

**MINUTES OF THE MEETING OF THE LEICESTERSHIRE COUNTY COUNCIL HELD  
AT COUNTY HALL, GLENFIELD ON Wednesday, 26 September 2012.**

**Present**

Mr. P. G. Lewis CC (in the Chair)

Mr. A. D. Bailey CC, Mr. D. C. Bill MBE CC, Mr. R. Blunt CC, Mr. G. A. Boulter CC, Mr. S. L. Bray CC, Mrs. R. Camamile CC, Mr. M. H. Charlesworth CC, Mr. J. G. Coxon CC, Mrs. J. A. Dickinson CC, Dr. R. K. A Feltham CC, Mrs. J. Fox CC, Mr. R. Fraser CC, Mr. S. J. Galton CC, Mr. D. A. Gamble CC, Mr. B. Garner CC, Mr. T. Gillard CC, Mr. M. Griffiths CC, Mr. S. J. Hampson CC, Mr. G. A. Hart CC, Dr. S. Hill CC, Mr. Dave Houseman MBE, CC, Mr. Max Hunt CC, Mr. D. Jennings CC, Mr. G. Jones CC, Mr. A. M. Kershaw CC, Mr. W. Liquorish JP CC, Mrs. H. E. Loydall CC, Mr. K. W. P. Lynch CC, Mr. J. Miah CC, Ms. Betty Newton CC, Mr. J. T. Orson JP CC, Mr. P. C. Osborne CC, Mr. I. D. Ould CC, Mr. M. B. Page CC, Mrs. R. Page CC, Mr. B. L. Pain CC, Mr. D. R. Parsons CBE CC, Mr. G. Partner CC, Mrs. L. A. S. Pendleton CC, Mrs. P. Posnett CC, Mrs. C. M. Radford CC, Mr. J. B. Rhodes CC, Mrs. J. Richards CC, Mr. P. A. Roffey CC, Mr. N. J. Rushton CC, Mr. R. J. Shepherd CC, Mr. D. Slater CC, Mr. E. D. Snartt CC, Mr. D. A. Sprason CC, Mr. E. F. White CC, Mr. R. M. Wilson CC, Mr. D. O. Wright CC and Mr. M. B. Wyatt CC

**166 - Chairman's Announcements.**

**Mr J F Howard**

The Chairman reported the sad death on 21 August, 2012 of former County Councillor John Howard, aged 83 years.

Mr Howard had served on the County Council from 1997 to 2001 representing the former Burbage Electoral Division. He had served mainly on the Further Education Committee of which he was Chairman, the Economic Development Committee where he was Conservative Spokesman and the Education Committee and many of its associated bodies.

He had also served as Chairman of the County Council for 2000/2001.

Those present joined the Chairman in standing in silent tribute to the memory of John Howard.

**Olympic Games and Paralympic Games**

The Chairman asked members to join him in congratulating Loughborough University on the crucial role it had played in hosting Team GB's Preparation Camp. Three members of staff from the County Council (Linda Bradbury, Samantha Hampson and Alexandra Barker) had joined staff from British Telecom and Astra Zeneca as secondees to the University to help to recruit the team of over 300 volunteers who had worked on a range of support jobs throughout the summer to make sure Team GB were well looked after and the Preparation Camp ran efficiently.

The Chairman also acknowledged the role played by Jewel Miah CC in his capacity as a Games Maker Volunteer in London during the Olympics. Lord Coe and many athletes had paid tribute to the work of the Games Makers in ensuring that the Games were a success.

As to the question of Olympic and Paralympic Legacy, the Chairman reported that he had been briefed and was very pleased to learn that a report on the Legacy would be considered by the Shadow Health and Wellbeing Board the following week.

### **Display of Museum Collections**

The Chairman drew members' attention to the display in the Members' Lounge of a small selection of items demonstrating the diversity of the collections entrusted to the County Council.

The clothing display from the high street retailer, NEXT, demonstrated an example of a unique partnership between a major local business and the museum service. The contemporary collection showed the full range of official clothing designed and supplied by NEXT for Team GB, Paralympics GB and London 2012 officials.

The display also included three drawers of small items from the 'Beasties Road Show'. Linked to the Natural Life Collections these drawers were developed as part of the work to promote the collections to a wider audience and had proved very popular.

### **Visitors**

The Chairman welcomed to the meeting all visitors and guests of members.

### **Mr E. F. White and Mr B. Garner**

Members joined the Chairman in extending a warm welcome to Messrs Garner and White following their recent absence due to ill health.

### **167 - Minutes.**

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

"That the minutes of the meeting of the Council held on 4 July 2012, copies of which have been circulated to members, be taken as read, confirmed and signed."

### **168 - 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.

### **169 - Variation in order of business.**

The Chairman reported that he had agreed to vary the order of business as provided for in Standing Order 5(1) to enable Agenda Item 8 – Appointments in accordance with items 11 and 12 of Standing Order 4 to be taken next.

**170 - Appointments in accordance with items 11 and 12 of Standing Order 4:-**

**170 - To appoint a Leader for the period ending with the date of the Annual Meeting of the Council in 2013.**

It was moved by MR GILLARD, seconded by MR SPRASON and carried:-

“That Mr N J Rushton be appointed Leader of the Council for the period until the Annual Meeting of the Council following the County Council elections in 2013.”

**170 - To note any changes to the membership of the Cabinet made by the Leader.**

It was moved by MR RUSHTON, seconded by MR GILLARD and carried:-

“That it be noted that the Leader has made the following appointments to the Cabinet

**Deputy Leader of the Council**

Mr D A Sprason (Lead Member for Adult Social Care)

**Other Members of the Cabinet:**

Mr R Blunt

Mr J T Orson

Mr I D Ould (Lead Member for Children and Young People’s Service)

Mr B L Pain

Mrs L A S Pendleton

Mrs P Posnett

Mr J B Rhodes

Mr E F White”

**171 - To answer questions asked under Standing Order 7(1)(2) and (5).**

**(A) Mr Charlesworth asked the following question of the Leader or his nominee:-**

- “1. When did Mr Rushton become aware of allegations against Mr Parsons concerning his payment for travel in relation to East Midlands Councils and E.U. Committee of the Regions?
2. What did he do about it?”

**Mr Rushton replied as follows:-**

- “1. I became aware on 25<sup>th</sup> October 2011 when the Chief Executive informed me, as Deputy Leader, that he had commissioned an internal audit investigation and that he had informed Mr Parsons the previous day.
2. I believed that it was right for the internal audit investigation to conclude and report. In that circumstance there was no action for me to take at that time.”

**(B) Mr Charlesworth asked the following question of the Leader or his nominee:-**

“At the Wigston Community Forum on the 10<sup>th</sup> September, a County Council officer said that no further cuts in service (reduction in opening hours/staff) would happen at the Record Office in Wigston. Can the Leader please confirm this?”

**Mr Sprason replied as follows:-**

“At the Wigston Community Forum of 10<sup>th</sup> September staff outlined the engagement process for seeking community views on six options for the future delivery of libraries and museums services.

The six options focus mainly on library services and to a smaller degree the Melton Carnegie and Charnwood museums. The Record Office is not included in this piece of work.

The County Council recognises the importance of the work undertaken by the Record Office but its position remains the same as reported to the Adults, Communities and Health Overview and Scrutiny Committee, of which Mr Charlesworth is a member, in that no firm guarantees can be given about budgets or likely savings reductions in the future for any part of the Council's services.”

**(C) Mr Charlesworth asked the following question of the Leader or his nominee:-**

“What community facilities have been provided in the village of Breedon on the Hill by the County Council since May 2009?”

**Mr Pain replied as follows:-**

“Community facilities are provided by the local primary school, St Hardulph’s C of E Primary School, making optimum use of its facilities, which have been there since 2009 and were, indeed, there before. The arrangement works very well and is popular within the local community, something confirmed to me by the local member, who holds surgeries there. Some examples of the use of the facility are given below:

- Breedon Wanderers use the football pitch for their home matches and for their junior team.
- Breedon Tennis Club uses the tennis court.
- North West Leicestershire District Council hires the stage area (best for disabled access) for use as a polling station during elections.
- A Sunday Service was held in the hall when the church was inaccessible due to emergency plumbing work.

Additionally, the community room is well used:

- by Breedon Play & Learn for fundraising events, often in conjunction with the school PTFA;
- 3½ days a week by Breedon Play & Learn;

- ½ day a week by Breedon Tiny tots
- Tuesday lunchtimes every fortnight by WI, who run Breedon Luncheon Club;
- Tuesday evenings and Wednesday afternoons – Yoga;
- Monthly evening meeting – Parish Council;
- Monthly evening meeting – WI;
- Monthly evening meeting – Breedon Parish Forum

and, as stated above, for surgeries by the local county councillor.”

**(D) Mr Charlesworth asked the following question of the Leader or his nominee:-**

- “1. How many complaints (letter/email/phone/in person) have Leicestershire County Council/Tarmac received concerning the grass cutting across the County since the end of March 2012?
2. Leicester City Council maintained its grass to a much higher standard than the County, what is being done to redress this appalling situation?”

**Mrs Pendleton replied as follows:-**

- “1. The Council’s Customer Service Centre (through which all highways-related enquiries and issues should be directed) has identified that, between the beginning of April 2012 and the end of September 2012, there were 992 individual customer contacts made about grass cutting. The peak, of 328 contacts in June, coincided with the period when the weather conditions were at their most challenging for the grass cutting operation. Even though weather conditions remained difficult in July (when 227 contacts were made), this coincided with the period when the additional resources brought in by the Council’s contractor enabled it to start getting back on top of the situation.
2. The County Council consulted the people of Leicestershire on what they considered to be a priority service for the future. That consultation yielded the response that less should be spent on grass cutting. As a consequence, the highway maintenance policy was amended to allow a reduced number of urban and rural cuts. This summer season, the Council’s contractor was working to the same number of urban grass cuts as had been undertaken in 2011 but the weather conditions in 2012 were considerably different. Had the decision to bring in additional resources been taken earlier, then the extent of the problem encountered across the County may have been lessened. In future years, any sustained period of adverse weather (for grass cutting purposes) is more likely to result in additional resources being deployed. The County Council faces significant financial challenges ahead and increasing grass cutting frequency will not help to address those challenges. It should be borne in mind that Leicestershire’s grass cutting frequencies are still higher than many of its immediate neighbours.”

**(E) Mr Houseman asked the following question of the Leader or his nominee:-**

“When the Syston Hobby Horse Estate was built, a Developer Agreement was put in place to deliver for public access on completion of the ‘aftercare’ process land adjacent to the A46, Glebe Way and Meadow Lane. Restoration is complete and

'aftercare' completion was certified by Leicestershire County Council in June 2008 on some of the land. Leicestershire and Rutland Wildlife Trust have taken responsibility for part of the site. Can I please be told what is happening to the remaining area?"

**Mr Pain replied as follows:-**

"The remaining area referred to is understood to be owned by a house building company and has not been worked for minerals. The restoration and aftercare objectives drawn up by the Wildlife Trust (and approved by the County Council) state that the objective for the management of a larger area of land, which includes this land, is to establish low intensity grazing with thick hedges and scrub around the margins. I am not aware of any intention by the house building company to allow public access to this land, which in any event was subject to a legal agreement between the developers and Charnwood Borough Council as the local planning authority. The matter therefore rests with them. Officers have contacted Charnwood Borough Council who have said that they would be happy to assist Mr Houseman in what is emerging to be a complicated legal matter."

**Mr Houseman asked the following supplementary question:-**

"A Section 52 agreement was involved which referred to part of the land being used for recreational purposes. I agree it is complicated but is it possible to ask the Leicestershire and Rutland Wildlife Trust to clearly sign which part now has public access?"

**Mr Pain replied as follows:-**

"I will undertake to further your request."

**(F) Mr Hunt asked the following question of the Leader or his nominee:-**

"The Coalville 'Miners Gala', which is funded by Leicestershire County Council and the National Union of Mineworkers, saw the launch of the revived 'Friends of Snibston'. This organisation is working with County Council staff to promote and protect the Snibston Museum and encourage greater community involvement and volunteering. In this time of austerity, museums are at risk of budget cuts and need all the help they can get from the bigger society. Does the Leader join me in supporting the Friends of Snibston in all that they aim to do for the benefit of the community?"

**Mr Sprason replied as follows:-**

"I am keen to support Big Society initiatives such as the Friends organisation to which Mr Hunt refers and I have attended one of their meetings to show my support. We are encouraging a number of similar initiatives across the County where we see opportunities for the community to become more involved in our services, particularly our cultural services through libraries and museums. Examples currently are Market Harborough, Melton, Quorn, Huncote and the Snibston Friends."

**Mr Hunt asked the following supplementary question:-**

"Leicestershire residents are very unhappy at the loss of the heritage money that perhaps we expected wrongly. Friends of Snibston would like to regain the lost

heritage funds in some way and preserve the museum site. What advice would Mr Sprason give to Friends of Snibston to support their vision?"

**Mr Sprason replied as follows:-**

"I will respond in the same way as I did to the Friends of Snibston when I attended their meeting. May I say what a passionate group they are about involving the community in Snibston. To answer Mr Hunt's question, I told them exactly the same, the bid was totally unsustainable into the future and we will be looking at other options on Snibston."

**(G) Mr Charlesworth asked the following question of the Leader or his nominee:-**

"Has the County Council ever issued more parking permits for a road than there are actual spaces?"

**Mrs Pendleton replied as follows:-**

"Presuming that Mr Charlesworth is referring to permits for residents' preferential parking schemes, these are allocated on the basis of the eligibility of the household for permits, not on the availability of spaces, and are rationed to two per household. Schemes do not guarantee a parking space but give preference to residents within the zone of the scheme, which may be several streets. Residents are also able to buy visitors' permits. In addition, most schemes only operate for part of the day and therefore greater demand from residents, for example in the evenings, will be catered for by the restrictions not applying at that time of day."

**(H) Mr Griffiths asked the following question of the Leader or his nominee:-**

- "1. How many parking tickets were issued around Ellis Park, Oadby during this year's Jubilee celebrations?
2. How much revenue was made from this and how much was expected?"

**Mrs Pendleton replied as follows:-**

- "1. On the 4<sup>th</sup> June 2012 seven Penalty Charge Notices (parking tickets) were issued on Brabazon Road, outside Ellis Park, Oadby.
2. These seven Penalty Charge Notices have resulted in fines totalling £210. No estimate is made of the anticipated number of Penalty Charge Notices which might be issued at a particular location on a particular date."

**(I) Mr Parsons asked the following question of the Leader or his nominee:-**

- "1. Is the Leader satisfied that the junction of Ratby Lane and Desford Road, Kirby Muxloe is suitable for heavy goods vehicles?
2. Will the Leader investigate the use of Station Road, Desford as an alternative lorry route bearing in mind the Crown Crest development?"

**Mrs Pendleton replied as follows:-**

- “1. Earlier this year a detailed assessment was undertaken of the mini roundabout junction at the Ratby Lane/ Desford Road, which showed that it has a good safety record. Our records show that there has been just one recorded injury accident at the site in the past five years and no accidents involving HGVs. A review of the signing and lining at the site indicates that these are adequate for the nature of the road layout and prevailing traffic conditions. Therefore, it is considered suitable for heavy goods vehicles.

Given the physical constraints of the site there is no opportunity to undertake any significant changes to the junction layout. Therefore, we would not propose any changes at the present time but will keep the junction under observation.

2. The suggested use of Station Road, Desford as a route to the M1 via the B582 is problematic in terms of road width, alignment, general topography and capacity of junctions along its length. The view of those local businesses that we would anticipate might use the route would undoubtedly be negative, given the need to tackle a level crossing, a short hill, signalised junctions (including Desford Crossroads and a sharp turn off the A47) and a notably longer journey. Given that any change to the designated HGV route network would also require a formal traffic regulation order, the likelihood of a positive outcome from consultation with local residents, businesses, parish councillors, borough councillors and local County Councillors is negligible. Under the circumstances, Station Road, Desford is not regarded as a viable alternative designated HGV route to those already available.”

**Mr Parsons asked the following supplementary question:-**

“Bearing in mind the huge amount of public disquiet with the Crown Crest development, will the Leader or the Spokesman at least review or promise a review of lorry routes in West Leicestershire?”

**Mrs Pendleton replied as follows:-**

“Mr Parsons knows that I am not being awkward but ‘no’.”

**(J) Mr Parsons asked the following question of the Leader or his nominee:-**

- “1. Is the Leader satisfied that adequate arrangements have been made for infrastructure in the proposals for over 4,000 homes in Lubbesthorpe?
2. What improvements would he make to ease traffic flow and reduce pollution?”

**Mrs Pendleton replied as follows:-**

- “1. Officers have been working with Blaby District Council, Leicester City Council, the Highways Agency and the developer for over two years to understand the implications of this proposal on the transport network. The County Council’s integrated transport model (LLITM) has been commissioned to forecast the impact of the development in future years including when it would be completed. It has also been used to test mitigation measures and the delivery of those

measures is currently being considered by Blaby District Council prior to the determination of the planning application at its Planning Committee in November. The County Council is satisfied that this has been a thorough process involving all the relevant infrastructure providers, using the most up to date forecasting tool (LLITM). In this particular instance the developer and his transport consultant have worked well with us to ensure a robust assessment has been completed.

2. It is important to bear in mind that it is only possible to require the developer to mitigate the impact of the additional traffic as a result of the development, not deal with existing conditions. In this case we have identified what is required of the developer and will be advising Blaby District Council of this shortly. It is a comprehensive list including two motorway bridges, improvements to the road network, provision of bus services and bus priority measures, traffic calming and improvements for walking and cycling.

Officers have identified, through the transport work completed by Blaby District Council for its LDF Core Strategy and through the Lubbethorpe planning application, that there is a need to develop medium to long term plans for this quadrant of Leicestershire including the J21 area. This work will commence shortly and identify transport projects for future funding to deal with existing problems.”

**Mr Parsons asked the following supplementary question:-**

“Would the Lead Member agree to liaise with Leicester Forest East Parish Council concerning the robustness of the LLITM model?”

**Mrs Pendleton replied as follows:-**

“I am always pleased to liaise with the Parish Council.”

**(K) Mr Wilson asked the following question of the Leader or his nominee:-**

- “1. Could the Leader please tell me what the current daily, weekly and monthly usage is for Birstall Park and Ride?
2. How do these figures match with expectations for the site?”

**Mrs Pendleton replied as follows:-**

- “1. The monthly passenger journeys made in June 2012 were 11,995 (5,999 passengers), in July there were 12,299 journeys (6,152 passengers) and in August 13,414 journeys (6,710 passengers). The average weekly passenger journeys for this period were 2,949 (1,475 passengers) and the daily average was 496 journeys (248 passengers).
2. The figures are lower than expected as the model of use was based on a frequency of every 10 minutes. To manage costs of the service the frequency was reduced to every 15 minutes from the launch of the service in July 2011 using existing resources from the Enderby Park and Ride service. Passenger usage continues to increase and planned promotion such as free Fridays in October, Christmas shopping and New Year promotions will continue this

increase across all three Park and Ride sites operating into Leicester.”

**(L) Ms Newton asked the following question of the Leader or his nominee:-**

- “1. Which areas of central Coalville and Loughborough are currently designated as significant flood risks under the County’s Preliminary Flood Assessment?
2. What responsibilities does the County Council have for ensuring that surface water on the highway is adequately drained?
3. Are there currently any outstanding works to achieve this in Loughborough and Coalville?”

**Mrs Pendleton replied as follows:-**

- “1. The Preliminary Flood Risk Assessment process identifies areas of 1km<sup>2</sup> where there is an annual risk of 1 in 200 of floodwater up to a depth of 100mm and where in the area identified there are:
  - more than 200 residents
  - more than one critical service
  - more than 20 non-residential properties.

Most of Loughborough and Coalville (including Greenhill) fall into this category. Details were shown in the Cabinet papers of 14<sup>th</sup> June 2011. This does not by any means suggest that most properties are at risk – it does mean that, somewhere within a kilometre square, there is a risk of flooding.

As Lead Local Flood Authority, the County Council is developing a Surface Water Management Plan for Loughborough, which has involved data collection and detailed modelling. This exercise will identify in detail where the greatest risks are and suggest possible mitigation measures.

A Local Flood Risk Management Strategy for the whole County is being developed which will include the identification of other detailed areas in need of flood mitigation. Local communities will be involved in the development of the strategy – providing information and identifying areas of concern. This process will also involve the identification of a programme of schemes.

2. The Highways Act 1980 empowers the County Council to construct drainage systems for the purpose of draining surface water from adopted highways. The Act also places a general responsibility on the County Council for the maintenance of adopted highways. This will include any constructed highway drainage systems up to their discharge point, which could be into a main sewer, river or stream.
3. The exceptionally wet weather during this summer highlighted drainage problems at a number of specific, isolated locations across the County. Some of these will simply involve the clearing of debris from gullies or minor repairs. However, some will be underlying drainage problems that would not have been apparent under normal weather conditions, including some that are the responsibility of Severn Trent Water. Additional resources have been commissioned to enable these to be investigated and resolved in the shortest

time possible. Priority is being given to those areas where flooding has caused a road safety issue or has led to the flooding of properties. It is worth noting that much of the localised flooding experienced at both Loughborough and Coalville (where a month's worth of rain fell in two hours on 28<sup>th</sup> June) cleared fairly quickly once the heavy rainfall had subsided."

**Ms Newton asked the following supplementary questions:-**

"I am pleased to see that we are going to develop a Surface Waste Management Plan for Loughborough, because Loughborough has suffered badly from flooding over the summer, but I wonder if we could see the results of this exercise as it would help local councils enormously? In terms of Coalville, properties in Central Road Coalville were flooded to a depth of 450mm on Monday, 24<sup>th</sup> September and part of the problem was due to insufficient highway drainage capacity, what will the Lead Member do to mitigate this problem in the future?"

**Mrs Pendleton replied as follows:-**

"All Members will be provided with copies of the outcome of the Surface Waste Management Plan.

We now have a preliminary flood plan in place and both Loughborough and Coalville are well on our radar. Rosita Page, who is our representative on the Flood Defence Committee, has just been speaking to me about the problems in Loughborough and in Coalville. We now have Nick Rowe, who is our officer in charge, and together we are looking into the effects of flooding in Loughborough and Coalville and the mitigation that we might be able to put in place."

**(M) Mrs Camamile asked the following question of the Leader or his nominee:-**

"Would the Leader please advise me of the approach being taken by Hinckley and Bosworth Borough Council to have the necessary transport modelling undertaken for the proposed SUEs (Sustainable Urban Extensions) at Barwell and Earl Shilton, and what transport mitigation matters are proposed?"

**Mrs Pendleton replied as follows:-**

"Hinckley and Bosworth Borough Council's adopted Core Strategy identifies the development of the Barwell and Earl Shilton SUEs as means of meeting housing requirements, supporting Hinckley as a sub-regional centre and supporting the regeneration of Earl Shilton and Barwell. The Core Strategy also identifies that the mechanism for ensuring that the SUEs are well designed, properly serviced and act as a catalyst for regeneration, is through the preparation and adoption of an Earl Shilton and Barwell Area Action Plan. This requires the Council to provide detailed evidence on the implications of growth in the Borough including the proposed SUEs at Barwell and Earl Shilton. We advised that the County Council's integrated transport model (LLITM) should be used for this purpose and that the Borough Council would need to commission this work.

The modelling is complicated in that it is not a single SUE but split between the two settlements of Barwell and Earl Shilton. There is a need to understand the interaction between these significantly enlarged settlements in the future and to masterplan carefully the developments, so that they minimise the impact on the transport network

and local services and infrastructure. There is also a draw towards the A5 and North Warwickshire, which has involved the Highways Agency and Warwickshire County Council. It is further complicated by the fact that there is no single developer that we are dealing with and the developers are reluctant to wait until the Borough Council have completed the Strategic Transport Assessment to support the Area Action Plan (AAP) before progressing individual planning applications. Instead of commissioning LLITM themselves, the Borough Council has jointly commissioned this with the various developers for their Strategic Transport Assessment and for the developers' planning applications. This has proved very difficult and time consuming for the County Council, with no clear client for the modelling and complex communication lines. Without the completion of the Strategic Transport Assessment, which will identify the overall transport mitigation for growth in the Borough, it is difficult to determine what the impact and mitigation measures from each individual site will be.

At present the modelling has not been advanced to a stage where mitigation measures have been tested and, therefore, I am not able to say what is proposed. Hinckley and Bosworth Borough Council is currently discussing a timetable with the developers and various consultants to determine a date when the transport work will be completed to such a stage that the Area Action Plan can proceed and they will be in a position to consider subsequent planning applications at their Hearing Committee. The Area Action Plan will be a key basis upon which planning applications are determined, as any development must be in conformity with it."

**Mrs Camamile asked the following supplementary question:-**

"In light of the importance of the Area Action Plan to guide development in both Barwell and Earl Shilton, particularly in relation to infrastructure provision to ensure that existing and new communities are sustainable and well serviced, can the Lead Member confirm that the County Council has made sufficient representations about what is needed from its other services and other responsibilities?"

**Mrs Pendleton replied as follows:-**

"The County Council was invited and participated in Hinckley and Bosworth's programme relating to the development of the Earl Shilton and Barwell Area Action Plan and master planning and made an input across County service areas. Additionally, technical responses have been submitted to Hinckley and Bosworth Borough Council in response to the planning application for the Barwell SUE. These, in addition to the highway comments already stated, comprise requests for developer contributions in relation to increasing the capacity at Barwell Household Waste Recycling Centre, provision of additional space at Barwell Library, the provision of a new Primary School and contribution towards Secondary School provision which will be required as a result of both the Barwell and Earl Shilton developments. As Mineral Planning Authority, the County Council has identified the potential for the development of sterilised sand and gravel resources. Whilst the developer has claimed that these resources are economically unviable no evidence has been provided to satisfy the County Council's concerns. Initially a number of ecology issues were raised by the County ecologist but these are being satisfactorily addressed as part of the application process. Similarly, whilst archaeological and heritage represents a significant consideration in the construction of the proposals, the Council's archaeologist is satisfied that sufficient consideration has been given to the implications of the scheme upon the historic environment to inform determination of the proposals and is satisfied that the development could go ahead subject to conditions to secure a staged programme of archaeological mitigation. I think given

the importance of this planning application and the strategic relationship between it the Earl Shilton SUE and Hinckley Town, I consider that members may very well welcome a full report and discussion on these proposals via the County Council's Cabinet with advice from its Development Control and Regulatory Board."

**(N) Mr Wyatt asked the following question of the Leader or his nominee:-**

- "1. I am concerned about the number of drains in the Warren Hills Electoral Division which have been, and in some cases are still, blocked due to neglect by the County Council and the impact this is having in terms of properties which have been flooded. Can I therefore have an update on progress on drain clearance in this area?
2. Could I be given an assurance that steps will be taken to ensure that proper monitoring and regular maintenance of drains takes place in future?
3. I am particularly concerned about flooding around Kingfisher Close, Meadow Lane, Abbotts Oak Drive and Oakham Drive which has continued to plague a number of residents over the summer, and I believe urgent attention is required to tackle the present inadequate road drainage. Could the Leader ensure that appropriate steps are taken to ensure that these problems are resolved?"

**Mrs Pendleton replied as follows:-**

- "1. Highway drainage is an area of activity that has historically not received as much attention nationally (as well as locally) as it should. On the basis of the scale of the problem, the Council allocated an additional £250,000 in both 2008/9 and 2009/10 to start to tackle highway drainage problems. Further to the Pitt Report of 2007 and the emergence of the Flood and Water Management Act 2010, the Council concluded it would provide the extra £250,000 on an ongoing basis. This funding has been used to tackle a host of drainage related issues, including the effectiveness of existing surface water systems. Part of this has been a re-evaluation of the previous gully cleansing operation and the need to gather comprehensive information to ensure the timely clearance of road gullies, some of which fill more frequently than others. The exceptionally wet weather during the summer has increased the drainage workload considerably, particularly as high levels of silt and debris have been washed into gullies and blocked them. It has also identified underlying drainage problems at some locations that would not have been apparent under normal conditions, including those in the main sewers, which are the responsibility of Severn Trent Water. Part of the £2million additional funding allocated at Cabinet on 23<sup>rd</sup> July 2012 for highway maintenance is being used to address these problems.
2. Extensive data gathering has commenced due to the aforementioned investment. Leicestershire Highway Operations (LHO) normally deploys four cyclic gully cleansing vehicles and one reactive jetter. LHO is roughly half-way through an 18-month programme designed to identify the optimum frequency for cleansing highway gullies. This involves using computer software on the vehicles recording the location and condition of every gully in the County each and every time the cleansing process commences. By analysing the data from this computer software, the optimum frequency can be calculated to ensure that the operation is as effective and efficient as possible.

3. Additional resources were recently commissioned to enable the recent flooding issues to be investigated and resolved in the shortest time possible. This includes two additional jetter vehicles to supplement the one already deployed on reactive works. This has allowed the cyclic gully cleansing vehicles to continue with their normal routine work, thereby avoiding future problems. Priority is being given to those areas where flooding has caused a road safety issue or has led to the flooding of properties. Those extra resources have been deployed in the locations mentioned and residents have noted the Council's intervention. Long-term solutions for areas subjected to regular flooding are being researched and investigated for affordable solutions but this will always be problematic in low-lying areas where surface water discharges to local brooks, streams and rivers."

**(O) Mr Bailey asked the following question of the Leader or his nominee:-**

- "1. Is the Leader aware that:-
  - a) More than two thirds of all road deaths take place on rural roads?
  - b) The coalition government is consulting on new guidance which would allow local authorities more flexibility in imposing speed limits on country lanes?
  - c) The road safety Minister said the new guidance of "40mph limits on country lanes should be considered for sections of rural roads where there are many bends, junctions or accesses"?
  - d) Hospital Lane, Blaby, closely matches the Minister's definition of a suitable country lane that might benefit from the new proposals?
  - e) On September 4<sup>th</sup> police stopped and fined a total of 66 motorists for various offences during an enforcement operation to tackle road safety on Hospital Lane and Winchester Road, Blaby?
2. In the light of this and the concerns of local residents about this busy and dangerous country lane, can the Leader indicate what action is being taken by the County Council to address the matter?"

**Mrs Pendleton replied as follows:-**

- "1. The County Council is active in pursuing road safety improvements and detailed reports on the accidents and casualty situation in the County are produced on an annual basis. We are fully aware of the figures quoted by Mr Bailey but it is worth noting that fatalities on Leicestershire's roads have been at historically low levels for the past three years.

The Government's draft guidance on speed limits offers nothing new to local traffic authorities, as we have always been able to impose lower speed limits where they are the most appropriate means to tackle proven road safety problems. Lower speed limits are only of any value if they are complied with, so we work extensively with the Police to ensure that any limits we propose are sensible.

We are aware of the Police operation that picked up 66 offending motorists. This was part of the "Fatal 4" campaign that targeted drink driving, failure to wear a seat belt, using a mobile phone whilst driving, as well as speeding. The Road Safety Partnership's campaigns focus on a wide range of dangerous

behaviour, not solely on speed.

2. The County Council is aware of the safety concerns on Hospital Lane and it is currently planning to undertake an accident investigation of the site in 2013/14. The investigation will look to identify potential remedial measures to improve the accident record at the site and will pick up on the issues raised by the recent Police enforcement operation.”

**(P) Mr Hunt asked the following question of the Leader or his nominee:-**

“With the increased interest in cycling what measures are available to the County Council for increasing safety on roads likely to be used for journeys to work and recreation?”

**Mrs Pendleton replied as follows:-**

“The County Council and its partners introduce numerous measures to increase safety for cyclists. The measures involve extensive training, promotion and physical infrastructure. For example:

Bikeability training level 1 and 2 is now offered free to all year 5 and 6 pupils. Free adult cycle courses are available throughout Leicestershire with over 300 adults taking part this year. Specific bike to work training and winter cycling courses are also now being offered.

The County Council works with partners such as Sustrans, Future Cycles, British Cycling and Leicestershire and Rutland Sport to promote cycling. The use of instructor led cycle ride programmes, cycle challenges and school star rider initiatives all encourage and promote safe cycling.

Approximately £2million will be spent introducing cycle facilities in Loughborough and Coalville over the next three years. In addition, accident trends involving cyclists will continue to be monitored and, if appropriate, action taken to address these.

The County Council has recently been successful in winning £4million of additional funding from the Local Sustainable Transport Fund. Numerous measures supporting safe cycling will be funded from these additional monies.”

**(Q) Mr Hunt asked the following question of the Leader or his nominee:-**

- “1. Has the Leader considered greater use of Quality Bus Contracts under the Transport Act 2000?
2. What opportunities does it offer to improve the operation of Leicestershire’s public transport network?
3. What progress is being made on the OneCard ticketing system in Leicestershire?”

**Mrs Pendleton replied as follows:-**

- “1. The use of Quality Contracts was amended by the Transport Act 2008 which gives statutory guidance on Quality Contract Schemes. Such an approach is always an option open to any local authority where it believes that bus services are not provided reliably and at frequencies and fares that do not meet the needs of local residents, employees and visitors. The local authority can specify the levels and patterns of services along with fares. A Quality Contract is therefore likely to require public funding if it requires higher service levels than currently commercially provided in an area. There are also a number of 'public interest' tests before such a contract can be put into place around local service provision. Local authorities have powers under the 1985 Transport Act to procure such services as they feel are necessary to provide access. Leicestershire currently spends in excess of £3 million in subsidising services across the County. The County and City Councils are part of the Central Leicestershire Quality Bus Partnership, two other partnerships cover Loughborough and Hinckley, and working with bus partners we have been able to secure funding and/or deliver smart ticketing, real time passenger information, better bus area funding for the A426 corridor and newer low floor bus fleets.
2. Networks can always be improved but such improvements, if not commercially viable, will increase the levels of public subsidy required to provide these enhancements.
3. The OneCard smartcard ticketing system has now been rolled out to all Leicester and Leicestershire concessionary pass holders. Most bus operators' electronic ticket machines will be able to read these 'smartcard' passes by Spring 2013. Arriva are looking to implement commercial products on smartcards for their services as part of the A426 Better Bus Area Fund corridor improvements by Spring 2014 at the latest. Other local bus companies are also working towards having similar commercial products for their services. The current Flexi ticket will migrate to smartcards.”

**(R) Mr Bill asked the following question of the Leader or his nominee:-**

“Does the Leader agree with me that the County Solicitor has done an excellent job in the preparations for the foundation of the Police and Crime Panel, and does he also agree that it is crucial that there is continued engagement with County Councillors on the strategic direction of policing in Leicestershire?”

**Mr Orson replied as follows:-**

“I am very pleased that the County Council has taken the lead role in establishing and servicing the Police and Crime Panel and I believe that the other local authorities in the Police area are also appreciative of the lead we have taken. I do wish to support the comments made about the County Solicitor, but would also wish to include my thanks to the Head of Youth Justice and Safer Communities and Democratic Services staff for their hard work.

It is important for County Councillors to understand the strategic direction of policing in Leicestershire. The Police and Crime Commissioner will play a leading role in setting that direction through the Police and Crime Plan and I hope that all members

will join with me in encouraging a good turnout at the elections for the Commissioner.

Every County Councillor has a responsibility to understand the strategic priorities of the Constabulary and how these are applied at patch level.

I do agree that community engagement is crucial. This can be achieved through membership of the Police and Crime Panel and the Community Safety Partnerships both at District and County level and through the statutory responsibilities of Scrutiny in regard to Crime and Disorder issues.”

**(S) Mr Hunt asked the following question of the Leader or his nominee:-**

- “1. Last July, Charnwood Borough Council’s Head of Planning reported a "difference of opinion between Leicestershire County Council and the Highways Agency regarding the transport model adopted by the County Council" which he said was the cause of further delays to Charnwood's Core Strategy. Is the Highways Agency now completely confident that the Leicester and Leicestershire Integrated Transport Model (LLITM) is correctly modelling traffic on the Strategy Road Network and specifically on the A46 and M1 between Junctions 21 and 24?
2. If work is still on-going between the Highways Agency and Leicestershire County Council what is the nature of the on-going concerns?
3. Is the Leader aware of widespread suggestions that the LLITM is understating traffic projections?
4. Does he believe such assertions are due to an ambitious assumption on the take-up of public transport, cycling and walking to work, or the use of minor roads to a capacity not anticipated previously?
5. What does he say to the suggestion that traffic flows are seriously underestimated, for example by applicants for the Lubbethorpe application (BDC: 11/0100/1/OX) as follows:
  - a) traffic measurement in Enderby on Mill Hill during peak hours in 2012 show that the traffic flows already exceed that projected by LLITM for 2026, by 12%,
  - b) traffic counting by a road safety sign in Huncote installed by the Parish Council showed the actual traffic to be twice that predicted by LLITM,
  - c) peak traffic flow counting on the A5460 in Enderby showed a large excess over that predicted by the LLITM for this time?”

**Mrs Pendleton replied as follows:-**

- “1. Officers have been working with the Highways Agency (HA) regarding the implications of growth in Leicestershire on the transport network and the use of LLITM for a number of years. Although they were initially concerned about its use they approved the model for the Charnwood Core Strategy on 3<sup>rd</sup> of August 2012 following further work with our officers.
2. The HA has no outstanding concerns with the model. It is now working with the County Council as part of a technical group tasked with updating the model to

take account of new data and improve its performance.

3. I am aware of concerns about the performance of LLITM which was considered by the Scrutiny Commission on 5<sup>th</sup> September. The model has been built to the standards set by the Government and is the only tool able to help us predict the implications of growth in future years. I would remind you that it has been successfully used to support bids to the Department for Transport for Loughborough Town Centre Improvement Scheme, the Local Sustainable Transport Fund and the Better Bus Area Fund.
4. LLITM uses a common set of national assumptions about the future in relation to fuel prices, public transport fares, economic growth, value of travel time, car ownership, vehicle engine technology and fuel efficiency.

The outputs of all models are influenced by these assumptions together with other assumptions made for the particular scheme, strategy or policy. Therefore I do not believe that LLITM is based on ambitious assumptions about the future.

5. It is difficult to comment on the examples mentioned without knowing the full details. However, LLITM is a strategic model with over 22,000 links and associated junctions represented in it. There will be occasions when it does not accurately reflect the flows on every link and care needs to be taken by users when this is identified through using the model. Users are advised that a local validation review be completed prior to using the model to identify any anomalies that may need to be dealt with before use."

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

"The Lead Member is aware of concerns and we have heard already about Lubbethorpe, Barwell and she will be aware of Loughborough, Birstall and Coalville problems, and yet she says this is the only tool the available to help us predict the implications of growth. Does she not accept that resting all of these plans on only one tool puts at risk a large number of projects should that one tool prove not up to the task?"

**Mrs Pendleton replied as follows:-**

"This is a computer model and it is the most up to date model that is available to us and, as my reply says, that has been successfully used to support a wide range of applications and is being used very successfully, so I am afraid I do not agree with your supposition."

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

"On question 4, would the Lead Member accept contributions in her position statement on this matter?"

**Mrs Pendleton replied as follows:-**

"Not today I won't."

**Mr Hunt asked the following supplementary question on the reply to question 5:-**

“This continues the theme that there is a lot of concern about the LLITM model and the answer to question 5 says there will be occasions when it does not accurately reflect the flows on every link and care needs to be taken by users when this is identified through using the model. Does the Lead Member agree that this tells me and, I think, any reader, that it is not a reliable system and saying basically you have got to be careful because it may not comply with what people actually experience?”

**Mrs Pendleton replied as follows:-**

“This is a computer model and when we have large developments Mr Hunt knows very well that they are backed up by counts on the road and then that is also fed into the computer model, so it says here users have to take care and actually match what is in the model with what is on the ground and work it out accordingly. You don’t just expect to get one answer. The developers have transport consultants who are working for them and they work alongside us. We don’t just use what we see in the LLITM computer model, we work with them on things that are happening on the ground as well and if they need altering then obviously we will alter them.”

**(T) Mr Miah asked the following question of the Leader or his nominee:-**

- “1. Will the Leader join me in congratulating Leicester University on the archaeological dig revealing the likely remains of King Richard III?
2. Would he agree with me that if confirmed the King’s remains should be interred in Leicester Cathedral?
3. Will he consider working jointly with other stakeholders, including the City Council, to develop the story of Bosworth using the expertise of our team at the County Council?”

**Mr Sprason replied as follows:-**

- “1. We are very pleased about the recent excavation led by Leicester University and the potential connections which this work can make with Bosworth Battlefield. The publicity which the University’s work has generated has provided a reminder to a national and international audience about the Battlefield exhibition and heritage collections.
2. It is my personal view that Leicester Cathedral would be a fitting location for the King’s remains.
3. Whatever the outcome of the specialist DNA and other work which is now taking place, there will be an important story to tell about the journey which Richard took from Leicester to Bosworth and then the return of his body back to Leicester after the battle. Such a trail can only be developed in partnership with Leicester City Council, the University and the Richard III Society. I would be pleased for our officers to play a key role in that work, using our museum, collections and expertise, in particular, at Bosworth Battlefield Heritage Centre.”

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

“I think there is an opportunity here to make more out of tourists coming into Leicestershire and can I ask the Lead Member in his answer to part 3 of the question if Leicestershire would take the lead in forming a working group to take this forward so we do join what happened in Bosworth and the resting place in Leicester together?”

**Mr Sprason replied as follows:-**

“I just want to add I am following Richard III on twitter. I did visit the site and we have with officers been discussing the matter with Leicester City because it is a fantastic opportunity. Obviously I want to keep Richard, if it is Richard, in Leicester because that is good for tourism. We will have to fight the Yorkists to achieve that. We are talking to Leicester City Council and all I would add is that it takes two to tango.”

**(U) Mr Miah asked the following question of the Leader or his nominee:-**

- “1. With changes to Council Tax Benefit due to come in from April 2013 can the Leader indicate what is the level of Council Tax Benefit paid out by all the administrating districts in Leicestershire and, of that, how much is attributable to Leicestershire County Council's precept?
2. What is the reduction in monetary terms of a 10% cut in funding of Council Tax Benefit from 2013?
3. How is the Council working with and what support is it offering district councils to ensure that arrears levels do not increase in terms of collection of Council Tax?
4. If arrears in Council Tax were to increase by 1% across Leicestershire what would be the monetary impact of this to the Council?”

**Mr Rhodes replied as follows:-**

- “1. The amount of expenditure on Council Tax Benefit in 2011/12 was £34.8m.

The amount attributable to the County Council's precept was £25m.

2. The 10% funding cut equates to around £2.5m for the County Council element and £3.5m overall.
3. The County Council is working closely with the District Councils on this issue. This involves County officers taking part in partnership workshops and meetings, providing funding to pay for a jointly appointed programme manager and being part of the programme management. The recent response to the District Councils' consultation on Council Tax Benefit made the point that we believe that use should be made of the new flexibilities on empty property exemptions to reduce the impact of the benefit changes; this in turn should limit the incidence of bad debts. We are also supportive of the principle of establishing (and jointly funding) a Council Tax Benefit hardship fund that will be

available to residents who are having great difficulty paying their council tax bills. This also should reduce bad debts. However, to some extent it is inevitable, because of the nature of the national changes that the level of council tax debt will increase.

4. Around £2.4m.”

**Mr Miah asked the following supplementary question:-**

“Does the Lead Member agree with me that with these cuts in Council Tax Benefit inevitably will fall on the poorest in Leicestershire and that national Government is getting local government to do its dirty work.”

**Mr Rhodes replied as follows:-**

“Certainly this will fall on those who receive benefits. We haven’t yet worked out, that is, all the District Councils working with the County Council, how that is going to happen. The degree to which it will affect people has not been worked out. I think it would be scaremongering to say that this is going to be really hard because the intention is to provide a mechanism to encourage people back to work and ultimately that will be the case. So, at this moment in time it is not fully worked out.”

**172 - Report of the Constitution Committee:**

**172 - Review of Standing Orders (Meeting Procedure Rules).**

A motion to the following effect, moved by Mr Rushton and seconded by Mr Bill, stood adjourned from the last meeting:

It was moved by MR RUSHTON, seconded by MR BILL and carried:-

“That the changes to Standing Orders (Meeting Procedure Rules), as set out in Appendix A to the report of the Constitution Committee, be approved.”

**173 - Position Statements.**

The Leader presented a position statement on the following matters:

- Local Authority Mortgage Scheme
- New Homes Bonus
- Debt Repayment
- Ashmount Special School
- Cycling and Walking
- Rural Broadband.

The Lead Member for Environment and Transport presented a position statement on the following matters:

- Home to School Transport
- Ausden Clark

- Supported Bus Network

The Lead Member for Children and Young People's Service presented a position statement on significant improvements and developments for children and young people over the past year.

The Chairman of the Scrutiny Commission presented a position statement on the decision to move children's congenital heart surgical and ECMO services from the Glenfield Hospital to Birmingham Children's Hospital.

**174 - Report of the Appointments Panel - Independent Persons - Standards of Conduct.**

It was moved by MR SNARTT and seconded by MR CHARLESWORTH and carried:-

"That Professor D Bonner, Mr D Grimes and Ms A Saigal be appointed to serve as Independent Persons for a term of four years ending on 30 September, 2016."

23.30 pm – 4.57 pm  
26 September 2012

Chairman