the coming months, following approval from Cabinet.

RESOLVED:

- a. That the report be recommended for consideration by Cabinet on 5 February 2021.
- b. That Cabinet be asked to make representations to Government to strengthen the legislation to enable the County Council as Lead Local Flood Authority to require relevant agencies to complete mitigating measures arising from Section 19 reports.
- c. That the annual progress report to Committee setting out how many agencies have committed to actions within Section 19 reports.

38. Date of next meeting.

That the next meeting of the Committee will be held on 4 March 2021 at 2pm.

2.00 - 4.00 pm
14 January 2021

CHAIRMAN

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