

**MINUTES OF THE MEETING OF THE LEICESTERSHIRE COUNTY COUNCIL
HELD AT COUNTY HALL, GLENFIELD ON WEDNESDAY, 23 MAY 2007**

PRESENT

Mr. B. Garner CC (in the Chair)

Mr. A. D. Bailey CC, Mr. D. C. Bill CC, Mr. G. A. Boulter CC, Mr. D. R. Bown CC, Mr. N. J. Brown CC, Mr. P. Callis 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, Mr. R. Fraser CC, Mr. S. J. Galton CC, Mr. D. A. Gamble CC, Mr. M. Griffiths CC, Mr. P.S. Harley CC, Mr. G. A. Hart CC, Dr. S. Hill CC, Mr. D. W. Houseman CC, Mr. Max Hunt CC, Mr. P. A. Hyde CC, Mr. D. Jennings CC, Mr. Mike Jones CC, Mr. A. M. Kershaw CC, Mr. John Legrys CC, Mr. P.G. Lewis CC, Mr. J.S. Moore CC, Mr. A.P. Natzel CC, Ms. Betty Newton CC, Dr. M. O'Callaghan CC, Mr. J. T. Orson JP CC, Mr. P. C. Osborne CC, Mr. I. D. Ould CC, Mrs. R. Page CC, Mr. M. B. Page CC, Mr. D. R. Parsons CC, Mrs. L. A. S. Pendleton CC, Mr. G. H. Perkins JP CC, Prof. M. E. Preston CC, Mr. J. B. Rhodes CC, Mr. P. A. Roffey DL, CC, Mr. N. J. Rushton CC, Mr. S. D. Sheahan CC, Mr. R. J. Shepherd CC, Mrs. M. L. Sherwin CC, Mr. E. D. Snartt CC, Mr. D. A. Sprason CC, Mr. C. A. Stanley CC, Mr. N. A. Stork CC, Mr. E. F. White CC, Mr. R. M. Wilson CC and Mr. D. O. Wright CC

97. ELECTION OF CHAIRMAN.

It was moved by Dr O'Callaghan, seconded by Mr Parsons and carried:-

“That Mr Mike Jones be elected Chairman for the period until the next Annual Meeting of the Council.”

Mr Jones read out and signed his Declaration of Acceptance of Office which was witnessed and signed by the Chief Executive.

Mr Jones took the Chair and thanked his proposer and seconder and members of the Council for electing him.

The Chairman thanked Mr Garner for his services to the County during his period of office as Chairman. Mr Parsons, Dr O'Callaghan and Mr Galton each joined the Chairman in associating their Groups with the thanks to Mr Garner. Mr Garner thanked members for their generous remarks.

98. APPOINTMENT OF VICE CHAIRMAN.

It was moved by Mr Parsons, seconded by Dr O'Callaghan and carried:-

“That Mr Tony Kershaw be appointed Vice-Chairman for the period until the next Annual Meeting of the Council.”

Mr Kershaw read out and signed his Declaration of Acceptance of Office which was witnessed and signed by the Chief Executive.

Mr Kershaw thanked his proposer and seconder for their generous remarks and members of the Council for appointing him as Vice-Chairman.

99. CHAIRMAN'S ANNOUNCEMENTS.

County Service

The Chairman asked members to note that the County Service this year would be held at All Saints Church, Loughborough, on Sunday 14th October. The service would be followed by a reception. Further details would be finalised once a Rector had been appointed. The Chairman was hoping that the service would be of a multi-faith format and that all members would support this important annual service.

Chairman's Reception – Beaumanor Hall

The Chairman was pleased to inform members that he would be holding a reception at Beaumanor Hall on Tuesday 31st July at 6.30 p.m. All members of the County Council would be receiving invitations in due course.

Health and Safety Awards

The Chairman was pleased to announce that the Community Services Department had recently been awarded the ROSPA Gold Award for its Health and Safety Work.

The Chairman reminded the Council that the former Social Services Department had received similar awards in recent years and it was pleasing to see that the combined Adult Social Care and Children and Young People's Health and Safety Service was maintaining the tradition in having also achieved this award this year.

The awards reflected the commitment and dedication of all concerned towards ensuring that health and safety received the prominence it deserved.

Visitors

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

100. 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 21 March 2007, copies of which have been circulated to members, be taken as read, confirmed and signed.”

101. DECLARATIONS OF INTERESTS.

The Chairman invited members who wished to do so to make declarations of interest in respect of items on the agenda for the meeting.

The following declarations were made:-

<u>Member</u>	<u>Minute No(s)</u>	<u>Interest</u>
Mr Moore	106A	Personal non-prejudicial
Mr Sheahan	106A	Personal non-prejudicial

102. QUESTIONS ASKED UNDER STANDING ORDER 7(1)(2) AND (5).

(A) Dr Hill asked the following question of the Leader or his nominee:

“Can the Leader or his nominee supply the following:

1. A list of holdings in terms of acreage and the capital value of County farms?
2. The value of farm land sold in the last 3 years and details of what these capital receipts were spent on?
3. Confirmation that the farm rental revenue is still used for re-investment in the farms or, if not, what it is used for?
4. What the County’s strategy is for County farm holdings in terms of delivering LCC/LAA priorities?”

Dr Feltham replied as follows:

- “1. The County Farms Estate comprises 82 County Farms extending to 2909 hectares, one cottage and 67 hectares of woodland and other land. The Estate has an asset value of £7.2 million.
2. In the past 3 years the value of sales of County Farms property was £5.98 million. The proceeds of sale accrued to the General Pool of Capital Receipts from which £468k was reinvested in the County Farms Capital Improvement Programme; the balance being used to fund other elements of the County Council’s overall Capital Programme, e.g. the library refurbishment programme.
3. The revenue surpluses of the County Farms Trading Account, to which rents contribute, are used to fund the general revenue expenditure of the County Council and cannot be identified as having been spent on anything specific.

4. Whilst the primary aim of the farm strategy is to support an effective and efficient estate making a positive contribution to the Authority, it also supports a wide range of LAA/LCC priorities in the form of safer environment, thriving towns and villages, stronger communities and the economy. Examples include community benefit such as affordable housing, rural businesses and direct and indirect employment.”

(B) Mr Bailey asked the following question of the Leader or his nominee:

- “1. How many of Leicestershire County Council's School Crossing Patrol posts are currently vacant?
2. How many of these posts have been unfilled for over three months?
3. (i) Is the Leader aware that a School Crossing Patrol post at Grove Road, Blaby has been vacant for over a year, and that another Crossing Patrol post on Leicester Road, Glen Parva has been vacant since September, 2006?

(ii) What measures does the Leader intend to take to fill these posts, since their continued vacancy leaves young children and their families at risk on a daily basis?”

Mr Ould replied as follows:

- “1. There are currently 48 vacant posts, from a total number of 152 approved sites. However, 5 of these have patrols appointed but are awaiting CRB clearance before being allowed to take up their duties.
2. All 48 have been vacant for over 3 months.
3. (i) I would like to thank Mr Bailey for bringing this information to my attention. I was not previously aware of this. The 2 posts have indeed been vacant for the periods stated by Mr Bailey.

(ii) There have already been recruitment leaflet drops in the local vicinities of the crossing sites. Newsletters and individual letters have been sent by the relevant schools directly to parents seeking volunteers but with no success.

A survey of the Council’s current patrols was recently undertaken to ascertain what attracted them to the post. Many responded that their children attended the school and the hours suited their lifestyle. This is why parents are being targeted.

Officers are planning to visit schools with patrol vacancies to speak to parents and offer information about the post of Crossing Patrol.”

Mr Bailey asked the following supplementary question on the reply to question 2:

“In view of the fact that a third of all of our Leicestershire School Crossing Patrols have been unfilled or vacant for over three months, does he not believe that there is a need to have an urgent review of the conditions of service of these Crossing Patrols and of our own recruitment processes for these posts, which are essential for children’s safety?”

Mr Ould replied as follows:

“I would not disagree with what Mr Bailey has just said. We are looking into the issue of appointing of School Crossing Patrols. We do labour under the fact that we pay less in the County than they can afford to pay in the City but most of the information that we get in terms of the satisfaction that people have with this is to do with the fact that they have relatives or children actually at the school. When we have been into this in the past, before Mr Bailey in fact became a County Councillor, one of the issues at the time that caused us a loss of applicants and indeed a lot of people in post, was the arrogant, abusive attitude of motorists, many of whom were actually dropping children off at school and parked very badly on zig zag lines. I do not honestly know how we get round that particular problem but I will undertake to go into this again and to come back to him in the future.”

(C) Mr Galton asked the following question of the Leader or his nominee:

“Could the Leader please provide answers to the following questions relating to waste management.

1. How many tonnes of waste were sent to landfill in each of the 7 district council areas during the last year for which figures are available?
2. What was the average cost per tonne of disposing of this waste?
3. What is the current level of landfill tax per tonne and what was the total amount of landfill tax paid by the County Council during the last year?
4. Is any information available on how much landfill tax will increase by over the next few years?
5. How much money will be received by the County and District Councils if the LAA target for recycling is met, how will this money be shared out and how much additional waste must be recycled to meet the target compared to current recycling levels?

6. What will be the cost per tonne to this authority if the County Council incurs penalties as a consequence of the introduction of Landfill Allowance Trading Scheme (LATS)?
7. Based on anticipated waste arisings and recycling levels, what is the estimated amount of waste which needs to be diverted from landfill to avoid incurring LATS penalties?"

Prof Preston replied as follows:

- "1. We have figures for 2006/07 for how many tonnes each District Council sent to landfill: -

District Authority Areas	MSW tonnage sent to landfill in 2006/07		
	District Collected	County Council Civic Amenity Sites	Total (tonnes)
BDC	23,144	16,326	39,470
CBC	33,200	16,405	49,605
HDC	21,960	9,154	31,114
HBBC	23,411	8,892	32,303
MBC	11,753	5,760	17,513
NWLDC	28,431	10,464	38,895
OWBC	10,782	5,313	16,095
Total	152,681	72,314	224,995

From Wastetrac figures with PI adjustments included.

2. In 2006/07 the average cost per tonne for Landfill Disposal was £19.28.
3. In 2006/07 the Authority paid £4,346,114 in Landfill Tax. This was at a rate of £21 per tonne for active waste and £2 per tonne for inactive waste.

Landfill Tax has risen to £24 per tonne for active waste and remained at £2 per tonne for inactive waste 2007/08.

4. From 1 April 2008 and until at least 2010/11, the standard rate of Landfill Tax will increase by £8 per tonne each year. The lower rate applying to inactive waste will also increase from £2 to £2.50 per tonne from 1 April 2008.

This means Landfill Tax will be: -

Year	Standard Landfill Tax Rate £ per tonne
2007/08	24
2008/09	32
2009/10	40
2010/11	48

5. The forecast gross tonnage increase required in Recycling and Composting to meet the LAA is approximately 25,000 tonnes.

If all the three elements of the LAA waste management target are met reward monies of £1.28m will be received. Leicestershire Together will consider where this funding will be invested along with the reward funding received from the achievement from the other 11 LAA targets. The total amount of reward funding that could be received is £15.4m. The first call on the reward funding will be the repayment of £1.4m of pump priming funding made available from the County Council to establish projects to aid the achievement of all 12 targets.

6. The penalty for exceeding the landfill allowances will be £150 per tonne together with a proportion of the potential fines that would be imposed by the European Union to those member states in breach of the Landfill Directive in the target years.

7.

Year	Minimum reduction in Landfill required (nearest 10,000 Tonnes)
2008/09	0
2009/10	20,000
2010/11	50,000
2011/12	80,000
2012/13	110,000
2013/14	120,000

Further years' estimates are available. The above figures assume 2% gross waste growth; no further increases in recycling; and that no additional allowances are purchased by the County Council."

Mr Galton asked the following supplementary question:

"Would the Leader agree with me that the recent press coverage and debate on refuse and waste has concentrated on service delivery and collection arrangements but very little has been said about the increasing financial cost of waste and, in particular, the massive bill facing the Council Tax payer if we fail to divert more waste from landfill and recycle more?"

Prof Preston replied as follows:

“I entirely agree with Mr Galton. We are currently sitting in a position where if we do not manage to divert waste and, as you can see from the answer, in 2009/10 I think we have probably got that covered but the remainder of it gets worse as you can see. I do believe one of the problems we have got is that there seems to be an attitude in central Government that it is the collection authorities who take most of the problems, in terms of recycling, but the County has got the problem of disposing of it. I do believe over the course of the next nine months or so we will have a much stronger strategy to handle that, but we do need some much stronger guidance from central Government.”

(D) Mrs Camamile asked the following question of the Leader or his nominee:

- “1. Would the Leader care to comment on the wholly inaccurate and misleading statement contained in recent election material being circulated in the Hinckley area published on behalf of the Liberal Democrats suggesting that there were plans to close The Limes and that “Local people will be forced to move away from their families and loved ones”?
2. Would he agree with me that scaremongering of this nature is not only extremely distressing to vulnerable elderly people but also brings the whole of local government into disrepute?”

Mr Parsons replied as follows:

- “1. My concern is for the people who were alarmed and misled by this irresponsible statement. The Director of Adult Social Care and Health has indicated that managers, staff and residents were all taken aback by the report which was contrary to the information which the County Council had provided in the consultation document and at the consultation meeting at the home. He has confirmed that it caused unnecessary anxiety, particularly for the residents. I am grateful for the professionalism shown by the Director and his staff in responding quickly to put the record straight and reassure the people affected.
2. Yes, absolutely, and I would add that if behaviour of this nature is not already against the law or the relevant codes of conduct I certainly believe that it should be.”

Mrs Camamile asked the following supplementary question:

“Does the Leader not agree that an apology would be in order from the Liberal Democrats in Hinckley to the people of the Borough who have been caused so much anxiety by all this misleading propaganda?”

Mr Parsons replied as follows:

“It was a most disreputable campaign run by the Liberal Democrats and it grieves me to say that to this Chamber. I think a little humility on their part would go a long way to redress the balance within Hinckley.”

(E) Mr Jennings asked the following question of the Chairman of the Constitution Committee:

“In view of the concerns expressed by Liberal Democrat and Labour Councillors at the large increase in the Basic Allowance now paid to all members, financed mainly by a reduction in Special Responsibility Payments to Conservative members, would the Leader please tell me how many Liberal Democrat and Labour Councillors have refused to accept this increase?”

Mr Parsons replied as follows:

“None.”

103. POSITION STATEMENTS UNDER STANDING ORDER 8.

The Leader presented a position statement on the following matters:

Local Elections
Travellers
The Council's Financial Prospects

The Lead Member for Community Services presented a position statement on various Environment issues.

The Chairman of the Scrutiny Commission presented a position statement which focused on the Medium Term Financial Strategy (MTFS).

A copy of each Position Statement is attached to these minutes.

104. REPORT OF THE CABINET.

(A) YOUTH JUSTICE PLAN 2007/08.

It was moved by Mr Rhodes, seconded by Mrs Sherwin and carried:-

“That the Youth Justice Plan 2007/08, as referred to in Section A of the report of the Cabinet, be approved.”

(B) DATES OF COUNCIL MEETINGS 2007/08.

It was moved by Mr Parsons, seconded by Mr Rushton and carried:

“That Council meetings in 2007/08 be held on the following dates:-

Wednesday	11 July 2007
Wednesday	26 September 2007
Wednesday	5 December 2007
Wednesday	20 February 2008 (Budget Meeting)
Wednesday	19 March 2008
Wednesday	21 May 2008 (Annual Meeting)”

105. APPOINTMENTS IN ACCORDANCE WITH ITEMS 11 AND 12 OF STANDING ORDER 4:-

(A) TO APPOINT THE LEADER AND DEPUTY LEADER OF THE COUNCIL AND MEMBERS OF THE CABINET

It was moved by Prof Preston and seconded by Mr Moore:-

“That the members named on list ‘A’ (attached to these minutes) be appointed Leader and Deputy Leader of the Council and Members of the Cabinet”.

The motion was put and carried.

(B) TO APPOINT CABINET SUPPORT MEMBERS

It was moved by Mr Parsons and seconded by Mr Rushton:-

“That the following members be appointed as Cabinet Support Members, as provided for in Article 7 of the Council’s Constitution:-

Mrs R Camamile CC
Mr J T Orson CC
Mr P C Osborne CC.”

The motion was put and carried.

(C) TO APPOINT MEMBERS OF THE SCRUTINY COMMISSION, BOARDS AND COMMITTEES

It was moved by Prof Preston, seconded by Mr Stanley and carried:-

“That the membership of the Scrutiny Commission, Boards and Committees be as set out in List ‘B’ (attached to these minutes).”

(D) SPOKESMEN

Prof Preston named the members shown in the second column of list 'S' as Conservative Spokesmen of the bodies as shown.

Mr Stanley named the members shown in the third column of list 'S', as Labour Spokespersons of the bodies as shown.

Mr Boulter named the members shown in the fourth column of list 'S' as Liberal Democrat Spokesmen of the bodies as shown.

(A copy of list 'S' is attached to these minutes.)

(E) SUBSTITUTES

It was moved by Prof Preston, seconded by Mr Stanley and carried:-

“That the Chief Executive be authorised to make and terminate appointments to the Commission, committees, boards and other County Council bodies (not including the Cabinet) in accordance with the wishes of the political groups to whom the seat in question has been allocated, subject, in the case of those bodies set out in List 'B', to the Group giving one day's notice to the Chief Executive of its wishes.”

106. NOTICES OF MOTION:

106(A) School Transport.

It was moved by Dr O'Callaghan and seconded by Ms Betty Newton:-

- “(a) That this Council does not wish to charge pupils for transport to their nearest denominational school;
- (b) That, in accordance with Standing Order 10(4), the matter be referred to the Cabinet for consideration and report.”

An amendment was moved by Mr Ould and seconded by Mr Hart:-

- ‘(i) That the following be added at the end of paragraph (a) of the motion:-

“but, as debated during the recent budget process, has been required to consider the introduction of a charge as a consequence of the Government's continuing rejection of Leicestershire's case for fair funding of its schools and support services;”

- (ii) That paragraph (b) be deleted from the motion and the following inserted in its place:-

- “(b) That the County Council believes that the overall outcome of the consultation process, particularly the responses of the Citizens’ Panel, which is representative of the County’s population and Council Taxpayers, justifies a decision to proceed with the proposed charge but with a recognition that the Council should seek to do more to support families for whom the charge could cause particular difficulties;
- (c) Accordingly, it be recommended that families of more than two children attending denominational schools should pay only for two children, and that a ‘hardship fund’ be established to assist those families who may be in financial difficulty but who are above the low income threshold, such fund to be administered by the Diocesan Authorities;
- (d) That it be noted that the estimated annual cost to the County Council of these changes will be £15,000 (families with more than two children), and £20,000 (‘hardship fund’);
- (e) That the proposed charges with the additional support for families as mentioned above be determined by the Cabinet at its meeting on 4 June 2007.” ’

On the amendment being put and before the vote was taken, five members rose asking that the vote be recorded. The vote was recorded as follows:-

For the Amendment

Mrs Camamile, Mr Coxon, Mrs Dickinson, Dr Feltham, Mr Fraser, Mr Garner, Mr Harley, Mr Hart, Mr Houseman, Mr Jennings, Mr Kershaw, Mr Lewis, Mr Moore, Mr Natzel, Mr Orson, Mr Osborne, Mr Ould, Mr Page, Mrs Page, Mr Parsons, Mrs Pendleton, Prof Preston, Mr Rhodes, Mr Roffey, Mr Rushton, Mr Shepherd, Mrs Sherwin, Mr Snartt, Mr Sprason, Mr White.

Against the Amendment

Mr Bailey, Mr Bill, Mr Boulter, Mr Bown, Mr Brown, Mr Callis, Mr Charlesworth, Mr Galton, Mr Griffiths, Dr Hill, Mr Hunt, Mr Hyde, Mr Jones, Mr Legrys, Ms Newton, Dr O’Callaghan, Mr Sheahan, Mr Stanley, Mr Stork, Mr Wilson, Mr Wright.

The amendment was carried, 30 members voting for the amendment and 21 against.

In the light of comments made by Mr Brown, the Leader of the Council agreed that consideration would be given at the meeting of the Cabinet to a proposal that, if a charge was introduced, it should only be levied on new pupils starting at faith schools from September 2008 provided this was fully costed.

The substantive motion was put and carried.

106(B) Leicester to Burton Rail Line.

It was moved by Mr John Legrys and seconded by Mr Hyde:-

"In the recent district council election in North West Leicestershire the local Conservative Party promised the electorate that, if elected, it would re-introduce passenger traffic on the Leicester to Burton Rail Line. As the local Transport Authority, this Council therefore resolves:-

- (a) to actively seek funding from all relevant Agencies including the European Union to re-introduce passenger traffic on the Leicester to Burton Rail Line (National Forest Line);
- (b) to undertake a feasibility study seeking ways of realizing the Conservative Administration's recent conversion to the National Forest Line;
- (c) to initiate a Community Rail Partnership, which includes the voluntary sector, to campaign for and aid the re-opening of the National Forest Line to passenger traffic."

An amendment was moved by Mr Rushton and seconded by Mrs Pendleton:-

'That all the words after the word "elected" be deleted from the motion and the following inserted in their place:-

"its members would champion the cause of the re-opening of the Leicester to Burton rail line to passenger traffic, recognising that the Conservative controlled County Council has consistently supported the project through, for example, a feasibility study and a positive reference in its Local Transport Plan despite the lack of any prospect of EU or other external funding.

In addition, the County Council:

- (a) notes that its current and future support will include working with the District Councils in the preparation of their Local Development Frameworks to ensure the future development of the railway line is safeguarded and to capitalise on the opportunities for funding through developer contributions and “New Growth Points” regarding the proposed sustainable urban extension to Coalville and to encourage a sustainable transport infrastructure;
- (b) recognises that campaigning in the short term is best directed at the Government and its supporters in advance of this autumn’s Comprehensive Spending Review since, without a specific national commitment to funding of local rail schemes, a strong business case for the re-opening of the railway line to passenger traffic cannot be made. ” ’

The amendment was put and carried.

The substantive motion was put and carried.

23 May 2007
2.30 p.m. – 6.53 p.m.

CHAIRMAN