

Minutes of a meeting of the Scrutiny Commission held at County Hall, Glenfield on Wednesday, 28 October 2009.

PRESENT

Mr. S. J. Galton CC (in the Chair)

Mr. A. D. Bailey CC	Mr. D. Jennings CC
Mr. G. A. Boulter CC	Mr. G. Jones CC
Mrs. R. Camamile CC	Mr. P. G. Lewis CC
Mrs. J. A. Dickinson CC	Mrs. R. Page CC
Dr. R. K. A Feltham CC	Mrs. J. Richards CC
Mr. Max Hunt CC	Mr. R. J. Shepherd CC

In Attendance:

Mrs. H. E. Loydall CC (for Minute 20)

14. Minutes.

The minutes of the meeting held on 1 September 2009 were taken as read, confirmed and signed.

15. Question Time.

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

16. Questions asked by members under Standing Order 7(3) and 7(5).

**Mr Hunt CC asked the following questions of the Chairman:**

**(A) Support for Public Transport**

“1. Could the Chairman:

- (a) report on the success of last year's bid to the £25 million Department for Transport (DfT) 'KickStart' fund for projects involving bus service improvements, which I understand enabled the launch of the County's Skylink service?
- (b) tell the Commission why we have been unable to bid this year either for 'Kickstart' or the £30 million DfT Green Bus Fund from which bus companies and local authorities in England can compete for funds to help them buy new low carbon buses?
- (c) comment on the County's future plans and prospects for joint bids

with the bus industry which continues to benefit from increased patronage stimulated by local concessionary fares for over 60's and disabled people?"

**The Chairman replied as follows:**

- "1. (a) The Kickstart process funded extensions to the Loughborough to Derby Airline Shuttle operated by Kinchbus. Further funding was provided by East Midlands Development Agency (emda) to provide a daily hourly service direct between Leicester and East Midlands Airport for 18 hours a day from October 2006 through until April 2009. Following the end of the Kickstart and emda funding, which had established a passenger usage base for the Leicester service, from May 2009 East Midlands Airport (EMA) has funded Kinchbus to extend the Derby – EMA – Loughborough Skylink service through to Leicester 24 hours a day, 7 days a week. In this respect, the Kickstart and emda funding have produced a significant improvement in access to EMA.
1. (b) The Kickstart funding process has changed to place more emphasis towards the operator in terms of risk. The Green Bus Fund only funds the additional cost of purchasing a lower emission vehicle. All main operators in Leicestershire (First, Arriva, Kinchbus and Centrebus) were asked whether they intended to apply for either Kickstart or Green Bus funding but no operator has expressed any interest except for funding for the Inner Circle service in Leicester. Bus companies have reported that current bids for Capital Expenditure within their business plans are not being supported unless there is a very strong business case because of the current economic situation where bus passenger numbers paying fares are declining. This is offset by continuing increases in concessionary pass holder journeys.
1. (c) There are currently no plans to bid for funds associated with concessionary travel as the Department for Transport (DfT) has said it will not fund on bus ticketing equipment which would stimulate the delivery of integrated tickets and/or smartcards. The DfT is currently undertaking a consultation on suggestions in 'Developing a strategy for smart and integrated ticketing' that may provide new opportunities. Unfortunately, although additional usage has been generated by concessionary pass holders, the bus industry feels under compensated by the reimbursement arrangements in place in England. This has been reflected in Leicestershire by eight appeals against the Leicester and Leicestershire scheme since the introduction of the English National Travel Concession Scheme in April 2006."

**Mr Hunt asked the following supplementary question on the reply to question 1(b):**

"Why are companies not bidding for Green Bus Fund services to serve on the Enderby Park and Ride Scheme?"

**The Chairman replied to the effect that:**

The Green Bus fund is a new scheme. When the Authority entered the into the initial contract, alternative fuel bus bids were invited, though at that time technology in this area was not at an advanced stage. Negotiations are currently ongoing with the Department for Transport in order to ascertain whether the Authority can submit a bid for alternative fuel buses to operate from new Park and Ride sites.

**(B) The Capital Programme**

- “1. What is the total cost to the Authority of the Leicester and Leicestershire Integrated Transport Model over each year concerned and what contributions are made by partners in the project?
2. How much money has the Authority received from the Growth Point Fund to date and, on current estimates, how much in total is expected for each partner in Leicestershire?
3. Is the Authority still intending to utilise the full £20.7million allocated to the County Hall Office Accommodation Review, as reported in July 2009 and if not, what elements will be removed?
4. What part of that is devoted to improving toilet facilities for the many invited disabled visitors to the Council suite?
5. What savings, over which financial years, is such expenditure estimated to achieve and broadly in what way (eg. staffing, income, fixed costs etc)?
6. Would the Chair request a report on the actual works proposed?”

**The Chairman replied as follows:**

- “1. The total cost of building the Leicester and Leicestershire Integrated Transport Model (LLITM) is budgeted at £1,718,400. The projected final cost as of September 2009 is £1,695,664.

In 2008/09, £603,122 was spent. All came from New Growth Point and none from the County Council. In 2009/10, we plan to spend £981,146. £150,934 will come from the County Council, the same amount from the City Council and £679,278 from New Growth Point

In 2010/11, we plan to spend £111,396. £55,968 will come from the County Council, the same amount from the City Council and none from New Growth Point.

In summary, the cost of £1,695,664 will be met by a grant of £1,282,400 from New Growth Point, £206,902 from the County Council and the same from the City Council.

2. The Authority has received a total of £4,160,000 Growth Point Funding to date.

The funding breakdown for partners is as follows:

Blaby District Council - £118,000  
 Charnwood Borough Council - £1,043,275  
 Harborough District Council - £9,750  
 Hinckley & Bosworth Borough Council - £605,000  
 Melton Borough Council - £81,000  
 North West Leicestershire District Council - £122,500  
 Oadby & Wigston Borough Council - £9,750

3. The Office Strategy has been developed to provide a greatly improved working environment for staff and visiting public whilst reducing running costs significantly. The Strategy is based on a clear 'spend to save' business case and will save the Authority in excess of £1m per annum within five years after debt payment. Negotiations are currently taking place with potential contractors to minimise the capital cost of the Office Strategy and it is likely that the overall cost can be reduced below the £20.7 million originally estimated.

4. The new offices will all comply with the latest regulations in support of disabled staff and visitors but detailed design work has not yet been undertaken.

5. The business case sets out the savings plan over the 25 year whole life costing of the project. The savings for the first five years are as follows:

Year 1 - £130K  
 Year 2 - £534K  
 Year 3 - £765K  
 Year 4 - £777K  
 Year 5 - £995K (all after debt payments)

From Year 6 onwards the savings average around £1m per annum.

6. The Director of Corporate Resources will be in a position to provide a high level report on actual works proposed and indicative costs during January 2010."

**Mr Hunt asked the following supplementary question on the reply to question 3:**

"Can members have further information on plans for the Office Accommodation Strategy and how the estimated £20.7 million allocated funding is to be spent?"

**The Chairman replied to the effect that:**

Subject to further discussion on this matter between the Scrutiny Commissioners, the Commission will consider a report on this matter in February 2010.

**Mr Hunt asked the following supplementary question on the reply to question 4:**

“County Hall premises currently have inadequate disabled provision. Why is this not considered a priority?”

**The Chairman replied to the effect that:**

The Authority takes disabled provision very seriously. Though full details of the works as part of the Strategy have yet to be finalised, it is planned that all toilet facilities that have not been refurbished in recent years will receive a full refurbishment as part of the Strategy and suitable facilities will be provided for disabled visitors as part of this work.

**(C) Partnerships with land and buildings**

- “1. In view of the current and well reported difficulties over community and educational facilities in Breedon-on-the-Hill, could the Chair report on the respective responsibilities in law on management and tenure of the new Barwell Library and Community Centre and any other interests?
2. Would the Chair agree that a progressive review of legal arrangements relating to land and buildings, involving partnerships with key services such as education and libraries, would be desirable?”

**The Chairman replied as follows:**

- “1. The difficulties in respect of the facilities at the Primary School at Breedon-on-the-Hill have arisen out of a lack of clarity about what rights did or did not arise from the provision of monies from the community to support the building of community facilities at the school back in the early 60s when there was no proper documentation or written agreement at the time.

The arrangements at the new Barwell Centre are being clearly documented. The building belongs to the County Council, and a local community group will be entering into a 25 year lease with the County Council at a peppercorn rent under which they will be responsible for overall control of the whole building, subject to an arrangement whereby the part of the building forming the Library and ICT Suite will be managed by the Libraries Service.

2. Property Services have already commenced an exercise to identify assets which have a community designation (ie. space specifically designated for community use) and have basic records on the majority of assets managed by the Children and Young People’s Service including schools. Some of these assets will have been funded by specific grants (eg. for sports activities where any rights of the grant giver to recover their money if the property ceases to be used for the specific purpose generally tapers off over a set number of years). This information is held on the central property data system under the heading of 'contingent liability'. Work is also being done with schools to

ensure any arrangements with third parties for use of school premises are properly documented and respective rights and liabilities are understood. Once that exercise has been completed, further work will be undertaken to review assets in other portfolios to identify any other contingent liabilities arising from the provision of specific grants and to ensure all arrangements with third parties are properly documented.”

17. Urgent Items.

There were no urgent items for consideration.

18. 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.

The Chairman and Dr. R. K. A. Feltham CC each declared a personal and non-prejudicial interest in respect of the item entitled ‘The East Midlands Regional Plan’ as members of CASCET, a pressure group that campaigned against the establishment of an Eco-Town in Stoughton (Minute 23 refers).

The following members each declared a personal and non-prejudicial interest in respect of items 8, 9, 10 and 12 as members of district/borough councils (Minutes 21, 22, 23 and 25 refer):

Mr. A. D. Bailey CC  
 Mr. G. A. Boulter CC  
 Mrs. J. A. Dickinson CC  
 Mrs. R. Camamile CC  
 Mr. S. J. Galton CC  
 Mr. Max Hunt CC  
 Mr. P. G. Lewis CC  
 Mrs. J. Richards CC  
 Mr. R. J. Shepherd CC

19. Declarations of the Party Whip in accordance with Overview and Scrutiny Procedure Rule 16.

There were no declarations of the party whip.

20. Petition: Save our No. 45 Bus Service.

The local member, Mrs. H. E. Loydall CC, presented a petition signed by 222 local residents in the following terms:

*“We the undersigned are very concerned with the planned reduction in hours of the No. 45 Bus Service. This will cause serious disruption to the lives of people using the service and we urge the County Council to reinstate their subsidy on this route immediately.”*

The Committee considered a briefing note of the Director of Highways, Transportation and Waste Management in response to the petition alongside

supporting letters and documentation from Mrs. Loydall. A copy of the briefing note and supporting documents is filed with these minutes.

Mrs. Loydall made representations on behalf of the petitioners, requesting that the Director review his decision to withdraw funding for the service, as a reduction in service at peak times would have a significant effect on members of the public travelling to work. Mrs. Loydall further commented that there had been no adequate consultation with local members on the withdrawal of funding and that she found this unacceptable.

In response to questions, the Commission was advised as follows:

- In view of the Authority's budget deficit and the current financial climate subsidised services such as No. 45 had to be closely monitored to track take up. There were roughly 1320 users of the service per week and this equated to around 10 passengers per journey;
- The decision to withdraw the Service had been made on policy grounds. It was not policy to support additional services over and above a core requirement to deliver a network of Monday to Saturday daytime services operating to an hourly or better timetable within 800m of 95% of Leicestershire residents. Though alternative routes were not as convenient they were available to residents;
- Students travelling to the new South Leicestershire College would be better served by alternative services;
- Commuted sums for Grove Park had been directed to the Park and Ride site in Enderby;
- The impact on other services had been considered arising from the withdrawal of the No. 45 service. Passengers would be signposted to the most appropriate alternative routes and alternative methods of transport.

It was moved by Mr Jennings, seconded by Mr Boulter and carried:-

“That the proposal to withdraw funding for the No. 45 Bus Service be referred back to the Director of Highways, Transportation and Waste Management for further consideration, having regard to the particular difficulties caused by the withdrawal for people wishing to use the service at peak times for travel to work, and to report thereon to the Cabinet”.

21. Leicestershire Safer Communities Agreement 2009-10.

The Commission considered a report of the Chief Executive concerning the Leicestershire Safer Communities Agreement 2009-10 and seeking the views of the Commission thereon. A copy of the report, marked 'B', is filed with these minutes.

Arising from the ensuing discussion, the following principal points were noted:

- Good progress was being made with young offenders, though the Service needed to improve its work with adult offenders. Local Crime and Disorder Reduction Partnerships were developing a range of plans to deal with this issue and that of reducing acquisitive crime;
- It was a priority to reduce drug related crime, however it remained equally important to ensure that drug offenders and users were treated effectively;
- Local Indicator 17 was a performance measure added by the Home Office to record satisfaction levels with the way that police and councils dealt with anti-social behaviour. Due to it being difficult to measure, the Home Office had withdrawn this indicator. However, the Authority felt that it was important to monitor levels of satisfaction and it remained in the Agreement. Effective joint working had continued to be carried out in this regard with the Police and other key agencies overseen by the Community Safety Partnership Board.

Members requested that future reports in relation to safer communities should include either a 'traffic light' or 'smiley face' system to aid understanding of performance against national indicators.

RESOLVED:

That the report be noted and that the Safer Communities Strategy Board be advised that the Scrutiny Commission welcomes and supports the Leicestershire Safer Communities Agreement 2009-10.

22. The Leicestershire Safer Communities Plan 2009-12.

The Commission considered a report of the Chief Executive concerning the draft Leicestershire Safer Communities Plan 2009 – 12 and seeking the views of the Commission thereon. A copy of the report, marked 'C', is filed with these minutes.

Members noted that women were underrepresented in drug treatment. There was a possible cause for concern that women were not accessing drug treatment services and this would need to be monitored in future.

RESOLVED:

That the County Council be advised that the Scrutiny Commission welcomes and supports the Leicestershire Safer Communities Plan 2009 - 12.

23. The East Midlands Regional Plan.

The Commission considered a report of the Chief Executive concerning the current position in relation to the East Midlands Regional Plan arising from the Cabinet's consideration of the matter on 6 October 2009. A copy of the report, marked 'D', is filed with these minutes.



The Chairman advised members that a recent meeting of the East Midlands Regional Assembly (EMRA) Board had resolved to endorse the County Council's view that it would be beneficial to approach the Minister for Housing with a view to achieving a deferral of the partial review of the Regional Plan, given the current economic and housing market uncertainty and the limited availability of data and evidence relating to the impact of the economic downturn of the future requirement for new homes.

It was reported that the timetable requiring Section 4(4) Authorities to submit advice on the review by 31 December 2009 would not allow full and proper consideration of consultation responses from key stakeholders. Members were further advised that, as the review only affected housing projections after 2021, it was not necessary to carry out a review of the housing aspects of the Regional Plan at this time.

Arising from questioning, the Commission was advised:

- That there existed a possibility that Regional Spatial Strategies could be abolished. If this were to be the case, there would likely be an increased level of responsibility placed on local members and councils in identifying areas for land development;
- The current levels of vacant new properties would be taken account of when assessing new housing provision;
- As no alternative proposals were currently available for Option 4, and in light of the Government's rejection of the Co-Operative Group's plans for an Eco-Town in Stoughton, EMRA had been advised that the Authority believed it should be rejected at this stage.

RESOLVED:

- (a) That the current position in respect of the Regional Plan be supported and that the summary timetable for the partial review be noted;
- (b) That a further report setting out the views of the County Council as a Section 4(4) Authority be submitted to the next meeting of the Commission.

24. Procurement of Long Term Waste Treatment Facilities - Progress and Involvement of Scrutiny.

The Commission considered a joint report of the Chief Executive and the Director of Highways, Transportation and Waste Management concerning a summary of the progress made on the procurement of new waste treatment facilities in Leicestershire and the views of the Commissioners on the role a Scrutiny Review Panel could play in the procurement process prior to a final decision being made by the Cabinet and County Council. A copy of the report, marked 'E', is filed with these minutes.

Members were advised that there were significant confidentiality issues in respect of any Panel that was established to look at this issue, however it would be important for scrutiny to play a part in the process. Members were

further advised that this would have to be considered fully before any Panel commenced its business. With regard to the position of members of the Development Control and Regulatory Board, the Commission was advised that the view had previously been taken that any member of that Board who served on the previous Panel, could be deemed to have ‘fettered their discretion’; members who had already served on the Panel were aware of this. The terms of reference of the new Panel were likely to be reviewed and this difficulty might not exist for new members of the Panel. The position of members of the Scrutiny Commission who were also members of the Board was less clear and much would depend on the nature and scope of any debate at the Commission. This was a complex area of law and the advice of the County Solicitor would be sought and provided to members.

The criteria and evaluation methodology which would be applied to assess proposals for waste treatment facilities had been determined and any Panel that was established would not be able to debate this. The remit of any Panel would be to look retrospectively at bids to ascertain whether they had been evaluated correctly according to the criteria and methodology.

It was moved by Mr. Boulter and seconded by Mrs. Camamile:-

“That the Panel to look at the procurement of long term waste treatment facilities be reconvened and that the Director of Highways, Transportation and Waste Management be requested to report further details on the timetable and scope of the review to the Scrutiny Commissioners”.

The motion was put and carried, 12 members having voted for the motion and none against with one abstention.

RESOLVED:

- (a) That the Panel to look at the procurement of long term waste treatment facilities be reconvened and that the Director of Highways, Transportation and Waste Management be requested to report further details on the timetable and scope of the review to the Scrutiny Commissioners;
- (b) That members of the Panel and the Scrutiny Commission be provided with written advice from the County Solicitor as to the position of members who also served on the Development Control and Regulatory Board when a planning application for a new waste treatment facility was considered.

25. Outcome of 'Light Touch Review' on Binge Drinking Undertaken by Mr. Max Hunt CC

The Commission considered a report of the Scrutiny Commissioners concerning Mr. Hunt's 'Light Touch Review' on Binge Drinking. A copy of the report, marked 'F', is filed with these minutes.

Mr. Hunt CC introduced his report by stating there were two main issues that were required to be addressed in relation to binge drinking – the affect it had on health and the affect it had socially. Mr. Hunt believed that any review panel that was established should focus its attention on the social problem presented

by binge drinking. There appeared to be a significant issue with clubs in towns that were serving alcohol to predominantly younger drinkers until the early hours of the morning. Unless there was a form of 'informal control' of binge drinking, it could lead to an increase in tax, and therefore, the price of alcohol.

As part of the Total Place Project, detailed 'deep dive' work was being carried out around, amongst other areas, that of drugs and alcohol misuse and reducing the availability of alcohol. It was therefore felt that it would be beneficial to have a report submitted to the Commission when the findings of this work were available in early 2010, with a view to then deciding whether to establish a Panel to look in more detail at this area.

RESOLVED:

- (a) That the findings of the 'Light Touch Review' undertaken by Mr. Hunt be welcomed;
- (b) That a report on the Total Place Project be submitted to a future meeting of the Commission.

26. Scrutiny Review Panels - Update.

The Commission considered a report of the Chief Executive concerning progress being made with Scrutiny Review Panels. A copy of the report is filed with these minutes.

The Chairman invited Mr. Lewis to discuss a report he and Mr. Hunt had prepared arising from a 'Light Touch' Review of the County Council's Arts Collection. Mr. Lewis advised that the report served as an update on the investigations that he and Mr. Hunt had made thus far and he asked that members contact himself or Mr. Hunt if they had any comments on its contents.

Dr. Feltham reported that the Scrutiny Commissioners had agreed that Mr. Lewis would serve as chairman of the Review Panel on Sex and Relationships Education and its Links with Teenage Pregnancy. Mr. Lewis felt that it would be beneficial to the review if a younger member of the Council was appointed to the Panel to provide a different perspective on the issues.

RESOLVED:

That the report be noted and that a further update report on the work of the Review Panels, including the summary findings of the 'Light Touch' Review on the County Council's Arts Collection, be submitted to a future meeting of the Commission.

27. Date of next meeting.

It was noted that the next meeting of the Committee would be held on Wednesday 9 December 2009 at 2.00pm, following a presentation on the new joint sub-regional arrangements and the role of the Community Planning Branch to be held at 11.00am.

3.00 pm - 5.15 pm  
28 October 2009

CHAIRMAN