

MEETING OF THE LEICESTERSHIRE COUNTY COUNCIL

WEDNESDAY, 5 DECEMBER 2018 AT 2.00 PM

ORDER PAPER

AGENDA ITEM NO. 1 – CHAIRMAN'S ANNOUNCEMENTS

The Chairman will make his announcements.

AGENDA ITEM NO. 2 – MINUTES (Pages 5 to 24)

MR O'SHEA will move and MR JENNINGS will second:-

“that the minutes of the meeting of the Council held on 26 September 2018, copies of which have been circulated to members, be taken as read, confirmed and signed.”

AGENDA ITEM NO. 3 – DECLARATIONS OF INTEREST

The Chairman will invite members who wish to do so to make declarations of interest in respect of items on the agenda for this meeting.

AGENDA ITEM NO. 4

QUESTIONS ASKED UNDER STANDING ORDER 7(1) (2) & (5)

(A) Question by MR CROOKS

“The 159 route runs between Coalville and Hinckley, via local villages of Ibstock, Nailstone, Barlestone, Newbold Verdon, Market Bosworth, Stapleton and Barwell. Some villages such as Stapleton will have no buses at all if this service is cut!

The service is used by School Children/Students who go to College in Hinckley, people who work and more senior residents who have no other means of transport to go shopping, etc. With local Post Offices, Pubs and Shops closing in the rural areas, the loss of this service will only increase isolation of villagers who do not drive.

Could the Lead Member advise me what the Council intends to do to ensure that the residents served by the 159 bus route will continue to have a public bus service?”

Reply by MR PAIN

“On 16th October 2018 the Cabinet adopted its new passenger transport policy and strategy. This policy and strategy sets out how the County Council will meet its statutory duties and deliver (where the policy need is established) fit for purpose and value for money passenger transport services across Leicestershire.

The County Council fully appreciates the importance of people being able to access key services. This is why the new policy and strategy affords priority to connecting people to food shopping, primary healthcare and employment opportunities at local centres.

I can confirm, following Roberts Coaches registration to withdraw the 159 service from 22nd December 2018, that the County Council has agreed to provide a subsidy to enable them to continue running the service until the end of June 2019. This is in line with the majority of the other services currently subsidised by the County Council. This extension to June 2019 also allows time for a full review of this, and all other subsidised services, against the new policy assessment criteria with the results of that assessment being used to decide on the most fit for purpose passenger transport outcome for each service from mid 2019.

The County Council will continue to provide transport funding support for eligible school pupils and community transport continues to be a service on offer for those people unable to use conventional passenger transport.”

(B) Question by DR EYNON

“Despite increasing prevalence of Type 2 Diabetes in Leicestershire many public events still rely on unsuitable sweet-biscuits and cake as the default snack option. What are the barriers and enablers to developing this Council’s public-facing catering offer so that it demonstrates our Public Health priorities?”

Reply by MRS POSNETT

“The catering ordering page on the Council intranet has options such as wraps and fruit readily available to order. Therefore the issue is down to changing the behaviour of people placing the order.

To promote healthy eating alternatives a paragraph has recently been added to the online order form:

“Before you order your refreshments we thought you may be interested to know that more healthy options are available in buffets, and fruit is available as well as/instead of biscuits. Also please do contact us if you have any special dietary requirements or need information about allergens.”

The head chef has also been asked to review the range of alternatives on offer.

Ultimately diet is a matter of individual responsibility, but by making healthy alternatives more prominent on the order form the Council would seek to encourage healthy eating. Members can play their part by taking a lead in putting down the custard creams and picking up the carrots.

Across the Council the Workplace Health and Well Being Strategy Group, co-chaired by Corporate Resources and Public Health and supported by voluntary departmental health and wellbeing coordinator and champions, helps develop plans and activities to promote the wellbeing of staff.”

(C) Question by MR WELSH

“With regard to Education, Health and Care Plans (EHCPs) could the Leader let me know for each academic year since 2014:-

- (a) The number of plans requested?
- (b) The number of assessments carried out?
- (c) The number of appeals made by parents or carers to the Special Educational Needs and Disability Tribunal and how many of these appeals were successful?”

Reply by MR OULD

- (a) 2014/15 - 516
2015/16 - 576
2016/17 - 640
2017/18 – 887
- (b) 2014/15 - 354
2015/16 - 395
2016/17 - 396
2017/18 – 635

(c)		2014/2015	2015/2016	2016/2017	2017/2018
Total tribunals		30	21	84	80
Tribunal outcome	Resolved prior to tribunal	18	15	63	52
	Tribunal ordered in favour of parent	6	4	17	13
	Tribunal ordered in favour of LA	6	0	3	2
	Ongoing	0	0	0	13
	Transferred to another LA	0	2	1	0

(D) Question by MR MIAH

“Could the Lead Member inform the Council on how many road traffic collisions involving pedestrians have occurred in Loughborough in the past three years? Of those reported how many resulted in fatalities?”

Could the Lead Member advise what actions the Council takes in terms of investigations and any preventative measures following a serious or fatal accident?”

Reply by MR PAIN

“In the past three years (1st October 2015 to 30th September 2018) 43 injury accidents involving pedestrians were recorded within the area of Loughborough. There were no fatalities.

Accident reports submitted by the Police are usually three months behind although preliminary notifications for fatalities are reported immediately. As such we are aware of the two recent fatal accidents. On 11th November 2018, a 64 year old man tragically lost his life on Holt Drive and then on 13th November 2018 a 12 year old boy tragically lost his life on Meadow Lane.

Following any fatal accident officers undertake urgent investigations to ensure that there is no highway defect which could have been a contributory factor in the incident. In doing so they will analyse the information provided by the Police, to determine if the Police have highlighted any cause for concern regarding the highway. The investigations for the above two fatalities concluded that there were no highway defects found to have been a contributing factor.

Each year a Casualty Reduction report is produced for Leicestershire. This report analyses all the reportable injury accidents in the county. The report is presented annually at the Environment and Transport Overview and Scrutiny meeting in February/March. Any areas of significant concern are highlighted in this report and officers will then request funding to carry out works based on the evidence contained in the report. Whilst it is fully appreciated that one accident is one too many, the adopted process for dealing with reportable injury accidents is clearly set out in the Casualty Reduction Report and is based on an evidence led approach which ensures parity across the county.

As part of business as usual all safety concerns highlighted to the Council by members, parishes, residents or other bodies are investigated and appropriate action taken where necessary.”

**AGENDA ITEM NO. 5 – TO RECEIVE POSITION STATEMENTS
FROM MEMBERS OF THE CABINET**

(Note: Standing Order 8 provides as follows:-

- (a) A position statement may give rise to an informal discussion by the Council.
- (b) At the conclusion of the discussion a formal motion may be moved to the effect that a particular issue relevant to the statement be referred to the Cabinet, the Commission, a Board or a Committee for consideration. This shall be moved and seconded formally and put without discussion. No other motion or amendment may be moved.
- (c) The discussion of any position statement shall not exceed 20 minutes but the Chairman may permit an extension to this period.)

LEADER

- (i) The Leader will make his statement.
- (ii) An informal discussion may then take place.

LEAD MEMBER FOR CHILDREN AND FAMILY SERVICES

- (i) The Lead Member will make his statement.
- (ii) An informal discussion may then take place.

**TO CONSIDER REPORTS OF THE
CABINET, SCRUTINY COMMISSION, SCRUTINY COMMITTEES,
AND OTHER BODIES****AGENDA ITEM NO. 6
REPORT OF THE CORPORATE GOVERNANCE COMMITTEE**

(Pages 25 to 42)

Principal Speakers:-
Chairman (Mr P Bedford)
Liberal Democrat Spokesman (Mr B Boulter)
Labour Spokesperson (Mr S Sheahan)

(A) **Proposed Changes to the Contract Procedure Rules**

MR BEDFORD will move and MR RICHARDSON will second:

“That the proposed amendments to the Contract Procedure Rules, set out in Appendix 1 to the report of the Corporate Governance Committee, be approved.”

**AGENDA ITEM NO. 7
REPORT OF THE CONSTITUTION COMMITTEE**

(Pages 43 to 60)

Principal Speakers:-
Chairman (Mr N Rushton)
Liberal Democrat Spokesman (Mr S Galton)

(A) **Review of the Constitution – Management of Trustee Responsibility**

MR RUSHTON will move and MR RHODES will second:

“That the proposed changes to Part 3 (Responsibility for Functions) of the Constitution relating to the extension of role and responsibilities of the Constitution Committee to deal with the functions of the County Council as a Charitable Trustee, be approved.”

(B) Report of the Independent Remuneration Panel

MR RUSHTON will move and MR RHODES will second:

- “(a) That those Members who submitted an Annual Report be thanked for doing so.
- (b) That those Members who have not submitted an Annual Report for the municipal year 2017/18 do so at the earliest opportunity.
- (c) That all Members of the County Council be required to prepare and submit a second Annual Report for publication on the County Council’s website by June 2019 and it be noted that the Panel intends to reconvene in the autumn of 2019 to review the outcome of this recommendation.
- (d) That Group Leaders and Whips, in particular the Conservative and Labour Group Leaders and Whips, be thanked for their hard work in ensuring that all Members of their Group submitted an Annual Report.
- (e) That Group Leaders and Group Whips be reminded of their responsibility for ensuring that all Members of their Groups complete and submit a second Annual Report.
- (f) That the allowance payable to Group Whips continues to be paid at the current rate of £60.20 per Member.
- (g) That it be noted that the Panel will review the Group Whips allowance at its next meeting (Autumn 2019).”

AGENDA ITEM NO. 8
REPORT OF THE CABINET

(Pages 61 to 242)

Principal Speakers:-
Mover of motion (as appropriate)
Leader of the Opposition (Mr S J Galton)

(A) Annual Report of the Director of Public Health

MRS POSNETT will move and MR OULD will second:

“That the Director of Public Health Annual Report 2018 be noted with support.”

(B) Annual Delivery Report and Performance Compendium 2018

MR RHODES will move and MR SHEPHERD will second:

“That the Annual Delivery Report and Performance Compendium 2018 be approved.”

**AGENDA ITEM NO. 9 - APPOINTMENTS IN ACCORDANCE WITH ITEMS 11 AND
12 OF STANDING ORDER 4**

(A) **TO APPOINT A CABINET SUPPORT MEMBER**

MR RUSHTON will move and MR SHEPHERD will second:-

“That Mr T J Pendleton CC be appointed as Cabinet Support Member until the next Annual Meeting of the County Council, as provided for in Article 7 of the Council’s Constitution.”

**AGENDA ITEM NO. 10.
NOTICE OF MOTION**

(A) Police Funding – Mr D C Bill CC

MR BILL will move and MR CROOKS will second:-

“(a) That this Council notes:-

- (i) concerns expressed by the Home Office Select Committee predicting dire consequences for public safety unless police budgets are increased;
- (ii) the view of the National Audit Office that the funding model for policing is financially unsustainable;
- (iii) since 2010 Government grant received by Leicestershire Police has gone from £134m in 2010, down to £104m this year resulting in police numbers falling from 2,300 in 2010 to 1806 this year;
- (iv) the most recent Treasury decision to pass on to local forces the full cost of pension revaluation that will cost Leicestershire Police £5million per annum equivalent to the cost of employing approximately 180 police officers;
- (v) the considerable effort undertaken by Leicestershire Police to date to reduce back office costs and improve efficiency through transformation and innovation and as a result saving £8million since 2010;
- (vi) the increasing pressures faced by the police as a result of an increasing population, the proliferation of cyber-crime and fraud and increased demands arising from safeguarding vulnerable people.

(b) That this Council believes that the current level of police funding is inadequate to meet the needs of the people of Leicester, Leicestershire and Rutland and supports the representations made by the Chief Constable and Police and Crime Commissioner to Leicestershire MPs urging them to make representations to Government on this matter.”

An amendment will be moved by MR RHODES and seconded by DR EYNON:-

“(a) That the County Council fully supports Leicestershire Police and notes recent speculation about Government intentions on police funding, including further council tax rises, and that the most recent issue affecting police funding, the question of pension costs, may be the subject of court proceedings.

- (b) That the County Council is not in a position to comment on the above but believes that the answer to any of the serious funding shortfalls affecting front-line public services does not lie in short-term fixes but in medium to longer term funding changes and therefore notes the crucial importance of the Government's forthcoming Comprehensive Spending Review.
- (c) That accordingly, the County Council asks Leicestershire MPs to support the County Council, Leicestershire Police and the Fire and Rescue Service and to draw the attention of Government to the Council's view that, in order to be effective, the CSR as a minimum should adopt the following principles:
- Taxpayers' money should be focussed on maintaining and improving services.
 - Services must be cost-effective.
 - Recognition of service demand.
 - Recognition of the impact of austerity.
 - Fairness in public sector funding.
 - Equity in service provision.
 - An end to silo decision-making within Government which frustrates local service delivery.
 - The importance of prevention in longer term solutions to societal and service pressures."

COUNTY COUNCIL MEETING – 5 DECEMBER 2018

LEADER'S POSITION STATEMENT

iMPOWER – Most Productive Council

The County Council has been named as the most productive council in the country for the second year in a row according to a table compiled by consultancy firm iMPOWER.

The “iMPOWER iNDEX” defines productivity as outcome value per pound spent and draws on 20 publicly available data sets and 49 outcome indicators.

This is a great achievement by the Council and I would like to pay particular tribute to staff for their hard work. I would also like to recognise the personal role which Byron Rhodes has played in leading our transformation programme, which has been instrumental in this achievement. I agree with Byron that if we were to receive fair funding, we would in all probability also be the highest performing council in the country.

Unitary Local Government

Following the Cabinet decision in October to start an engagement and scrutiny process on outline proposals for the development of a unitary structure, I received a copy of a private and confidential letter from MPs, which was copied to the District Council Leaders. Unfortunately it was soon reported in the press and notified to districts' staff. That letter asked me to stop any work on reorganisation and made the same request of the District Council Leaders.

Whilst I will respect their views, MPs should not expect me to stop something decided by the Cabinet. I understand the legislative process and the significance of MPs in that process – I spoke to the Secretary of State during the CCN Conference - but equally I think it is important that all concerned recognise both the serious financial situation facing the County Council and the need to keep under review how local government in the East Midlands can best influence Government in both the national and regional context.

I am grateful to the Leaders of the Liberal Democrat and Labour Groups and the Conservative Commissioners in taking forward the scrutiny process on a cross-party basis. I hope everyone who has taken part in it will believe that this has been a thoroughly worthwhile process, with many useful contributions and hopefully enabling debate to flesh out and clarify the outline proposals presented to Cabinet. And the challenge from scrutiny has been welcome. In particular, I would like to thank all the outside speakers who gave a lot of their time to present to scrutiny members and to take questions.

The scrutiny process has not yet concluded – there is another meeting tomorrow at which two of the District Council Leaders have accepted an invitation to attend.

I must place on record my appreciation, and I am sure the appreciation of all members, to Jean Collins who has attended every scrutiny meeting bar one and it is good that she has an opinion on the best way forward. Talking of which, I think it is significant that there is a strong body of opinion from commerce and industry that the one thing which is important is that debate should continue.

Having discussed this with my Group, I believe the best way forward is to ask the Chief Executive to commission a business case that will flesh out in detail what a unitary structure for Leicestershire will look like in the context of a clear vision, what powers it will have and how it will operate. Once that business case is completed, that will go back to the Scrutiny Commission and the cross party working group for further consideration, before coming back to Cabinet and then to Full Council at some point for final approval. This will become the settled will of the County Council, should it be approved.

County Councils Network Annual Conference 2018

All Groups were represented at the CCN Conference held this year in Surrey.

In my role as CCN Finance Spokesman, I chaired a session looking into the funding pressures facing the County Councils. In that context, we were very pleased to see Rishi Sunak MP, Minister for Local Government, at the Conference. In his speech he praised Leicestershire for our work on delivering a needs-based, cost-driver model of funding and it is good to know that we are highly regarded by the Ministerial team and his civil servants.

East Midlands Collaboration

I continue to attend meetings of the Midlands Engine Executive Board, the Midlands Connect Board and the Board of Transport for the East Midlands. I cannot underestimate how important these bodies are to the future wellbeing, not just of Leicestershire, but of our region generally. As I have said before, the picture has changed and, whether we like it or not, it is bodies such as these which are the only ones able to get substantial funding out of Government for major infrastructure projects. Without those, strategically planned development, whether it be for housing or industry, will not be possible.

I am aware there is opposition locally to what is known as the A46 Expressway. I can inform the Council that Phase 2 of the Midlands Connect A46 study is underway and will report next year. I can also report that there has been positive news on the Coventry-Leicester to Nottingham rail corridor with the business case for improved rail services showing promising results.

Leicester and Leicestershire Local Enterprise Partnership

I am pleased to report that the Government's recent review of LEPs across the country is not proposing any changes to the geography of our partnership. Elsewhere there are considerable tensions about boundaries and also about the Government's intention to reduce local authority involvement and influence. I certainly share those latter concerns but I believe that we have a stable partnership in Leicester and Leicestershire, which is well led and therefore in a good position to manage any changes introduced by the Government.

It is nevertheless a real concern that there continue to be difficulties about the retention of business rates from Enterprise Zones, of which we have three in our LEP area. If any billing authority is seen as unreasonable by private sector partners and other local authorities, it does nothing for the reputation of local government and could weaken the partnership and its good reputation with Government. I hope that common sense can prevail.

Social Value

The Cabinet has recently approved a Social Value Policy Statement which goes beyond the statutory requirement to consider wider social, economic and environmental benefits when awarding contracts for services. Importantly this will secure wider community benefits for the people of Leicestershire by enabling us to maximise our spending power by leveraging additional resources from our suppliers and providers.

This policy covers all contracts over £50,000 and I know it has been well received. I am particularly grateful for the support from the Leader of the Labour Group.

Broadband

In the last five years the County Council's Superfast Leicestershire programme has upgraded more than 72,000 homes and businesses to fibre broadband. I am delighted to announce that we have now secured an addition £5.63m from the Rural Development Programme for England to add to our already committed investment. Our target is the 'final 4%' of Leicestershire which would otherwise be left behind on slow or inadequate broadband speeds. Details of the areas to benefit will be made public next summer with engineering works expected to start next autumn.

Mr N. J. Rushton CC

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COUNTY COUNCIL MEETING – 5TH DECEMBER 2018**POSITION STATEMENT FROM THE CABINET LEAD MEMBER FOR CHILDREN AND FAMILY SERVICES****Ofsted – ‘Focus visit on the Front Door’**

At the beginning of October the Department was advised by Ofsted that it would be undertaking a ‘Focus Visit on the Front Door’ the following week as part of the Inspection of Local Authority Children’s Services Framework.

Inspectors arrived on site on 10th October and spent two days looking at the work on the front door to social care and early help services. On 4th November a letter summarising the Focused Visit was published. In the letter the inspectors reported that Leicestershire children’s services were last inspected by Ofsted in 2016, when the overall effectiveness of the service was judged to ‘requires improvement to be good’. Since then, with strong political support, and a permanent leadership team, steady and realistic improvements have been made to the first response service. The push to increase capacity, reduce caseloads and create a learning environment has been successful in stabilising the workforce, resulting in children and families receiving improved services.

The Inspectors went on to say that Senior Leaders know their service well. They gain an understanding of social work practice from a range of quality assurance activities and learning from these activities is shared in what social workers describe as a ‘high support, high challenge culture’. This results in them feeling well supported and safe in their practice. Senior Leaders know what the strengths of the service are, but they also recognise that there is much more to do to achieve the goals in their ‘road to excellence’ improvement plan.

I would like to take this opportunity to say well done to the service for the work that has been undertaken over the last two years and to achieve such a positive report from Ofsted.

Innovation Partnership

I am pleased to inform Members that the Department has entered entered into an Innovation Partnership with Barnardos to design and deliver creative service models.

Services will be developed in partnership with Barnados to focus on young people on the edge of care, in local authority care and leaving care, including children with Special Educational Needs and Disabilities. The Partnership, which started on 1st December, will provide cost effective outcome focused solutions for Leicestershire children.

New Lubbesthorpe – Primary School

Earlier this term it was announced that the OWLS Academy Trust had been selected to run the new primary school being built in New Lubbesthorpe. The new 420 pupil school is being built to provide school places arising from the building of 4,250 new homes in New Lubbesthorpe, on land between Leicester Forest East and Enderby. The OWLS Academy Trust already runs five primary schools in the county and it has a great track record in supporting and raising standards in schools in Leicestershire, and we are confident it will continue to do so in New Lubbesthorpe.

Newlands Community Primary School

I also pleased to announce that in November Newlands Community Primary School celebrated the opening of its new building in Belle Vue Road (formerly Heathfield Academy). The new £5million state-of-the-art facility has been built to replace the old building on Moore Road in Barwell and will cater for up to 420 pupils, increasing the school's capacity to meet with demand.

Ministerial Visit to Leicestershire Youth Offending Service

On Friday 30th November the Youth Offending Service were visited by Edward Argar MP, Parliamentary Under Secretary of State at the Ministry of Justice. The Minister received presentations from staff across the Youth Offending Service that set out their success in youth crime prevention, reducing re-offending and diversion from custody. This success is evident through the continued reductions in first time entrants to the criminal justice system and re-offending rates that are significantly lower than those nationally. In particular the Minister heard from the IMPACT project and the work being undertaken with young people being criminally exploited across the County.

The Minister was impressed and praised the innovative and tenacious approaches shown by the Youth Offending Service in Leicestershire.

Fostering and Adoption

Finally, I am pleased to share with Members the work the Department is doing around the recruitment of Foster Carers and Adopters for Leicestershire Children in Care.

So far this year the Adoption Service has successfully recruited 22 adopters and placed 24 children with their forever families. This is a significant increase compared to last year. Alongside this, the service has been working hard to increase the number of in house foster carers to provide a family home for children in our care. The Service has seen a real success in the number of people coming forward to apply to be a foster carer with double the amount of carers approved this year, compared to last year. All of this work means we are increasing the availability of in house foster carers and adopters for our 580 children in care.

Mr I. D. Ould CC