

**MINUTES OF THE MEETING OF THE LEICESTERSHIRE COUNTY COUNCIL
HELD AT COUNTY HALL, GLENFIELD ON WEDNESDAY, 7 DECEMBER 2022**

PRESENT

Dr. R. K. A. Feltham CC (in the Chair)

Mr. R. G. Allen CC, Mr. R. Ashman CC, Mr. N. D. Bannister CC, Mr. T. Barkley CC, Mr. P. Bedford CC, Mr. D. C. Bill MBE CC, Mr. S. L. Bray CC, Mr. L. Breckon JP CC, Mr. B. Champion CC, Mr. N. Chapman CC, Mr. M. H. Charlesworth CC, Mr. J. G. Coxon CC, Mr. M. Frisby CC, Mrs. H. J. Fryer CC, Mr. S. J. Galton CC, Mr. T. Gillard CC, Mr. D. J. Grimley CC, Mrs. A. J. Hack CC, Mr. L. Hadji-Nikolaou CC, Mr. B. Harrison-Rushton CC, Mr. D. Harrison CC, Mr. R. Hills CC, Mr. Max Hunt CC, Mr. P. King CC, Mr. B. Lovegrove CC, Mr. K. Merrie MBE CC, Mr. J. Miah CC, Mr. J. Morgan CC, Mr. M. T. Mullaney CC, Ms. Betty Newton CC, Mr. O. O'Shea JP CC, Mr. J. T. Orson CC, Mrs. R. Page CC, Mr. B. L. Pain CC, Mr T. Parton CC, Mr. L. Phillimore CC, Mr J. Poland CC, Mrs. P. Posnett MBE CC, Mrs. C. M. Radford CC, Mr. T. J. Richardson CC, Mrs H. L. Richardson CC, Mr. N. J. Rushton CC, Mrs B. Seaton CC, Mr. R. J. Shepherd CC, Mr. C. A. Smith CC, Mrs D. Taylor CC, Mr. G. Welsh CC and Mrs. M. Wright CC

24. CHAIRMAN'S ANNOUNCEMENTS.

Armistice Day

Armistice Day was marked on Friday 11th November when many public spaces and workplaces came to a halt to mark the traditional two-minute silence held at 11.00 o'clock. At County Hall a short, dignified service was held, conducted by the Chairman's local vicar, Ludger Fremmer. The Chairman thanked Leanne Plummer for playing the Last Post and Reveille so competently, and those members who attended. The Chairman was pleased to see that County Hall had been illuminated in red for the duration of the Royal British Legion's Poppy Appeal. He also thanked those Members who were able to attend local services on Remembrance Sunday and lay a County Council wreath.

Anthony Cross

The Chairman reported that Anthony Cross, the Head of Law, retired at the end of last month. Anthony had been Head of Law since 2018 having joined the Council in 2014 as the Legal Services Environment and Property Team Leader. At the time, his plan had been just to do a short stint back in local government after a couple of years or so trying his hand in private practice. Prior his private sector sojourn, Anthony had worked in Leicester City Council's Legal section for over 22 years. The Chairman said that the County Council had a great deal to thank Anthony for. The fact that the County Council had a reputation for good governance and high standards of conduct particularly in the area of planning owed a good deal to his hard work and integrity, honed over a legal career in local government which started in 1982.

The Chairman explained that Anthony's interest in planning law meant that

he could not be in the chamber for this meeting as he was in London at the High Court as an interested spectator at the High Court judicial review hearing concerning the County Council's Lutterworth East planning application.

Members joined the Chairman in placing on record the Council's appreciation of Anthony's very special contribution to the operation of the County Council.

Great British Care Awards

The Inspired to Care Team received the Outstanding Contribution to Social Care Award at the Great British Care Awards which recognised the hard work, achievements, and dedication of social care practitioners across the UK. The Inspired to Care Team helped social care providers recruit committed frontline care professionals by promoting the rewards of a career in care. The Team achieved this through liaising with social care employers to provide tailored recruitment and retention resources. The Team also provided support to individuals so that they could start their journey towards a career in social care and help countless vulnerable adults across Leicestershire.

National Social Work Award

The Chairman reported that Ayshea Dalby, Team Manager in the Child Sexual Exploitation Team in the Children and Families Department, had received a silver award for Team Manager of the Year at the National Social Work awards. This was a massive achievement for Ayshea, receiving national recognition of her Team Manager role in such a key area of practice. The work of the Child Criminal Exploitation Team was a key priority and in Leicestershire an effective multiagency response team had been developed to combat all forms of exploitation.

Bradgate Park

Bradgate Park won Large Visitor Attraction of the Year 2022 at the Leicestershire Tourism and Hospitality awards and would now go onto the national competition next year. In addition, Bradgate volunteers won Volunteer Team of the Year at the Green Flag best of the best awards recently. Given the County Council's close involvement with Bradgate,

Members joined the Chairman in congratulating all concerned, as well as to the Inspired to Care Team and Ayshea Dalby.

Lord-Lieutenant's Young Person of the Year Award

The nominations process for the Lord-Lieutenant's Young Person of the Year Award opened on Monday 5th December. The Award recognised the very best examples of achievement by young people in Leicester and Leicestershire. A young person can be nominated in any of four categories and there would be a separate award for each category. The four categories were Young Person of Courage of the Year, Young Volunteer of the Year, Young Leader of the Year and Young Artist of the Year (The Joe Humphries Memorial Award).

From the winners of these categories one person would be announced as Lord-Lieutenant's Young Person of the Year 2023. Further details about the Award and how to make a nomination could be found on the Council's website and would be forwarded to Members following the meeting.

25. MINUTES OF THE PREVIOUS MEETINGS

It was moved by the Chairman, seconded by the Vice-Chairman and carried:

"That the minutes of the meeting of the Council held on 6th July 2022 and the extraordinary Council meeting held on 13th September 2022, copies of which have been circulated to members, be taken as read, confirmed and signed."

26. DECLARATIONS OF INTEREST.

The Chairman invited members who wished to do so to make declarations of interest in respect of items on the agenda for the meeting. No declarations were made.

27. QUESTIONS ASKED UNDER STANDING ORDER 7(1)(2) AND (5).

(A) MR HUNT asked the following question of the Leader or his nominee:

"Green House Gases (GHG) and Contracts:

1. The Council has set a target to reach Net Zero for its own operations. Why is it then that we don't know the carbon emitted from our own multi-million pound residual waste contract recently awarded to Biffa?
2. Why is this contract excluded when calculating GHG emissions from our own operations?
3. What is stopping the County Council requiring contracts to submit carbon and other GHG emissions figures as part of the procurement process in future?
4. According to the statutory Climate Change Committee, one of the greatest threats to climate change comes from GHG (notably methane) from ruminant animals, mainly sheep and cattle. As a predominantly rural county is it time to count the cost of these emissions in Leicestershire?"

MR PAIN replied as follows:

- "1. The County Council did not require Biffa to submit carbon emission figures as part of the procurement process, so a specific carbon saving has not been calculated. However, we are confident that a carbon saving will be realised. The location of the new facility means

that the total haulage miles will be reduced leading to a carbon saving. In addition, the Newhurst plant will be one of the most technologically advanced Energy from Waste facilities in the UK. The reported electrical efficiency of the plant means that carbon emissions per tonne of residual waste should be notably better than landfill.

Emissions from the disposal and treatment of household waste are currently outside of the scope of the County Council's target to achieve net zero for its own operations by 2030.

2. I would draw Mr Hunt's attention to the following statement from the Council's annual greenhouse gas report:
'The council has excluded greenhouse gas emissions from schools (all scopes) and contracted services such as waste disposal and business travel by public transport (scope 3), due to the cost of data collection and/or its availability. The council has also excluded the emissions resulting from activities undertaken by contractors, due to the limited requirements for contractors to annually monitor energy and fuel usage within existing contracts.'

Despite the exclusions from the 2030 commitment, the Council commissioned consultants to calculate and analyse the Council's scope 3 emissions during 2021 (an overview of the scope 3 emissions study is provided on pages 10 and 11 in the 2030 Net Zero Council Action Plan (which is at pages 171 to 172 of the Council Agenda pack) and is looking to improve its data availability and quality for scope 3 emissions reporting.

3. The Council does now ask suppliers, where proportionate, to support us in transitioning to net zero. The Government has a Carbon Reduction Plan template which has been created to collate the required information in one place for ease of use, and to minimise the burden placed upon suppliers. The Council is reviewing this template along with a Sustainable Procurement Policy and ways to measure greenhouse gas emissions from our suppliers in a way that is proportionate.
4. Agricultural emissions for Leicestershire are included within the baseline emissions in the 2045 Net Zero Leicestershire Strategy alongside actions to begin to address these emissions within the Nature and Land Use section of the Net Zero Leicestershire Action Plan."

Mr HUNT asked the following supplementary question:

"My first supplementary is concerning emissions from the new residual waste contract which weren't available within the contract. Why didn't we ask for them?

My second question on this topic is, whilst it is said that we ask contractors to submit details of emissions figures 'where it is proportionate,' what sense does it make to have a net zero target when we aren't counting all the emissions as indeed it appears."

MR PAIN replied as follows:

“Firstly, I refer Mr Hunt to the answer which has already been given to question 2 of his four original questions. It comes down to timing. This contract procurement started over three years ago before the Council had declared a climate emergency and as in the answer to question 2, we have already stipulated that we don’t require schools and waste contracts to provide that type of information.

I am not sure if the second question is entirely clear, but my understanding is that we do count the emissions in the total emissions emitted by Leicestershire in accordance with BEIS [Department for Business, Energy & Industrial Strategy] data.

(B) MR HUNT asked the following question of the Leader or his nominee:

“Charnwood Local Plan:

1. The Charnwood Local Plan to 2037 is now going to Examination in Public early next year. The Inspectors latest report has affirmed that the process should proceed without waiting for a Strategic Transport Assessment. When will the Strategic Transport Assessment be completed?
2. Will we, as the local highway authority, in spite of the latest financial strictures continue to support the current highways and transportation mitigation package as quoted in Cabinet last June?
3. Can the leader confirm that the County Council cannot be expected to commit to constructing new infrastructure in the Charnwood Local Plan unless the receipt of funds from developers or external sources are guaranteed to meet the full cost and, if so, how can these costs be assured over the lifetime of the plan?
4. On 24th June 2022 in response to the Charnwood Local Plan, the Cabinet agree that “unless significant changes occur in societal behaviours and expectations, there are significant limitations as to the extent to which the impacts of growth on the County’s transportation system can be mitigated in the future”. What societal changes is the Cabinet waiting for before mitigating the impacts of growth in the Borough and what would that mitigation look like?
5. Given that we cannot be reliant on the delivery on Road Investment Strategy Pipeline Projects, is it time to drop the plans to increase the speed and capacity of the A6 through Loughborough and focus on developing active travel solutions to peak traffic caused by short journeys to work and schools?
6. How does the County’s A6(n) pipeline project conform with the Net-Zero Carbon Strategy and how can its carbon emissions be offset?”

MR O'SHEA replied as follows:

- "1. As a point of clarification, the Examination in Public (EiP) commenced in June 2022, and the original hearing sessions then paused by the Inspectors as a result of a proposed change in the approach by Charnwood Borough Council to meeting the City of Leicester's (the City) unmet housing need. New, additional hearing sessions relating to how the City's unmet need had been established, were held by the Inspectors in October. It is now understood that the original hearing sessions should recommence in early 2023.

The Strategic Transport Assessment (STA) work is being undertaken in respect of the Leicester and Leicestershire Strategic Growth Plan and is not of direct relevance to the Charnwood Local Plan's EiP, hence the Inspectors' conclusions on this matter. Regarding the timing of the STA's completion, its first stage is now reaching a conclusion for consideration then by the Strategic Planning Group (SPG) and Members Advisory Group (MAG). Those bodies will then need to consider next steps, including the timetable for the next stage of the STA work.

2. The transportation mitigation package is based on evidence work underpinning the Local Plan and at this time represents the best (proportionate to the requirements for a Local Plan) understanding of the measures required to support the Borough of Charnwood's future growth. The Local Highway Authority continues to support it, but as stated in the report to the Cabinet in June 2022, the cost of the package is beyond what the County Council can afford, even prior to the impacts of the Covid-19 pandemic on its budgets and given that we are the lowest funded county council. That report also sets out that where opportunities for one-off Government grant funding may arise, external funding would be required for any match funding or significant bid development costs. Furthermore, the County Council's proposal is to pool developer contributions from developments with this funding being used for priority projects only when the money has been received. This approach has subsequently been reinforced by the report to the November Cabinet meeting on 'Managing the Risk Relating to the Delivery of Infrastructure to Support Growth'.
3. The previous response to question two confirms that, as set out in the June Cabinet report on the Local Plan and as reinforced by the subsequent report to the Cabinet in November on managing the wider risks of delivering infrastructure to enable growth, the County Council is no longer able to commit to constructing new infrastructure unless and until it is fully funded by and from other sources, be that in the Borough of Charnwood or elsewhere across the County.

Given current and likely ongoing health, political and financial volatilities across the globe, it would be extremely unwise to provide any absolute assurances or guarantees in respects of costs of, and funding for, the delivery of the transportation package; indeed, the likelihood that the package may not be fully funded is already acknowledged in the June Cabinet report.

Notwithstanding this, the Local Highway Authority (LHA) remains committed to seeking to take forward development of the three Charnwood area transport strategies set out in the June report, along with supporting/constituent elements, such as development of the Loughborough/Shepshed and North of Leicester Local Cycling and Walking Infrastructure Plans and the A6 Major Road Network study work (as referred to in questions 5 and 6). This should place the Authority in the best position possible to seek to secure funding from developers and to take advantage of any relevant, future Government bidding opportunities, as appropriate.

4. As a point of clarification, it is not a case of waiting for societal changes to take place before implementing mitigating measures, rather that, and as the June Cabinet report makes clear, there are significant limitations as to the extent to which the impacts of growth, for example on levels of traffic congestion or emissions, can be mitigated unless as a society, we change our behaviours and expectations.

What this means is that the most recent transport modelling work (including for the Charnwood Local Plan) is beginning to indicate that even if in future it is possible to 'max out' travel by sustainable travel to a level that it is reasonable and plausible to suppose based on current behaviours and expectations, in all likelihood the benefits of doing so would in part or in full be outweighed by increased travel demand arising from population and economic growth.

This is not a reason to stop seeking to promote, enable and maximise travel by sustainable modes. It is, however, a recognition that if as a society we carry on as is, with the same inherent day-to-day abilities to travel where, how and as we so wish, and, say, with the same expectations about the standards of goods and services that bodies and businesses provide (e.g., about the range of goods available in shops or next day delivery), modelling work is indicating that going forward there will be significant limitations on the extent to which the transport and environmental impacts of growth in Leicester and Leicestershire (and probably more widely) can be mitigated. However, the changes necessary are beyond what Leicestershire County Council can achieve alone and require national policy and legislation. The Authority will continue to take opportunities to lobby the Government to this effect.

5. As a point of clarification, the Road Investment Strategy (RIS) Pipeline Projects are being taken forward by National Highways as they relate to the Strategic Road Network. The A6/A6004 is part of the Major Road Network (MRN) for which the County Council as the LHA is responsible.

So far as the LHA is aware, no decision has yet been taken by the Government about the future of any of the RIS Pipeline Projects in the County, but regardless of that, transport evidence work, including that underpinning the new Charnwood Local Plan, is indicating that future

population and economic growth will generate travel demand that will impact on the A6/A6004 corridor. It is important therefore to examine what opportunities exist to seek to mitigate those impacts. The MRN study work is at an early stage, and whilst certain measures might have been identified from the Local Plan evidence work, it is far too early to say at this time what an overall package of measures might consist of along the corridor from Kegworth to Birstall. (Additional capacity may be required to accommodate a greater number of vehicles on the corridor in the future, even if those vehicles are far cleaner than now because they are electric, or hydrogen powered.)

6. As set out in the previous response to question five, it is too early at this time to say what a package of measures might look like along the A6/A6004 MRN corridor. As the package is developed, its impacts on carbon emissions will be assessed.”

MR HUNT asked the following supplementary question:

“What exactly is meant by “maxing out sustainable travel” in terms of the modes available? Bearing in mind that congestion is largely confined to peak periods of travel to work and school, what are these limits for the Loughborough (A4006) town corridor?”

MR O’SHEA replied as follows:

“Thank you Mr Hunt, I shall make sure that you get a written reply to explain.”

[Subsequent to the meeting, the following written reply was received:

“As a point of clarification the comments contained in the report to the Cabinet in June 2022 and in the response to the original question relate to Leicestershire more widely rather than to any specific route (be that in Loughborough or otherwise).

In that context, the use of the phrase ‘max out’ is a shorthand reference to the fact that based on a continuation of current societal behaviours and expectations even if it were possible to deliver sustainable travel strategies and plans to their maximum potential benefit, such as the Authority’s Cycling and Walking Strategy and its Bus Service Improvement Plan, evidence from transport modelling work of future conditions across the Housing Market Area – HMA – (and taking account of future population growth) is indicating that this would be nowhere near sufficient to meet net-zero commitments/ requirements. In other words, the benefits achieved by increasing numbers of people travelling by sustainable modes are forecast to be outweighed by additional travel demands generated by growth (including personal travel or, say, related to increased service provision to cater for the growth, or to increased goods manufacture and supply to meet the demands of a larger population, etc.).

On a route-by-route basis, we do not have evidence as yet to demonstrate how this general, HMA level finding might apply. With respect to routes in the Borough of Charnwood, including the A6/A6004 corridor, it is currently anticipated that more fine grain evidence will be developed as part of work to

develop the previously referenced three Charnwood area transport strategies and/or work in respect of A6/A6004 Major Road Network corridor.”]

28. POSITION STATEMENTS UNDER STANDING ORDER 8.

The Leader gave a position statement on the following matters:

- Medium Term Financial Strategy
- Midland Mainline and Network Rail
- Cost of Living
- Asylum Seekers
- Ukrainian Guests
- Foster Carers
- Winter Preparations

The Lead Member for Communities and Staff Relations gave a position statement on the Communities Annual Report

A copy of the Position Statements is filed with these minutes.

29. REPORTS OF THE CABINET

(a) Leicestershire County Council Community Safety Strategy 2022 - 2026

It was moved by Mrs Taylor, seconded by Mrs Richardson and carried:

“That the Community Safety Strategy 2022 – 2026 be approved.”

(b) Net Zero Leicestershire Strategy and Action Plan

It was moved by Mr Pain, seconded by Mr O’Shea and carried:

“That the Net Zero Leicester Strategy and Action Plan and the Net Zero Council Action Plan set out as Appendices D, E and F to this report, be approved.”

[Mrs. A. Hack CC, Mr M. Hunt CC and Ms M. E. Newton CC abstained.]

(c) Annual Delivery and Performance Compendium 2022

It was moved by Mr Breckon, seconded by Mr Shepherd and carried:

“That the Annual Delivery Report and Performance compendium 2022 be approved.”

(d) Transfer of Ashby Canal

It was moved by Mr Rushton, seconded by Mr O'Shea and carried unanimously:

- “(a) That this Council is satisfied that it is expedient for the Council to apply to the Secretary of State for Environment, Food and Rural Affairs to promote an Order under the Transport and Works Act Order 2005 to the Ashby Canal Association for a section of the Ashby Canal line between Snarestone and Measham; and
- (b) That the Director of Environment and Transport in consultation with the Director of Law and Governance be authorised to take all steps as may be necessary or expedient for the purposes of promotion of the Order.”

30. REPORTS OF THE CORPORATE GOVERNANCE COMMITTEE**(a) Amendments to the Financial Procedure Rules**

It was moved by Mr Barkley, seconded by Mr Richardson and carried:

“That the proposed amendments to the Financial Procedure Rules, set out in Appendix A to the report of the corporate Governance Committee, be approved.”

(b) Revised Member Planning Code of Good Practice

It was moved by Mr Barkley, seconded by Mr Richardson and carried:

“That the revised Members' Planning Code of Good Practice as set out in Appendix A to the report to the Corporate Governance Committee be approved.”

31. REPORT OF THE EMPLOYMENT COMMITTEE**(a) Pay Policy Statement**

It was moved by Mr Breckon, seconded by Mr Bedford and carried:

“That the County Council's Pay Policy Statement 2023/24, as set out in the Appendix to the report of the Employment Committee, be approved.”

32. REPORT OF THE CONSTITUTION COMMITTEE**(a) Amendments to the Constitution**

It was moved by Mr Rushton, seconded by Mrs Taylor and carried:

“That the proposed changes to the Constitution as set out in Appendix A and the revised terms of reference for the Corporate Governance Committee set out in Appendix B to the report be approved.”

2.00 pm – 3.35 pm
07 December 2022

CHAIRMAN

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