

MEETING OF THE LEICESTERSHIRE COUNTY COUNCIL

WEDNESDAY, 1 DECEMBER 2021 AT 2.00 P.M.

ORDER PAPER

EVACUATION PROCEDURE

In the event of having to evacuate the Council Chamber, please leave by one of the two exits at the rear of the Chamber.

Officers will be on hand to assist any people with disabilities.

AGENDA ITEM NO. 1 – CHAIRMAN’S ANNOUNCEMENTS

The CHAIRMAN will make his announcements.

AGENDA ITEM NO. 2 – MINUTES OF THE EXTRAORDINARY MEETING

(Pages 3 to 4)

The CHAIRMAN will move and the VICE-CHAIRMAN will second:

“That the minutes of the extraordinary meeting of the Council held on 29 September 2021, copies of which have been circulated to members, be taken as read, confirmed and signed.”

AGENDA ITEM NO. 3 – MINUTES OF THE ORDINARY MEETING

(Pages 5 to 22)

The CHAIRMAN will move and the VICE-CHAIRMAN will second:

“That the minutes of the ordinary meeting of the Council held on 29 September 2021, copies of which have been circulated to members, be taken as read, confirmed and signed.”

AGENDA ITEM NO. 4 – 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. 5

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

(A) Question by MR HUNT

- “1. The latest population estimate for the Leicester Urban area, as defined by the Office for National Statistics, is approximately 552,000 people. How many of the Leicestershire County population live in the Leicester Urban Area (also

referred to as the Leicester Builtup area) and what proportion of the county population do they represent?

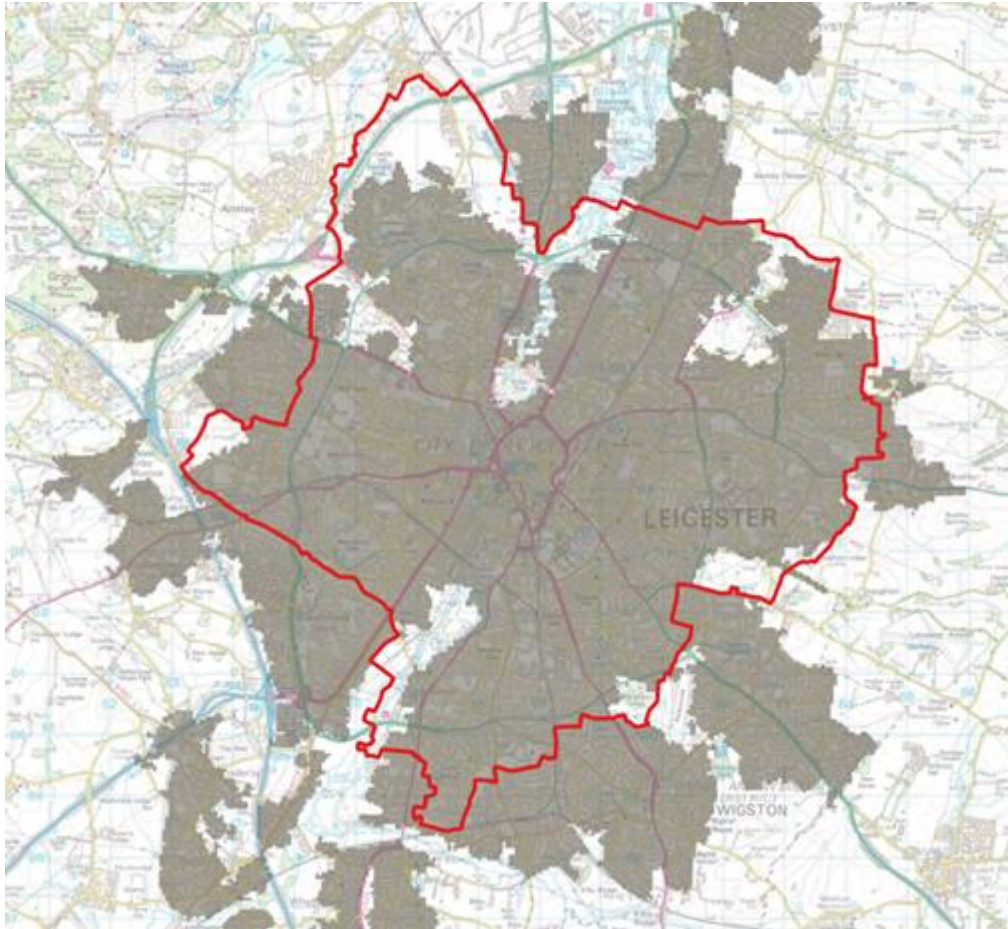
2. The Department for Transport (DfT) bidding Guidance for new Bus Service Improvement Plans (BSIP) says that Local Transport Authorities (LTAs) may join produce a single Improvement Plan – *particularly where local economies and travel patterns overlap significantly*, as they do in our county. To be successful the DfT expects LTAs to collaborate to resolve any cross-boundary issues. So, where the vast majority of [bus] services in one area run across the border into another area, the DfT say they would expect a single BSIP [for two or more LTAs] to be produced .How many county bus services, from each of the members of the proposed Enhanced Partnership, start, terminate or pass through the city of Leicester? And what proportion of each company’s services do these represent?
3. The Guidance also says that there can be *real advantages* in developing a multi-LTA BSIP and where two or more LTAs form a Partnership:
 - *LTA resources and funding can be pooled to improve efficiency and cut costs.*
 - *A joint scheme properly joins up cross boundary bus services.*
 - *Local bus operators can share resources to develop the BSIP in a joined-up way.*

So, given that the Cabinet has resolved that the County Council will be expecting the Government to provide “*consistent and sustained revenue funding for the resources that it currently does not have*” and “*the levels of capital funding required to deliver our ambitions*”, why are we compromising the success of the Plan by not sharing resources with the City?

4. In November 2020 the Cabinet approved the Leicester and Leicestershire Strategic Transport Priorities document (2020-2050), within which the Leicestershire LTA and City LTA pledged to work together to *support the efficient movement of both people and goods around and through the county*. So how can two separate Enhanced Partnership Plans from each of the highly connected LTAs help us meet that aspiration?
5. What consultations between local authorities took place before deciding not to form a joint Enhanced Partnership with the City LTA; and who made the final decision?
6. Does existing legislation permit the formation of a single joint Local Transport Board to act for two local authorities which are as intimately connected as our City and County?”

Reply by MR O’SHEA

- “1. The Leicester Built Up Area (BUA) population estimates from the official ‘Office for National Statistics’ for 2020 is 544,800. However, it should be noted that the BUA boundary does not totally capture the whole of the City with some development in Hamilton and north of Beaumont Leys not covered. The figure below shows the City boundary in red with the BUA shaded grey.



The City population (within the red boundary) is 354,000. Deducting this from the 544,800 BUA population gives an approximate Leicestershire BUA population of 190,800 (noting the above BUA exclusions). This is 26.8% of the total 713,100 Leicestershire population.

2. The number of county services for each operator which start, terminate or pass through Leicester City together with the proportion (%) of each operator's services which operate in Leicester and/or Leicestershire are detailed below. Please note, for services which have variations (e.g. Arriva 5, 5A and X5), each variation has been counted as an individual service:

Arriva:	35 (64.8%)
Centrebus:	8 (18.6%)
First:	6 (30%)
Kinchbus:	2 (28.6%)
Roberts:	3 (33.3%)
Stagecoach:	2 (50%)

3. The possibility of a joint partnership covering the County and City areas was discussed at senior officer level and also with the Lead Member for Highways and Transport and subsequently at a meeting between the Leader and the City Mayor.

These discussions reflected on considerations such as that as a City with a denser level of population than the County, the bus market in Leicester is different from that of the County (for example 'turn up and go' frequencies of services). Furthermore, cities have had access to Government funding streams not accessible to Counties, such as Transforming Cities Fund (TCF), or have been better able to take advantage of Government funding, such as Zero Emission Bus Regional Areas (ZEBRA) - funding for electric / low emission buses.

Leicester City Council has been successful in securing both TCF and ZEBRA funding. Additionally, it is seeking to introduce a Workplace Parking Levy, with the intention of using revenue from it to support passenger transport service improvements. This provides it with a significant investment platform.

Given such considerations, it was concluded that each authority would have differing needs and requirements of its respective Bus Service Improvement Plans (and that has proved to be the case with the Plans as have now been published) and thus it would be more appropriate to have two separate Partnerships rather than a single, Leicester and Leicestershire Partnership. The Cabinet resolved to proceed with the creation of a Leicestershire Enhanced Partnership at its meeting in June 2021.

Other bodies do exist whereby the County and City coordinate efforts, including the Park and Ride (P&R) Board and the Leicester TCF Board. Projects have already been delivered that benefit county residents, such as the electrification of the P&R bus fleet, and projects to be delivered through TCF should bring further benefits. In addition, informal discussions between the authorities will continue to take place to seek to ensure that best use is made of resources to support improvements to passenger transport services (and other sustainable transport modes more widely) to the benefit of Leicester and Leicestershire residents.

4. The response to question 3 explains why there are two separate Enhanced Partnerships and thus two separate Partnership Plans. The response also highlights where the two LTAs are working together to support the movement of people and goods.
5. See response to question 3 regarding consultation on this matter. The decision was taken by the Director of Environment and Transport following consultation with the Lead Member.
6. Existing legislation permits the formation of an Enhanced Partnership to deliver Schemes as outlined within the associated Bus Services Improvement Plan. Each Enhanced Partnership acts on behalf of its members to deliver the Schemes within the EP Plan. As Leicestershire and Leicester have their own separate EPs, they will act to deliver their own EP Schemes, but will collaborate on cross boundary issues as appropriate, including with Leicester City. A Local Transport Board formerly existing involving the County and City councils as well as the Local Enterprise Partnership. This purpose of this board was to have

oversight of and give direction to the Local Growth Funding process and delivery. It has not met for a number of years.”

(B) Question by MR BRAY

“The Leader will no doubt be aware of reports in the press about Derbyshire County Council officers routinely reading emails sent to elected members’ email addresses. Elected members often receive sensitive and confidential emails from the residents that they represent and therefore does the Leader agree with me that this is worrying and can he confirm that no Leicestershire County Council officers are reading members emails?”

Reply by MR BRECKON

“The practice that Derbyshire County Council had in place, i.e. each email account having at least one delegate (someone who can access the account if the main account holder is unavailable) is not and has ever been in place at Leicestershire. However, County Council officers and Members can delegate access their account to a named person if they so wish.”

(C) Question by MR BRAY

“Can the Leader please confirm how many Leicestershire schoolchildren were still waiting for school transport to be arranged:

1. after the start of the school term in August; and
2. by October half term?”

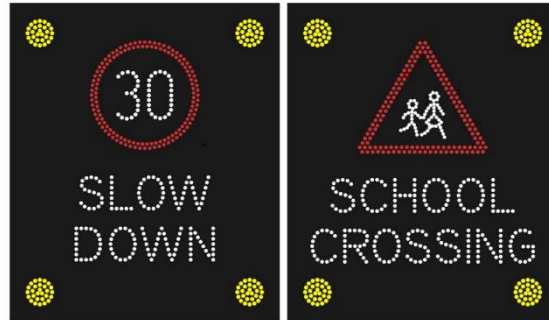
Reply by MR O’SHEA

“The actual start of the school term varies across schools, colleges and pupils attending schools in other local authority areas. The figures below identify the overall number of pupils on transport and those with transport applications, awaiting transport on the key term dates.”

Key Term Start Dates	Number of Pupils with Transport Assistance in place	Number of Pupils who applied but awaiting Transport Assistance	Total number of pupils
30 th August (All LCC School returned)	1807	395	2202
6 th September (Most FE Colleges and other LEA's returned)	2182	162	2344

help provide an added visual awareness of a school being present and children crossing, whilst also raising speed awareness along the road.

An example of how the sign will function is shown below. All other existing signs advising of a school in the area will remain and the upgrades are expected to be completed by January 2022.”



(E) Question by MR GALTON

- “1. Could the Leader please list the total number of claims for damage to vehicles on County roads for each of the past 5 years, with claims for damage caused by pot holes identified separately?
2. How many of these claims were successful (please list for each of the last 5 years)?
3. What was the average pay out or settlement for successful claims (please list for each of the last 5 years)?”

Reply by MR BRECKON

- “1. The number of compensation claims made to the County Council for each of the past 5 years for vehicle damage due to poor road conditions are as follows:

Year	Total number of claims	Pothole Claims	Others
2016	250	190	60
2017	288	228	60
2018	363	316	47
2019	210	173	37
2020	180	135	45
2021 (part year)	155	137	18

- 2) The number of compensation claims made to the County Council for vehicle damage due to poor road conditions - caused by potholes, where compensation was paid out

Year	Total number of Pothole Claims paid	Others claims paid
2016	9	3
2017	34	3
2018	45	0
2019	12	0
2020	5	0
2021 (part year)	7	0

3) The total amount paid out in compensation (to date) for vehicle damage due to poor road conditions - caused by potholes, and the average calculated.

Year	Total compensation paid for pothole damage	Average Payment for Pothole Damage	Total compensation paid for other damage	Average Payment for other damage
2016	£1,363.28	£151.48	£1,220.81	£406.94
2017	£5,498.86	£161.73	£135.00	£45.00
2018	£14,397,29	£378.88	£0	£0
2019	£16,394.11	£1,639.41	£0	£0
2020	£2,548.00	£516.80	£0	£0
2021 (part year)	£654.00	£93.43	£0	£0

**AGENDA ITEM NO. 6 – TO RECEIVE POSITION STATEMENTS
FROM MEMBERS OF THE CABINET**

(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.)

(i) **LEADER**

The Leader will make his statement.

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

**AGENDA ITEM NO. 7
REPORT OF THE CABINET**
(Pages 23 - 196)

Principal Speakers:-
Mover of motion (as appropriate)
Leader of the Opposition (Mr Mullaney)

A. ANNUAL DELIVERY REPORT AND PERFORMANCE COMPENDIUM

MR RUSHTON will move and MR BRECKON will second:-

“That the Annual Delivery Report and Performance Compendium 2021 be approved.”

**AGENDA ITEM NO. 8
REPORT OF THE CORPORATE GOVERNANCE COMMITTEE**
(Pages 197 - 246)

Principal Speakers:-
Chairman (Mr T Barkley)
Liberal Democrat Spokesman (Mr B Boulter)

A. APPOINTMENT OF EXTERNAL AUDITORS FROM 2023/24

MR BARKLEY will move and MR RICHARDSON will second:-

“That the County Council accepts Public Sector Audit Appointments’ invitation to opt into the sector-led option for the appointment of external auditors for five financial years from 1 April 2023.”

**B. CODE OF CONDUCT AND PROTOCOL ON MEMBER/OFFICER
RELATIONS**

MR BARKLEY will move and MR RICHARDSON will second:-

- “(a) That the revised Code of Conduct for Members as set out in Appendix A to this report be approved and adopted;
- (b) That the revised Protocol on Member/Officer Relations as set out in Appendix B to this report, be approved and adopted.”

AGENDA ITEM NO. 9
REPORT OF THE CONSTITUTION COMMITTEE
(Pages 247 - 270)

Principal Speakers:-
Chairman (Mr N J Rushton)
Liberal Democrat Spokesman (Mr M T Mullaney)

A. REVIEW AND REVISION OF THE CONSTITUTION

MR RUSHTON will move and MRS TAYLOR will second:-

“Motion 1

- (a) That 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

- (b) That the changes to Standing Order 35 (7) (The Meeting Procedure Rules), as set out in Appendix A to this report, 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. 10
REPORT OF THE EMPLOYMENT COMMITTEE
(Pages 271 - 286)

Principal Speakers:-
Chairman (Mr L Breckon)
Liberal Democrat Spokesman (Mrs L Broadley)

A. PAY POLICY STATEMENT

MR BRECKON will move and MR BEDFORD will second:-

“That the County Council’s Pay Policy Statement 2022/2023, as set out in the Appendix to the report of the Employment Committee, be approved.”