

Minutes of a meeting of the Scrutiny Commission held at County Hall, Glenfield on Wednesday, 21 April 2010.

PRESENT

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

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

58. Minutes.

The minutes of the meeting held on 3 March 2010 were taken as read, confirmed and signed.

59. Question Time.

Dr. Martin Vaughan, a resident in Measham, asked the Chairman the following questions under Standing Order 35:-

- “1. How did Leicestershire County Council arrive at its current valuation for Measham Youth Club’s current land and building?”
2. Does the County Council consider this valuation to be incredibly mean considering that the lack of finance available to the Club will inhibit its ability to provide a replacement facility?”
3. The current site of the Youth Club is being bought as part of the Ashby Canal Project. What is the anticipated increase in land value the Council expects when it sells the land on to a developer? Is this part of the motivating factors for the current valuation?”
4. How much profit does the Council expect itself or developers to achieve from the sale of the site?”
5. Has any analysis been undertaken to assess the long term impact on the local community from the loss of this Youth Club?”
6. Is the County Council going to stand idly by whilst an important community facility like Measham Youth Club is destroyed, potentially exacerbating local anti-social behaviour issues, as well as damaging future community cohesion?”

The Chairman replied as follows:-

- “1. The County Council is restricted by statute as to how it assesses compensation. There is a set of rules laid down in Section 5 of the Land Compensation Act 1961 which govern the basis of compensation. The current valuation of the site has been based on what is considered to be the market value of the site in accordance with Rule 2 of these Rules and reflects what is felt to be the value for the site assuming potential for its development for residential purposes. In addition, the County Council will pay any eligible Disturbance and other statutory payments due to the Youth Club. The site extends to approximately 1 acre and whilst a residential development value has been applied, the valuation assumes a deduction to allow for the need to negotiate access to the site over other land. The Youth Club have appointed Surveyors to act on their behalf (and whose fees will be met by the County Council) and officers remain in discussion with them over whether this or an alternative valuation is appropriate in this case.

2. The valuation reflects the fact that the County Council is governed by a statutory scheme in assessing compensation which precludes the consideration of factors such as the financial status of the owner.

3. It is expected that any land which is surplus to the requirements of the Canal scheme, will be disposed of under the terms of the Joint Venture Agreement between the County Council and Ideal Country Homes (Measham) Ltd. Any income arising from an increase in the value of the land on disposal will arise solely from the reinstatement of the Canal and subject to Cabinet approval would simply be set against the cost of construction (which is estimated to be in the region of £13 million). There is therefore no profit to the County Council from the overall scheme.

4. The answer to question 3 above sets out the basis on which the County Council is proposing to enter into the process of disposing of surplus land, including the Measham Youth Club. It is not possible at the present time to predict entirely accurately the proceeds of sale and to do so in a public forum would not be in accordance with the County Council's usual practice, as this information is commercially sensitive pending conclusion of regulations and conveyancing procedures.

5. The County Council's Youth Service is aware of the situation regarding the Ashby Canal Project and will continue to work with the local Youth Club Management Committee to ensure the securing of provision in the area.

The Youth Service has developed previous strategies to remain in contact with young people in communities where there are limited sites to work out from via the use of mobile youth facilities. This would be viewed as a short term measure in the example of the Measham transition to new premises.

6. The County Council has been attempting to resolve the purchase of this site in order to remove the uncertainty for the Club and we are happy to offer advice and support to the Club when it has decided how it wishes

to establish its operations elsewhere. The decision as to how the compensation monies are spent rests with the Trustees of the Youth Club.

In addition, whilst the County Council will continue to look to acquire the site, it does not need to occupy the property just yet and therefore an offer has been made for the Club to remain in occupation for a period after completion of the purchase to assist in ensuring a smooth transition from the current site to any new one. A proposed new site has been identified and is being considered. It is therefore inappropriate to describe the facility as being “destroyed”. If the Youth Club Management Committee chooses to take the option of advice and support from the County Council, issues such as those raised in the question of improving community cohesion and tackling anti-social behaviour can be discussed.

As one of the 19 priority neighbourhoods, Measham will figure significantly in the future plans of Departments, especially those Services that are charged with securing positive activities and addressing anti social behaviour. Youth work staff are already involved in enabling young people to have a say in the future of provision in the area and during a visit to the proposed relocation site young people and workers both felt the new venue had much to offer both in terms of the current quality of accommodation and the location of facilities. The team of part-time staff and the Locality Youth Development workers are in regular contact with the Youth Club Management Committee members. Measham is expected to benefit from other investment in young people’s provision in the area with initiatives such as the ‘YTalk’ social networking sites project, which has received funding from the ‘Connecting Communities’ grant.”

Dr. Vaughan asked the following supplementary question on the reply to question 1:

“The Youth Club land has been valued by the County Council at approximately £150,000. The other side of the road from the Youth Club land there are two plots of land totaling 0.2 acres being offered for sale at £250,000. How can the County Council justify an offer of £150,000 for approximately one acre of land when a highways officer has declared that access to the youth Club land is not a problem and would not need negotiation with a third party?”

Response:

At the request of the Chairman, the Director of Corporate Resources responded to the supplementary question put forward and confirmed that the access to the Youth Club’s current premises was not owned by the Youth Club and this had therefore affected the valuation. There was no guarantee that Highways approval would be given to moving the access, onto Youth Club owned land, without going through a formal planning process. There were several other similar sized sites in Measham that had struggled in the current market and it was felt that the valuation was fair.

Dr. Vaughan asked the following supplementary question on the reply to question 2:

“Does the County Council accept that with an offer of £150,000 for the Youth Club land, there is no possibility of the existing facility being replaced?”

The Chairman replied that he would ensure Dr. Vaughan was provided with a written response to his supplementary question.

Dr. Vaughan asked the following supplementary question on the reply to question 3:

“At what price is the County Council going to sell the surplus Youth Club land to Ideal Country Homes?”

The Chairman replied that he would ensure Dr. Vaughan was provided with a written response to his supplementary question.

Dr. Vaughan asked the following supplementary question on the reply to question 5:

“The County Council states that mobile facilities could be used in the transition to new premises. With £150,000 no new premises are feasible. Does the County Council accept this fact?”

The Chairman replied that he would ensure Dr. Vaughan was provided with a written response to his supplementary question.

Dr. Vaughan asked the following supplementary question on the reply to question 6:

“Does the County Council not accept that without new premises to replace those lost by compulsory purchase - due to the £150,000 being insufficient to purchase new premises – the Youth Club will eventually cease to exist?”

The Chairman replied that he would ensure Dr. Vaughan was provided with a written response to his supplementary question.

It was felt by members that it was difficult to form an opinion on matters such as these without being made aware of all the relevant facts. Accordingly, it was proposed by Mr. Bailey, seconded by Mr. Hunt and carried:

“That the Scrutiny Commissioners discuss this case with a view to requesting that a detailed report on this matter be brought to a future meeting of the Commission on how the Youth Club can be assisted in re-establishing itself at alternative premises.”

60. Questions asked by members under Standing Order 7(3) and 7(5).**Mr Hunt CC asked the following questions of the Chairman:**

“The current target for the achievement of Workplace Travel Plans is the Local Transport Plan (LTP2) target that, “50% of all employers with more than 250 staff shall have a Travel Plan by 2011” and in September 2008 the Director reported to the Environment Scrutiny Committee that we were on track to meet this target.

Would the Chairman:-

1. Report on progress and provide a list of those employers who have delivered Travel Plans to date?
2. Tell the Commission which of these have reported progress since implementation, in terms of increased use of public transport, cycling and walking, and if there are any particularly excellent exemplars we could champion?
3. Schedule a report back to the Commission to indicate the level of success we have had by the 2011 milestone, and further monitoring and development anticipated?”

The Chairman replied as follows:

- “1 Good progress has been made and by the end of March a total of 47 'major employers' in Leicestershire had adopted travel plans as follows:

Employer / Organisation Name	Nos Empld	District	Year 1st included in APR (Year end)	Planning Permission Number or <u>V</u> oluntary
Alliance & Leicester, Carlton Park	1200	BL	2010	V
Antalis, Interlink Pk	300	NW	2008	2005/1857/07
Argos, Fosse Park	270	BL	2004	2002/0807/01
Asda, Thurmaston	280	CH	2001	1998/0433/02
Ashfield Healthcare, Ashby	1200	NW	2007	2004/1583/07
AstraZeneca, Loughborough	1300	CH	2003	V
Babcock HSC, Pegasus Pk	350	NW	2004	2001/1172/07
Blaby DC, Narborough	360	BL	2009	V
BT Rolatruc, Meridian	250	BL	2007	2004/0574/01
Caterpillar (UK) + Cat Logistics, Desford	1650	HI	2001	1998/0965/04
CaterpillarLogistics/Quinton Hazell, Hinckley	315	HI	2007	2006/0362/04
Centrica/British Gas Business, Grove Pk	1000	BL	2005	2002/0707/01
Charnwood BC, Loughborough	760	CH	2001	V
Dimensions, Willow Fm, Cas Don	250	NW	2010	2007/1128/07
Dunelm, Syston	250	CH	2006	2006/3459/02
Dunlop Bestobell, Shepshed	260	CH	2006	2005/0696/02
E2Save, Loughborough	250	CH	2007	2006/3597/02

East Midlands Airport Ltd	250	NW	2002	V
EME/Powergen, Pegasus Pk, EMA	500	NW	2002	1999/0175/07
FloGas, Syston	1000	CH	2004	2003/1195/03
George at Asda, Magna Park	400	HA	2003	2004/0260/03
Hill Rom, Ashby	260	NW	2007	V
Hinckley Community Hospital Ph1	260	HI	2010	2002/0893/04
HM Prison - Gartree, Mkt Harboro	460	HA	2010	2005/1803/03
Johnson Stalbridge Linen Services, Hinckley	275	HI	2007	2004/0882/04
Kettleby Foods/Samworth, LFE	285	BL	2008	2007/0559/01
Kingfield Heath, Magna Park	440	HA	2003	2000/0779/03
Laddaw Ltd, Interlink Park, Bardon	250	NW	2005	2003/0651/07
LaFarge Aggregates, Watermead Business Pk, Syston	500	CH	2005	2001/2035/02
Leicestershire CC, Glenfield	1700	BL	2003	V
Long Clawson Dairy	260	ME	2008	2007/0145/06
Loughborough College of FE	450	CH	2005	2003/2730/02
Loughborough University	3000	CH	2002	V
LPC (UK) Ltd, Rothley Lodge	350	CH	2010	2000/2268/02
My Home Move, Grove Park	260	BL	2008	2004/0643/01
Next Retail Plc HQ, Enderby	1500	BL	2002	2002/0885/01
Next Retail Store, Fosse Park, Braunstone	280	BL	2001	1999/0409/01
Polypipe Civils, Loughborough	320	CH	2008	2008/2053/02
PriceWaterhouseCoopers, Pegasus Pk	500	NW	2003	2001/1017/07
RBS, Grove Park	280	BL	2009	2005/0508/01
Sainsbury's, Grove Farm	480	BL	2007	2003/0858/01
SainsburysStore, Loughborough	400	CH	2004	2002/2459/02
Samworth Bros (Saladworks), LFE, Blaby	500	BL	2004	2001/1004/01
Stephenson College II, Coalville	500	NW	2006	2001/1275/07
Tesco, Ashby	400	NW	2010	2008/1606/07
Tesco, Loughborough	450	CH	2006	2004/3387/02
Triumph MC (Factory 2), Hinckley	250	HI	2005	2003/0525/04
Summary				
29 IN OUTER COUNTY	14960			
18 IN INNER COUNTY	12045			
47 TOTAL	27005			

This is well on track to meet the 50% target by the end of March next year. However, there are two important points to be made about the 47 major employers that have signed up to the Scheme, the first being that this does not represent the total achievement of workplace travel plans as it excludes the many others achieved across the County by smaller employers. It also excludes plans agreed with developers for employment sites that have planning permission, but have not yet been built and brought into operation.

The second point is that the proportion of 'major employers' with travel plans at any time is relative to the actual number of major employers in operation at that time. This number is not fixed; it varies slightly from

year to year as businesses expand, contract, amalgamate, arrive or leave the County. For several years, the number of major employers has hovered around 100, but recent economic circumstances could mean significant change is taking place in the numbers and sizes of employers and so, during the coming year, some further investigation will be undertaken to obtain an accurate figure on which to base the finally reported proportion.

2. As was reported in a previous reply to Mr Hunt, monitoring of the outcomes of travel plans has not been consistently achieved over the period because it has been held to be the responsibility of the organisation that operates each plan - our efforts have been directed to getting employers to create such plans in the first place.

However, we have had some encouraging evidence from a number of leading employers of the benefits of such plans and investment in better travel options for their employees. Notable examples include East Midlands Airport - which has seen substantial increases in travel by public transport, Next at Enderby and British Gas (Centrica) at Grove Park which have both introduced minibus services for their staff.

Several District Councils, notably Charnwood and Blaby, have excellent track records since the introduction of their staff travel plans and there is first-hand evidence of increased cycling, bus use and car sharing from our own experience of the County Hall Travel Plan, which was first introduced in 2004.

Also, Loughborough University, Stephenson College of Further Education (Coalville), Loughborough College of Further Education and (to be added to the list in the coming year when their new building opens in South Wigston) South Leicestershire College of Further Education are also to be commended on their commitment to effective travel planning for both staff and student travel.

3. I agree that it would be helpful to have a report to members of the Commission. I am advised that the best point for such a report would be after the completion of the LTP2 period that ends on 31st March 2011. In the first instance that report should be provided to members individually. A decision can then be made as to whether this should be the subject of debate at the Commission."

Mr. Hunt asked the following supplementary question on the response to question 1:

"Would it be a worthwhile exercise to name those major employers who have not adopted travel plans?"

The Chairman replied to the effect that:

It is the Council's role to work with employers and encourage them to adopt travel plans and it is therefore felt that a 'naming and shaming' exercise would not be productive.

Mr. Hunt asked the following supplementary question on the response to question 2:

“Given the Authority’s Local Transport Plan target to achieve 50% of major employers in the County adopting Travel Plans and the fact that it is voluntary on the part of those employers to produce Plans, would you agree that there are significant challenges in achieving this target?”

The Chairman replied to the effect that:

It is correct that the County Council has no powers to enforce Travel Plans once they have been adopted and it is acknowledged that the Authority has not performed as well as it could in this area in the past. However, much work has been carried out recently to engage employers in the County on this issue. Prospect Leicester Shire, the County and City Council’s new economic development company, has been working proactively to engage businesses, starting with the Grove Park area and the County Council has long been working with schools to encourage the production of School Travel Plans. Work has also been carried out to equip district councils to enforce travel plans that have been required as part of the planning process.

It is hoped that the Department will be in a position to report on progress on this matter in Autumn 2010 and in Spring 2011.

61. Urgent Items.

There were no urgent items for consideration.

62. 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 following members each declared a personal and non-prejudicial interest in respect of Item 10 as members of district/borough councils (Minute 68 refers):

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

The following members each declared a personal and non-prejudicial interest in respect of item 13 as concessionary travel pass holders (Minute 70 refers):

Mr. A. D. Bailey CC
 Mr. G. A. Boulter CC
 Dr. R. K. A. Feltham CC
 Mrs. J. Richards CC
 Mr. R. J. Shepherd CC

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

There were no declarations of the party whip.

64. Presentation of Petitions under Standing Order 36.

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

65. Change to the Order of Business.

The Chairman sought and obtained the consent of the Commission to vary the order of business from that set out in the agenda.

66. Scrutiny Review Panel Report on Road Safety.

The Commission considered the final report and recommendations of the Scrutiny Review Panel on Road Safety Measures. A copy of the report, marked 'B', is filed with these minutes.

The Chairman of the Panel, Mr. R. J. Shepherd CC, introduced the report and commended its recommendations which would assist in improving further the Council's road safety record.

The Commission considered the comments of Mr. J. T. Orson CC which outlined reasons why the Council's policy for not allowing the use of blind spot mirrors on the highway should be reinvestigated. A copy of the submission from Mr. Orson is filed with these minutes.

The following points arose from discussion:

- The Panel looked at a number of techniques to limit speed, such as Vehicle Activated Signs, 20 mph speed limits and speed humps. The Panel had worked on the basis that one was not necessarily more effective than another, but that each should be used on its merits in each case;
- It would be increasingly important going forward that a focus be placed on the education of drivers through, for example, the introduction of green driver and fleet driver defensive programmes both within the County Council and the wider local business sector in an effort to change driving trends, reduce speeding and have a positive effect on the environment;
- In regard to Mr. Orson's comments, the Commission considered that this issue had now been fully explored as part of the Review and that it was

fully supportive of the proposals included in the report.

RESOLVED:

That, subject to taking account of the comments made above, the conclusions and recommendations of the Review Panel be endorsed and that the report be submitted to the Cabinet for consideration at its meeting on 15 June.

67. Enforcement Programme for the Under age Sales of Tobacco Products and Aerosol Paints 2010/11.

The Commission considered a report of the Chief Executive concerning the proposed 2010/11 Enforcement Programme for Under Aged Sale of Tobacco and Aerosol Products. A copy of the report, marked 'C', is filed with these minutes.

In response to concern raised by members that, arising from test purchasing in relation to tobacco products, too few illegal sales had led to prosecutions, the Chief Executive reported that the Council's was required to be considered in its approach and work productively with businesses to publicise the law and improve practice, rather than ensure that the majority of breaches of the law went before the courts.

RESOLVED:

That the Cabinet be advised that this Commission supports and welcomes the proposed Enforcement Programme outlined in the report.

68. Medium Term Delivery Plan.

The Commission considered a report of the Chief Executive concerning the Medium Term Delivery Plan. A copy of the report, marked 'D', is filed with these minutes.

It was questioned why, in the absence of the Leader, the Cabinet Lead Member - Mr. M. B. Page CC - had not been in attendance to present the report, given that it was a major document on which the Authority had identified its key corporate priorities up to 2013. The Chairman indicated that he and the other Commissioners had enquired with the Lead Member as to his availability, but he unfortunately had a prior engagement.

Arising from consideration of the document, the following points were noted:

General

- A paginated contents would be a useful addition;
- There was general concern expressed in relation to a number of targets, given the Authority's recently agreed Medium Term Financial Strategy (MTFS) which included efficiency savings in a number of areas in which the document included delivery targets. A view was expressed that these targets would need to be closely monitored against the MTFS and that it would be necessary to take into account the savings requirement

to be achieved by other agencies;

“Children and Young People”

- The target to reduce bullying (as referred to on page 24) should be strengthened, with a particular focus on ensuring a consistent approach to reducing racist attitudes and other forms of discrimination, as bullying was only one aspect of this wider issue;

“A Prosperous, Innovative and Dynamic Community”

- A number of the targets contained in the document, such as those to improve the lives of vulnerable people (as referred to on page 13) appeared to be at odds with the recently agreed MTFS, which had included a cut in the Breaking the Barriers Team, which located employment opportunities for those with learning difficulties. It was highlighted that much of the document had been stress-tested within the context of the MTFS, particularly those that involved partners as part of the LAA, however some targets outside the remit of the LAA had not;
- The use of the Community Infrastructure Levy and Tax Incentive Fund (as referred to on page 13) as an avenue of exploration in regard to the support of infrastructure investments was questioned, given that the Fund had yet to receive full approval by the Government;

“Climate Change and Attractive Environment”

- Some members felt that the reference to climate change (as referred to on page 16) as being scientifically definitive was too strong. It was felt that reference should be made to the fact that scientific evidence now ‘appeared’ to be overwhelming;
- The evidence used to indicate that temperatures would increase by 2.2°C in winter and 2.5°C in summer should be cited;

“Voluntary and Community Sector and Volunteering”

- The references to use of the voluntary and community sector to delivery a number of activities to empower communities was questioned given the Council’s cut in financial contribution to Voluntary Action Leicestershire which had led to a reduction in hours of service for community hubs.

RESOLVED:

That the comments of the Commission be forwarded to the Cabinet for consideration at its meeting on 10 May.

69. Youth Justice Strategic Plan 2010-11.

The Commission considered a report of the Chief Executive concerning the Youth Offending Service's (YOS) Youth Justice Strategic Plan 2010-11. A copy of the report, marked 'E', is filed with these minutes.

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

- There were risks to delivery in relation to a number of targets contained within the document, particularly given the Authority's budget position and the Service's multi-agency funding, however it was pleasing that annual funding contributions had remained unaffected thus far;
- The YOS had a large and increasing volunteering workforce providing critical work towards the targets contained within the Plan. It was suggested that the volunteering arrangements could be more strongly highlighted in the Plan, given the excellent contribution they made to youth justice in Leicestershire.

RESOLVED:

That the Plan and the performance of the YOS, particularly in relation to its increase in recruitment of volunteers, be commended to the Cabinet for consideration at its meeting on 10 May.

70. Draft Equality, Diversity and Human Rights Strategy 2010-13.

The Commission considered a report of the Chief Executive concerning the draft Equality, Diversity and Human Rights Strategy 2010-13. A copy of the report, marked 'F', is filed with these minutes.

RESOLVED:

That the draft Equality, Diversity and Human Rights Strategy 2010-13 be commended to the Cabinet for consideration at its meeting on 10 May.

71. Scrutiny Review Panel Report on Concessionary Travel.

The Commission considered the final report and recommendations of the Scrutiny Review Panel on Concessionary Travel. A copy of the report, marked 'G', is filed with these minutes.

The Chairman of the Panel, Mr. G. A. Boulter CC, introduced the report and commended its recommendations which would assist in providing a more cohesive concessionary travel scheme.

It was reported that the Department for Transport (DfT) wished to simplify the guidance on reimbursement of bus operators, but that this was threatened by the possibility of some bus operators taking the matter to judicial review. It was therefore expected that the process would be delayed.

There remained uncertainty over how many people would in future sign up to

the concessionary scheme. The reimbursement to bus operators and the subsequent financial contribution from the Authority would therefore remain unpredictable.

RESOLVED:

- (a) That the conclusions and recommendations of the Review Panel be endorsed and that the report be submitted to the Cabinet for consideration at its meeting on 15 June;
- (b) That the Commission concurs with the view of the Panel that, it would be beneficial to reconvene the Panel when the outcome of consultation carried out by the DfT in relation to the reimbursement of bus operators became available.

72. Dates of future meetings.

The following programme of meetings for 2010/11 was NOTED:

Wednesday 9 June 2010
 Wednesday 1 Sept 2010
 Wednesday 10 November 2010
 Wednesday 8 December 2010

Wednesday 2 February 2011
 Wednesday 2 March 2011
 Wednesday 20 April 2011
 Wednesday 8 June 2011
 Wednesday 7 September 2011
 Wednesday 9 November 2011

(All meetings to start at 2.00pm)

2.00 pm - 4.20 pm
 21 April 2010

CHAIRMAN