



Minutes of a meeting of the Environment and Transport Overview and Scrutiny Committee held at County Hall, Glenfield on Thursday, 3 September 2020.

PRESENT

Mr. D. C. Bill MBE CC  
Mr. G. A. Boulter CC  
Mr. D. Harrison CC  
Mr. Max Hunt CC

Mr. J. Morgan CC  
Mr. A. E. Pearson CC  
Mr. L. Phillimore CC  
Mr J. Poland CC  
Mrs. J. Richards CC

In attendance.

Mr. B. Pain CC, Deputy Leader of the Council  
Mr. T. Pendleton CC, Lead Member for Highways and Transportation  
Mr. O. O'Shea JP CC Cabinet Support Member

1. Appointment of Chairman.

RESOLVED:

That the appointment of Mr. A. E. Pearson CC as Chairman of the Environment and Transport Overview and Scrutiny Committee for the period ending with the Annual Meeting of the County Council in 2021 be noted.

Mr. A. E. Pearson CC - in the Chair

2. Election of Deputy Chairman.

RESOLVED:

That Mr. J. Poland CC be elected Vice-Chairman of the Environment and Transport Overview and Scrutiny Committee for the period ending with the Annual Meeting of the County Council in 2021.

3. Minutes.

That the minutes of the meeting held on 4 June 2020 were taken as read, confirmed and signed.

4. Question Time.

The Chief Executive report that questions had been received under Standing Order 35.

**Dr. Peters asked the following questions of the Chairman:-**

- 1) Please can you clarify whether or not the council consider children's safety when undertaking the tendering process for school bus services and in particular the services provided to those who obtain free bus passes, and if so; whether or not it is accurate that on the beaver bus school service to the villages, it is legal (and considered acceptable by the council) that 100 children can be transported on a bus that has approximately 70 seats?
- 2) Given the above reported information in terms of numbers of children using the bus, please can you clarify the procedures that will be in place in the context of the COVID-19 global pandemic to manage that up until now, the beaver bus service travels for more than an hour around the villages collecting children across 7 different year groups from three separate schools and is over-subscribed for the number of seats available making social distancing entirely impossible.
- 3) Please can you clarify why it is not possible for the council to issue vouchers of a set value to those eligible for free bus travel to use on whichever bus service they see fit (with parents paying the difference as necessary if they opt not to use the cheapest service) as this would enable parents to make their own choices as to what is acceptable in terms of safety when their children are being taken to school?
- 4) In response to the FAQ form that I've now seen that covers similar issues - if the bus is oversubscribed but the full seating capacity had been reached (in line with the covid protocol), what will happen to the children unable to get on the bus? Will additional provision be sent or would they simply be refused travel and left at a bus stop?

**The Chairman replied as followed:-**

- 1) *"When procuring transport for home to school transport either by bus, coach or taxi the safety of the child is the most important criteria that is considered in the tender process. All contracts have to meet strict legal safety standards before they are awarded and if they fail to maintain those standards then the contract will be removed from them.*

*In relation to the procurement process for free bus passes for entitled children, bus and coach operators are given the opportunity to provide the Council with a set price to purchase season tickets on their commercial school services.*

*As a requirement of the procurement process the operator must have a valid operator's licence. The main purpose of which is to ensure the safe and proper use of buses and coaches. For an operator to obtain a licence they must satisfy the Traffic Commissioner (responsible for licensing and regulation of those who operate buses and coaches) that they are of good repute, are of appropriate financial standing, have facilities for maintaining their vehicles; and are capable of ensuring that all the staff are capable of understanding relevant legislation. Therefore, safety is paramount in the delivering of all bus and coach services.*

*The Council would not purchase season tickets from an operator who failed to have a current operator's licence or did not agree to deliver the service according to the County Council's specified safety requirements. As such, in accordance with the agreement, the County Council will purchase the required season tickets from the supplier that represents the best financial value.*

*The numbers that can be carried on a bus vary from vehicle to vehicle, and exact capacities of both seated and standing passengers are dictated by Construction*

and Use regulations. The Road Vehicles (Construction and Use) Regulations 1986 and The Public Service Vehicles (Carrying Capacity) Regulations 1984. Buses that are able to carry at least 70 seated passengers are normally double deck vehicles and these vehicles would be allowed to carry standing passengers on the lower deck only. Generally, this would be a third of that deck which in most cases would be around eight passengers. It would, therefore be illegal if the capacity was exceeded beyond that. The Council regularly inspects the vehicles provided either immediately before, during or after operation of any journey to ensure that all safety standards are being met. When the Council has observed Beaver Bus at no stage has capacity exceeded the legal requirement.

- 2) The Council's season ticket agreement for this Academic year has changed stating that no standees will be allowed on any vehicle where eligible pupils are travelling, meaning operators should only sell tickets to cover the seated capacity of their vehicles. In addition, the agreement placed certain additional requirements on the operator as detailed below, these requirements were derived from advice from the Council's Health and Safety section, Public Health England and government guidance issued on 2<sup>nd</sup> July 2020.

The operator is responsible for ensuring drivers are aware of the necessary actions they must take to keep themselves and others safe, in line with this agreement and risk assessments undertaken by the bus company. The operator will adhere to the following requirements until further notice

1. Each vehicle should be carefully cleaned before and after every trip. Regularly clean all surfaces, including;
  - door handles, hand rails and grips, window handles/buttons;
  - seats and hard surfaces around seats that have been occupied.
2. Hand sanitiser should be made available on board the vehicle for passengers to use when boarding
3. Signage should be displayed informing passengers of the current passenger requirements in relation to COVID19 as and when required
4. Drivers should maintain distance wherever possible, wash hands frequently with soap and water (keeping a bottle of water and soap in the vehicle for this purpose), doing this for at least 20 seconds each time. Hand sanitiser gel can also be used.
5. Drivers should ventilate their vehicle with opened windows wherever possible (but be aware of the need to avoid risk of children leaning out of windows). Do not set air conditioning or ventilation systems to recirculate air.
6. Where a driver is found to have COVID 19 they should immediately be stood down for 14 days and the Council informed immediately.
7. If a passenger appears unwell with symptoms on the journey to school, the driver should immediately inform the appropriate school staff on arrival, before any passengers alight the vehicle.
8. All passengers should be seated for the whole duration of the journey and no capacity for standees should be used.

9. *If a child is unwell at their school or setting, they must be collected by a member of their family or household.*

10. *Drivers are not mandated to wear face coverings or masks but can do so if they wish or instructed by their employer to do so.*

*The Council is currently working with operators to ensure that they follow the most recent government guidance on school transport so where possible schools are served separately.*

3) *The Council's observations have not resulted in any breaches of safety standards including the overloading of vehicles. However, as a result of COVID-19 the Council has put in place new measures in the delivery of home to school transport on dedicated transport services, this includes the elimination of standing passengers.*

*As the operator has therefore met all the requirements of the season ticket agreement the Council is happy to purchase season tickets from them to provide free place for entitled children on a commercial service enabling the Council to meet its statutory duty of transporting distance entitled children for free to school. On occasions where it can be demonstrated it is of best value to the Council a petrol allowance to the parent can be offered to enable them to take their entitled pupil to school. However, given that the season ticket agreement with commercial services provides best value to the Council this is unlikely to be offered as an option.*

*On most occasions the Council's season ticket arrangement makes the commercial service viable and therefore the operator is able to offer season tickets values at best value to the Council as well as to non-entitled pupils, without this arrangement while the costs would not increase to entitled users they would to the Council.*

4) *Beaver Bus, as with others who are carrying entitled pupils as part of the season ticket agreement are no longer allowed standing passengers and should only sell season tickets to meet the seated capacity of the vehicle. As long as this is observed then no children will be left at the stop.*

*We are aware that Beaver Bus have declined parents season tickets as they do not have available capacity.*

*Where there are additional pressures on the wider public transport network the Council has worked with local bus operators to identify where there may be capacity issues from children returning to school. Where there is likely to be capacity issues the Council has funded additional capacity with monies made available from the Department for Education until the Autumn half term in the form of additional journeys, duplicate buses or increasing the size of the vehicle."*

Dr Peters asked the following supplementary questions:

Could clarification be provided on whether school buses have CCTV, and if so, are they used to monitor pupils standing on the upper deck, and the number of children in seating?

Secondly why school trips accompanied by teachers require children to wear seatbelts, but non-accompanied commutes to school do not?

The Director of Environment and Transport on behalf of the Chairman replied as follows:

“The majority of home to school buses do not have CCTV installed as it is not a requirement of Leicestershire County Council, or a legal requirement. The County Council is clear in its message that no pupil should be standing on the upper deck, or on the lower deck following the COVID-19 addition to County Council bus contracts. If such behaviour was observed then it should be reported to the driver, parents and the school as it should be everyone’s responsibility to ensure children have a safe journey to school.

The provision of seatbelts is dependent on the type of vehicle, on minibuses and coaches it is a legal requirement, however for service vehicles such as buses and double decker’s it is not a mandatory requirement, thus not mandatory for children to wear them.”

Following further comments and concerns from both the questioner and Members the Director informed the Committee that it was difficult to police and enforce any behavioural issues on home to school transport and this was the case even prior to COVID-19. Where problematic behaviour related to a child who was eligible for free school transport then the Council could, in extreme circumstances, exclude that user from that particular transport mode. However, not all transport was commissioned by the County Council and a number of services such as Beaver Bus were commissioned by schools directly and as such the Council could not take action in relation to those fee paying students. The County Council would continue to work with bus operators and schools to reinforce the message to parents and students.

The Committee thanked Dr Peters for attending and bringing the issues to their attention with the questions raised.

5. Questions asked by members.

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

6. Urgent Items

There were no urgent items for consideration.

7. 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.

No declarations were made.

8. Declarations of the Party Whip.

There were no declarations of the party whip.

9. Presentation of Petitions.

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

10. Environment and Transport Performance Report Quarter 1 2020/21

The Committee considered a report of the Director of Environment and Transport and Chief Executive on the Environment and Transport's Performance for Quarter 1 of 2020/2021. A copy of the report, marked 'Agenda Item 10' is filed with these minutes.

The Director informed the Committee that 17 of the performance indicators had seen improvement, while seven had declined and 19 remained the same as the previous update. Arising from the discussion the following points were noted:-

- i) Two new air quality indicators had been included in the performance report to reflect the importance of air quality on health and wellbeing. While air quality management duties were the responsibility of district authorities it was recognised that the County Council also had a key role to play. Members were aware from an All Member Briefing and discussion at the Scrutiny Commission that the Director of Public Health was working with the district councils and partners to look at reducing the impact of air pollution on health and the environment and the Environment and Transport Department would support that work where required. Further consideration would be given to the indicators and how they could be presented.
- ii) The Department for the Environment, Food and Rural Affairs had created a £2million fund for air quality initiatives. The County Council was awaiting the detailed criteria for the funding, which initially looked to focus on community group schemes. However it was recognised £2million nationally would not likely go far.
- iii) The percentage of the unclassified road network where maintenance should be considered had increased from 15% in 2018/19 to 16% in 2019/20. The County Council managed its assets in line with Government guidance which focused on a risk-based approach and looked to do preventative rather than reactive work. However, funding from Government was insufficient. While the County Council undertook planned work to extend the life cycle of its routes there was not enough resource to stop the decline on the network entirely. Despite this in comparison with other equivalent authorities the Council remained in the top quartile of performance. The Lead Member for Highways and Transportation assured the Committee that the issue was continually monitored and that he would continue to take the issue to Cabinet and to look to lobby Government with support from the Local Government Association and the County Councils Network.
- iv) The Department was unable to continue its surface dressing programme due to difficulty in social distancing for this operation. Instead, the allocated funding was used to fund other treatments on the network. The Director informed the Committee that Government had amalgamated a number of maintenance funds available to councils, of which the County Council had received £14million, but some of this funding was ring fenced to specific schemes. A report on the additional funding would be brought to the Committee in November.
- v) The Council monitored domestic properties with an Energy Performance certificate rating C+ for new and existing homes. The most recent figures showed that the percentage of those existing dwellings for Leicestershire was 34% compared to 40% nationally. However, in relation to new builds Leicestershire's percentage was 99% and outperforming the English average of 94%.

- vi) Mr Hunt raised a concern regarding the classification of vulnerable road users that included pedestrians, cyclists and motorcyclists, due to the substantial differences between them. The Director assured Members that the annual casualty report went into greater detail on the statistics and split the figures at a deeper level to provide more contextual information to the Committee. The indicator used within the performance report was a definition used nationally.
- vii) The County Council was unable to recycle material at any cost due to the funding available to the authority. The Department continued to monitor the hard plastics ('bric a brac' and toy market) and had material available to send to market to see if recycling was viable financially. Unfortunately, during the COVID-19 crisis the market was constrained. It was hoped this issue would be addressed by Government's Extended Producer Responsibility system that would put the onus on the producers of the product to be responsible for the cost at end of life: currently this cost fell on the County Council.
- viii) The booking system for the Recycling and Household Waste sites had been introduced in a short timescale during the pandemic. While there had been some glitches in general it had worked to prevent queuing and keep the public and staff safe. Since its initial introduction the number of slots households could book in a fortnight has risen from one to two and would increase again in the near future. Limits had originally been placed due to the complexity of co-located sites and the length of time it took at some sites to deposit waste. The system would be in place for the medium-term so the County Council could continue to prioritise the safety of all involved.
- ix) A concern was raised regarding the introduction of pop-up cycleways and the risk they posed with the removal of some bus lanes (such as the A47 into Leicester) which would potentially increase congestion, and thus exposure to air pollution. The Director informed the Committee that Government had allocated £335,000 to the County Council to encourage more people to walk and cycle following Government's initial message to not use public transport. Since that time Government's message had changed and Leicestershire County Council had bid for the second tranche of funding (with a provisional allocation of £1.2million) to create more permanent measures for walking and cycling. The Government had also introduced a new strategy for active travel that placed further emphasis on walking and cycling, which the County Council as Transport Authority needed to support otherwise risk not receiving future funding. The Department would bring a future report on the matter to the Committee.

The Deputy Leader thanked the Committee for their comments and observations on the performance report and noted that while certain indicators were beyond the Council's control it was important to look at the wider Leicestershire picture which would help the Council in its aim to become net carbon neutral by 2030 and net carbon neutral for Leicestershire as a whole by 2050.

RESOVLED:

That the report be noted.

The Committee considered a report of the Director of Environment and Transport and Director of Corporate Resources regarding COVID-19 Recovery within the Department. A copy of the report, marked 'Agenda Item 11' is filed with these minutes.

Arising from the discussion the following points were noted:-

- i) The cost of the pandemic on the Department was estimated at £6.5million. While there had been areas of savings, extra transport costs (especially related to SEN transport), delays in construction of major projects and increased waste disposal costs had resulted in the additional spending pressures.
- ii) All Park and Ride Sites, excluding the Birstall site, were up and running. The Birstall site remained out of action due to its use as a COVID-19 testing centre until at least the end of October. The County Council was in discussion with the Government to consider whether the site could accommodate the testing centre and the park and ride jointly as this was thought feasible due to the lower usage of public transport.
- iii) The County Council had been allocated £335,000 from the emergency active travel fund to put in place temporary measures to encourage walking and cycling along key transport corridors. The County Council hoped to secure further funding.
- iv) In managing the cost implications of COVID19 the Department had reviewed its capital programme and made a number of changes to the programme.
- v) It was noted that perceived danger and safety concerns hindered the take up of active travel. There was also concerns regarding shared pavement space between pedestrians, cyclists and scooters. The County Council would continue to look at how it could manage its limited road space to ensure users remain safe.

The Committee thanked the Department and officers for the work undertaken in keeping critical services going during the pandemic and all the work ongoing for recovery within the Department and Council.

RESOLVED:

That the report be noted

12. Impact of COVID-19 on School Transport and how Leicestershire County Council Intend to Address the Potential Issue of Increased School Gate Parking.

The Committee considered a report of the Director of Environment and Transport regarding the impact of COVID-19 on School Parking and how the County Council intended to address the potential issues that arose. A copy of the report, marked 'Agenda Item 12' is filed with these minutes.

The Director set out the challenging circumstances the County Council faced since Government announced schools would return. There were 321 schools with a combined 100,000 pupils in Leicestershire that would return to schools a week before the rest of the country. Despite the limited guidance provided the County Council had put together a



comprehensive back to school plan that built upon its current offering and focused on communication to schools, parents, Elected Members, parish councillors, local businesses and residents. The Director reported that whilst she was pleased with the work it had undertaken it was clear with more time and resource more could be done.

Arising from the discussion the following points were noted:-

- i. Camera Cars and Enforcement Officers had started patrolling outside schools where parking was a known issue, several people had already been caught parking on zig-zag lines.
- ii. The Department had started to receive feedback from parish councils regarding the physical measures communities might want to pilot and these would be funded from the £1million fund the Council had set aside for community schemes.
- iii. The County Council had stood up its 100 School Crossing Patrols, despite not being a statutory duty and would look into encouraging schools to start walking busses or park and stride sites. The Committee was assured that the Department continually monitored accident reports, however there was no recorded safety issues on school routes, and as with active travel the issue was more a problem of perceived danger.
- iv. The Department for Transport had asked authorities to survey schools regarding transport arrangements. To date only the department had received a handful of responses but it was intended to repeat the survey which would include questions on how the County Council could improve communications with schools.

RESOLVED:

That the report be noted.

### 13. Corporate Complaints and Compliments Annual Report 2019-20.

The Committee considered a report of the Director of Environment and Transport and the Director of Corporate Resources on the Annual Corporate Complaints and Compliments in relation to the Environment and Transport Department. A copy of the report, marked 'Agenda Item 13' is filed with these minutes.

Arising from the discussion the following points were noted:-

- i. There had been 231 complaints in 2019/20 for the Department. 90% of complaints were responded to within 20 days. Only two had been outside of the 65 working days limit.
- ii. The increase in complaints in relation to SEN Transport corresponded with a delayed start to the annual planning which was necessary as the Council was awaiting the decision of the Judicial Review of post-16 SEN transport proposals.
- iii. Complaints received regarding highway repairs were in the main about the time taken to respond and complete works as well as the where the defect did not meet the criteria for intervention. It was key for the Department to manage expectations

given the reduction in resources and to that end some progress had been made with the introduction of risk management approach.

- iv. Drainage and Grass Cutting were good examples of the improvement in communication and methods of working. The Council now provided mapping of Grass Cutting information on the website and a programme schedule of gully emptying.
- v. Only seven complaints had been escalated to the Local Government and Social Care Ombudsman and in only one case had the Ombudsman found maladministration in relation to advice provided regarding a dropped curb. No financial compensation was required and the County Council had since improved the information provided.

The Committee thanked officers for the in-depth report and the compliments that praised a lot of the work that sometimes went unnoticed.

RESOLVED:

That the report be noted.

14. Dates of Future Meetings.

RESOLVED:

That future meetings of the Environment and Transport Overview and Scrutiny Committee will be held at 2pm on the following dates:-

5 November 2020  
 14 January 2021  
 4 March 2021  
 3 June 2021  
 2 September 2021  
 4 November 2021

2.00 - 3.55 pm  
 03 September 2020

CHAIRMAN