

Minutes of a meeting of the Scrutiny Commission held at County Hall, Glenfield on Wednesday, 9 June 2010.

PRESENT

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

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

73. Appointment of Deputy Chairman.

RESOLVED:

That Dr. R. K. A. Feltham CC be appointed Deputy Chairman for the period ending with the Annual Meeting of the County Council in 2011.

74. Minutes.

The minutes of the meeting held on 21 April 2010 were taken as read, confirmed and signed.

75. Question Time.

Ms. Judi Peatfield a local resident in Markfield asked the Chairman the following questions under Standing Order 35:-

- “1. If Leicestershire County Council were to adopt a minimum path width of greater than one metre within its walk to school guidelines, would the somewhat unique route from Markfield and Field Head to South Charnwood High School between Stoney Lane and Grassy Lane pass this revised criteria during an assessment for suitability?”
2. Do you consider this to be an unreasonable request and could you explain exactly why the County Council chose to not include this within its guidelines or assessment initially?”

The Chairman replied as follows:-

- “1. The route has not been assessed in these terms and, given that it is over a mile in length, its width will vary at certain points. The route has only been assessed with regard to whether it would be available for a child to walk to school, accompanied by a responsible adult, which the Council believes it

is.

2. If it is considered on examination that a route is not suitable, it will fail the test. There are a number of factors that are taken into account and a fixed criterion of width does not necessarily indicate whether or not a path is available for use. These factors include:

- Is the route walkable?
- Would a parent reasonably be able to accompany a child along the route?
- Are there any crossing points, and if so, are they clear and with adequate visibility?

Some authorities allow for routes along country roads with no footpath, though the Council has not adopted this stance. Reports indicate that people do walk the route, so it is clearly used.”

Ms. Peatfield asked the following supplementary question in respect of the replies to question 1 and 2:

“Will the impending assessment result in our children having access to free transport to South Charnwood High School and, given the urgency for the assessment to take place, when can parents expect to have further information communicated to them?”

The Chairman replied that he would ensure that Ms. Peatfield was provided with a written response to her supplementary question.

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

The Chief Executive reported that no questions had been asked under Standing Order 7(3) and 7(5).

77. Urgent Items.

There were no urgent items for consideration.

78. 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 Items 11 and 12 as members of district/borough councils (Minutes 83 and 84 refer):

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
 Mrs. R. Page CC
 Mr. B. L. Pain CC
 Mrs. P. Posnett CC
 Mr. R. J. Shepherd CC

79. Declarations of the Party Whip.

There were no declarations of the party whip.

80. Petition: Request for a Footpath between Cosby and Broughton Astley along Broughton/Cosby Lane.

A petition submitted by Zac Kramer as lead petitioner signed by 326 local residents requesting the provision of a footpath between the villages of Cosby and Broughton Astley along Cosby Lane and Broughton Lane was presented to the Commission by Mr. D. Jennings CC and Mr. W. Liquorish CC, as local members.

A briefing note of the Director of Environment and Transport summarising the situation relating to the petition was considered by the Commission. A copy of this report, marked 'B', is filed with these minutes.

RESOLVED:

That a full report on the matter be submitted to the Commission within the next six months.

81. Petition: Opposition to the Council's £14,000 cut in the school transport budget for the school bus from Markfield/Field Head to South Charnwood High School.

A petition submitted by Joel Evans, a local resident of Markfield, signed by 1822 local residents was presented to the Commission by Mr. Evans and Mr. D. A. Sprason CC – local member for Markfield, Desford and Thornton in the following terms:

"We the undersigned oppose the County Council's £14,000 cut in the school transport budget for the school bus from Markfield/Field head to South Charnwood High School, Leicester. Additionally, we demand a full safety assessment and immediate revision of the County Council's criteria for free transportation to schools."

With the consent of the Chairman, Mr. D. A. Sprason addressed the Commission and made the following points in support of the petition:

- National guidelines stated that paths for walking routes should be a minimum of 1 metre, however other authorities used 1.8 metres as a minimum width. It was felt that the Authority should adopt 1.5 metres as a minimum;
- There was an expectation from parents that they should be able to walk their children to school side-by-side to ensure their safety;

- Any path should be wide enough for wheelchair use or for parents to use push chairs.

With the consent of the Chairman, Mr. Evans addressed the Commission and made the following points:

- The Markfield and Field Head School Bus Action Group had been formed arising from a public meeting on the County Council's proposed £14,000 school transport cut, at which David Tredinnick MP had been an attendee and had given his full support to the campaign;
- One person from 75% of all of the properties in Markfield had signed the petition;
- The County Council's Cabinet had agreed in 2001 a policy for assessing if a walking route was available and safe. That policy did not include a minimum footpath width;
- The route in question was inadequate and in a state of disrepair with no lighting for those children returning from school during the winter months or from out of hours school activities;
- There were no patrolled school crossing points;
- The route was in a remote rural area and it was therefore difficult to access emergency services;
- The route involved a crossing at the M1 bridge which was viewed as a significant potential danger;
- There was no, or insufficient, street lighting on the route.

Mr. Evans summed up his address by stating that the Action Group had the full support of parish councils and it was their view that the matter needed to be urgently reviewed in order that parents could be informed of the situation prior to the commencement of the next school term in September.

Mr. Bailey pointed out that Mr. Sprason was a member of the Cabinet which had recommended to full Council a cut of £14,000 in the budget for home to school transport and that at the full Council meeting opposition parties had agreed that this would have an effect on many children in the Authority's area. Mr. Sprason responded by stating that he was in agreement with the Council's £14,000 saving, but it was his and the Action Group's belief that the policy criteria for assessing walking routes to school should be revised to include a minimum path width, thus ensuring the safety of school children.

Concern was expressed in regard to adopting a minimum path width, as it was felt that this would likely lead to a number of routes being re-examined at a high potential cost to the Authority and at a time of significant financial difficulty.

The Commission then considered a briefing note of the Director of Environment and Transport a copy of which, marked 'C', is filed with these minutes.

The Director of Environment and Transport addressed the Commission and made the following key points in response to those made by the local member and lead petitioner:

- The £14,000 saving in relation to home to school transport was the result of a policy decision put forward by the Cabinet and agreed by the full County Council at its budget meeting on 24 February 2010;
- The Education Act required the Authority to provide a home to school transport service for routes that were three miles or longer, unless a walking route was available;
- An assessment of the route from Field Head to South Charnwood had been carried out in 2001 and 2005. A pedestrian crossing had then been installed in 2007;
- Efforts to provide an alternative bus service along this route had failed, following extensive negotiations. The Authority would continue to do everything it could to secure a contracted service for the route;
- It was unrealistic in times of significant financial pressure to have a minimum path width for walking routes and it was felt unnecessary, given that it was clear that the route was well used by people in the locality;
- The path in question would receive maintenance work prior to the next school term, though it was not currently known to what standard.

The Chairman thanked the Cabinet Lead Member for Environment and Transport, Mrs. L. A. S. Pendleton CC for being in attendance at the meeting to respond directly to the points raised.

With the consent of the Chairman, Mrs. Pendleton addressed the Commission and made the following points:

- The Cabinet had faced a number of difficult decisions in the present financial climate, of which this was one of them and the decision on this matter had not been taken lightly;
- Whilst the Council had a role to play in ensuring that the walking route to school was safe, the responsibility for ensuring that children arrived at school and returned homes safely lay with parents;
- There were a number of other walking routes in the County which were less than 1 metre in width and were walked by children every day.

Some members of the Commission expressed regret that the Cabinet did not reassess the policy criteria prior to proposing a cut in the school transport budget given that the safety of children should be a priority and the consequences of the changes should have been fully considered. Though the path was available and appeared to be used, this did not necessarily indicate that it was safe.

It was moved by Mr. Bailey and seconded by Mr. Boulter:-

“That the Cabinet be requested to reconsider the policy criteria for assessing ‘available’ walking routes to school for suitability and safety and reconsider its decision to withdraw the 838 bus service from Field Head to South Charnwood High School and other services.”

An amendment was moved by Mr. Pain and seconded by Mrs. Posnett:-

That the motion be amended to read as follows:

“That a Scrutiny Review Panel be established to consider the current home to school transport policy, in particular, how ‘available’ walking routes are assessed for suitability and safety.”

The amendment was put and carried, 8 members having voted for the motion and 4 against.

The substantive motion was put and carried.

82. Measham Youth Club.

The Commission considered a report of the Director of Corporate Resources concerning an update in respect of the position regarding the acquisition by the County Council of the site currently occupied by the Measham Youth Club and their search for replacement premises in Measham. A copy of the report, marked ‘D’, is filed with these minutes.

With the consent of the Chairman, Dr. Martin Vaughan addressed the Commission and stated that the Youth Club was happy that an improved offer for the premises had been discussed with the County Council. He felt that with the improved offer, the Youth Club would be in a position to afford to purchase the new premises it had identified in Measham, though they would not have adequate funds to modify the premises to suit their needs.

The Director reported that it was his belief that the improved offer from the County Council would enable the Youth Club to continue to exist at improved premises with some remaining funding for moderation works. The Youth Club was required to do a further assessment on costing the necessary repair work for the new premises. More discussions were also required to come to a conclusion on a finalised offer to the Youth Club.

RESOLVED:

That the Director of Corporate Resources and the Youth Club be encouraged to continue negotiations in an effort to seek an outcome that is satisfactory to both parties.

83. Scrutiny Review Panel Report on Flooding.

The Commission considered the final report and recommendations of the Scrutiny Review Panel on Flooding. A copy of the report, marked ‘E’, is filed with these minutes.

The Chairman of the Panel, Mrs. R. Page CC, introduced the report and commended its recommendations which would assist the Council in its role as lead body in respect of managing flood risk on a local level. Mrs. Page stressed that the report would need to be a 'living' document, as more detailed guidance was expected in the near future in regard to the extent of the Council's role as lead body and the associated financial expectations.

Arising from discussion of the report, the following points were noted:

- It was pleasing that external organisations such as Severn Trent and the Environment Agency had fully engaged with the Review process and this had hopefully set the tone for a successful partnership on the Flood Risk Management Board;
- Roadside gullies varied greatly in size and capacity. Going forward, the Council would be required to consider emptying gullies on a case by case basis until more was known about their capacity;
- The Panel would need to reconvene when the detailed guidance referred to above had emerged.

RESOLVED:

- (a) That the overall findings of the Panel be supported and that the conclusions and recommendations referred to in Appendix 1 of the report be referred to the Cabinet for consideration;
- (b) That the Chairman of the Panel be requested to liaise with the appropriate Cabinet Lead Member with a view to monitoring progress made against the recommendations and to report to the Scrutiny Commissioners and/or the Commission, as appropriate;
- (c) That the Panel reconvene at a time when the funding requirements of the Council become clearer via the emerging Government guidance.

84. Scrutiny Review Panel Report on the Procurement of Waste Treatment Facilities.

The Commission considered the final report and recommendations of the Scrutiny Review Panel on the Procurement of Waste Treatment Facilities. A copy of the report, marked 'F', is filed with these minutes.

The Chairman of the Panel, Dr. R. K. A. Feltham CC, introduced the report and commended its recommendations which would assist the Council in its assessment of proposals received from bidders against the project evaluation criteria previously agreed by the Council.

Arising from discussion of the report, the following points were noted:

- Following further competitive dialogue, the decision about which company would become the preferred bidder, subject to final Cabinet

approval, would be governed by the highest scoring company/consortia which met the County Council's previously agreed criteria, together with whichever technology it had proposed;

- It was the Authority's intention to call for final tenders by late 2010 with planning consent and construction being completed in time for an operational start in April 2015.

RESOLVED:

- (a) That the findings in the report be noted together with the Panel's view that it is broadly satisfied that the procedures and mechanisms in place throughout this part of the procurement process were robust and adhered strictly to the criteria laid down for assessing potential bids.
- (b) That the report be referred to the Cabinet for its consideration.

85. Annual Report - Overview and Scrutiny.

The Commission considered a report of the Scrutiny Commissioners concerning the annual reports of Overview and Scrutiny bodies. A copy of the report, marked 'G', is filed with these minutes.

The Chairman reported that he felt that the first year of operation under the new scrutiny structure had been successful.

Members felt that paragraph 2 of the Appendix 2 to the report required amendment to exclude reference to the Chairman.

RESOLVED:

That the Annual Reports of Overview and Scrutiny be approved for submission to the County Council subject to amendment in the light of the comments now made.

86. Key Outcomes and Proposed Action Points Arising from the Workshop on 11 May 2010.

The Commission considered a report of the Scrutiny Commissioners concerning the key issues arising from the Overview and Scrutiny Workshop held on 11 May 2010. A copy of the report, marked 'H', is filed with these minutes.

Arising from discussion of the outcomes, the following points were noted:

- The Chairman had written to the Leader regarding his involvement in a future meeting of the Commission by way of a question and answer session. The Leader had yet to formally respond, but he had expressed his wish that questions be raised with him in advance of any meeting in order that he or an appropriate Lead Member was given time to consider a response;
- It was questioned whether the call-in procedure should, as in the County

Council's case, only apply to key decisions;

- In regard to reports, a desire was expressed for a section outlining 'options looked at'. It was hoped that this would provide greater perspective on which to come to a considered view;
- A case for a meeting to be held outside of County Hall would need to be made and considered fully given the resources that would be required.

RESOLVED:

That the report together with the comments outlined above be noted.

87. Date of next meeting.

It was noted that the next meeting of the Committee would be held on 1 September 2010 at 2.00pm, subject to an additional meeting being arranged for the second week in July in order to discuss the first year performance reports of Prospect LeicesterShire and Voluntary Action LeicesterShire.

2.00 pm - 4.30 pm
09 June 2010

CHAIRMAN