



DATE: 16 September 2014
MY REF: MIS/BS
PLEASE ASK FOR: Mr. M. I. Seedat
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E-MAIL: mo.seedat@leics.gov.uk

Dear Sir/Madam

I summon you to the MEETING of the LEICESTERSHIRE COUNTY COUNCIL to be held at COUNTY HALL, GLENFIELD on WEDNESDAY, 24 SEPTEMBER 2014 at 2.30 p.m. for the transaction of the business set out in the agenda below.

Yours faithfully

Chief Executive

AGENDA

1. Chairman's Announcements.
2. To confirm the minutes of the meeting of the Council held on 2 July 2014. (Pages 5 - 18)
3. To receive declarations by members of interests in respect of items on this agenda.
4. To answer questions asked under Standing Order 7(1)(2) and (5).
5. To receive position statements under Standing Order 8.

To consider reports of the Cabinet, Scrutiny Commission, Scrutiny Committees and other bodies:

6. Report of the Cabinet:-
 - (a) Medium Term Financial Strategy Update. (Pages 19 - 36)



7. Report of the Constitution Committee:

(a) Review and Revision of the Constitution.

(Pages 37 - 52)

8. To consider the following notice/s of motion:

(a) School Place Planning and School Improvement –
Mr. S. J. Galton

“That this Council:-

- (a) Congratulates the Rt. Hon. Nicky Morgan MP on her appointment as Secretary of State for Education and looks forward to working together in partnership to ensure that Leicestershire children receive the highest standards in education;
- (b) Believes that local authorities can contribute further to this partnership, particularly in areas such as school place planning and school improvement, were their powers extended in the relevant areas.
- (c) Therefore calls on the Government to:-
 - i) give local authorities oversight of age range and catchment area changes, enabling them to ensure such changes to local schools are made in consideration of impacts to the wider area;
 - ii) reduce restrictions on local authorities when establishing new schools in their area, providing them with the freedom to make decisions that are right for their area;
 - iii) allow local authorities to challenge the establishment of free schools in areas with surplus places, so that resources can be focused in areas of need;
 - iv) provide local authorities with guidance on school improvement, to set out what the role should involve and confirm what is expected from them, in order to meet expectations set out in Ofsted framework;
 - v) abolish the unelected regional school commissioners and hand all middle tier responsibilities to local authorities that are democratically accountable to their residents;
- (d) Further calls upon all parties drawing up manifestos for the General Election to give these points consideration.”

(b) Committee System - Mr. L. Yates

"a) That this Council notes that:

- i) the Localism Act 2011 permits councils to change from one form of governance to another, including a return to a non-cabinet committee system;
- ii) committees are the most democratic form of decision making and enable all councillors to be involved; and
- iii) other councils have reverted to a committee system which has ensured both democracy and accountability for all councillors and therefore all electors.

b) That this Council believes that:

- i) due to the leader/cabinet system too many elected members of all parties have been insufficiently involved in the decision making process; and
- ii) due to the current Cabinet system ordinary councillors of all parties have been denied the right to a public vote on many important decision, and that this is fundamentally undemocratic.

c) This Council therefore urges the Council to change to a committee system at the earliest opportunity and request the Chief Executive and Monitoring Officer to submit a report to the Constitution Committee explaining, in detail, how the committee system could be re-introduced at Leicestershire County Council with a view to a recommendation being made to the County Council by the Constitution Committee at the earliest opportunity."

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**MINUTES OF THE MEETING OF THE LEICESTERSHIRE COUNTY COUNCIL
HELD AT COUNTY HALL, GLENFIELD ON WEDNESDAY, 2 JULY 2014**

PRESENT

Mr. G. A. Boulter CC (in the Chair)

Mr. I. E. G. Bentley CC, Mr. D. C. Bill MBE CC, Mr. R. Blunt CC, Mr. S. L. Bray CC, Mr. M. H. Charlesworth CC, Mr. K. Coles CC, Mr. J. G. Coxon CC, Mrs. J. A. Dickinson CC, Dr. T. Eynon CC, Dr. R. K. A. Feltham CC, Mrs. J. Fox CC, Mr. S. J. Galton CC, Mr. D. A. Gamble 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. J. Kaufman CC, Mr. P. G. Lewis CC, Mr. W. Liquorish JP CC, Mrs. H. E. Loydall CC, Mr. K. W. P. Lynch CC, Mr. J. Miah CC, Mr. M. T. Mullaney CC, Ms. Betty Newton CC, Mr. J. T. Orson JP CC, Mr. P. C. Osborne CC, Mr. I. D. Ould CC, Mrs. R. Page CC, Mr. B. L. Pain CC, Mr. A. E. Pearson CC, Mr. T. J. Pendleton CC, Mrs. P. Posnett CC, Mrs. C. M. Radford CC, Mr. J. B. Rhodes CC, Mrs. J. Richards CC, Mr. N. J. Rushton CC, Mr. R. Sharp CC, Mr. S. D. Sheahan CC, Mr. R. J. Shepherd CC, Mr. E. D. Snartt CC, Mr. L. Spence CC, Mr. D. A. Sprason CC, Mr. G. Welsh CC, Mr. E. F. White CC, Miss. H. Worman CC, Mr. M. B. Wyatt CC and Mr. L. E. Yates CC

10. CHAIRMAN'S ANNOUNCEMENTS.

Ashmount Special School

The Chairman was delighted to report that Ashmount Special School in Loughborough had won the Special Educational Needs School of the Year in the Times Educational Supplement National Pupil Premium Awards.

The judges had praised the school for innovation in English, maths and music therapy. The school had been presented with a trophy and a cheque for £10,000 by the Deputy Prime Minister, the Rt Hon Nick Clegg MP at an awards ceremony.

Leicester Mercury School Awards 2014

The Chairman was pleased to see that the following Leicestershire schools and school staff had been recognised at the recent Leicester Mercury Awards:-

School of the Year	Ashmount Special School
Headteacher of the Year	Dave Thomas – Ashmount Special School
Healthy School of the Year	The Market Bosworth School
Newly Qualified Teacher of the Year	Guy Lawson – Griffydham Primary School, Coalville
Active Community Award	Millfield L.E.A.D. Academy
Dedication to Education	Alison Chapman – Nursery Nurse – Parklands Primary School, South Wigston

Visitors

The Chairman welcomed to the meeting all visitors and guests of members and anyone who was viewing the meeting via the webcast.

11. MINUTES.

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

“That the minutes of the meeting of the Council held on 21st May 2014, copies of which have been circulated to members, be taken as read, confirmed and signed.”

12. 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.

All members who were also members of District and Borough Councils declared personal interests in the Youth Justice Plan 2014/15 (minute 15 refers).

All members who were School Governors declared personal interests in the Notice of Motion put forward by Mr Welsh (Post-16 School Transport) (minute 18 refers).

Dr Eynon declared a personal interest in the Leader’s Position Statement which included reference to the Better Care Together Strategy as she was a sessional GP (minute 14 refers).

Mr Pain declared a disclosable pecuniary interest in the Notice of Motion to be moved by Mr Welsh on Post 16 Transport as a partner in a taxi company which contracts to provide home to school transport (minute 18 refers).

13. QUESTIONS ASKED UNDER STANDING ORDER 7(1)(2) AND (5).**(A) Dr Eynon asked the following question of the Leader or his nominee:-**

- “1. Can the Leader please explain the rationale for commissioning a report by Winckworth Sherwood to look at alternative models for Museums, as promised at the meeting of the County Council on 19th February, and then failing to finalise and publish this document?
2. Will the Leader agree to release the Winckworth Sherwood report so that it may be scrutinised?”

Mr Blunt replied as follows:-

“At the meeting of the Council in February this year I said in answer to a question that Winckworth Sherwood had been engaged to look at options for the delivery of museums. As has been explained subsequently to the Group Leaders and Spokespersons, the commission was withdrawn with Winckworth Sherwood’s agreement.”

Dr Eynon asked the following supplementary question:-

“Thank you for your reply. I recognise that there is a similar question (e) which has the reply that no payment was made for a report from Winckworth Sherwood as there was no report, but can I ask what sums of money were spent in preparing for this report that none of us have now been allowed to see?”

Mr Blunt replied as follows:-

“I think the answer is zero but what I will do is I will research it for you and drop you a line.”

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

“Can the Leader please tell me the current cost for each grass cut carried out in the Borough of Oadby and Wigston?”

Mr Osborne replied as follows:-

“The current cost for cutting approximately 220,000 square metres of grass in the Borough of Oadby and Wigston is £5,580.”

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

“Is the Leader aware of the appalling state of the Wakes Road island following the works carried out by the Council to install traffic signal controls to the roundabout? Is he also aware that this is the main gateway to Wigston and its current state undermines the regeneration work that is to commence soon? What remedial action does he therefore propose?”

Mr Osborne replied as follows:-

“Directly linked to the levels of rainfall during last winter being at their highest for 248 years, the soil at the Wakes Road roundabout was waterlogged during the final stages of the scheme work. At the point of general scheme completion in December 2013, it was concluded that it was prudent to leave the grassed areas in the centre of the roundabout and on the adjacent verges for restoration to good order until the spring of 2014 when conditions would be improved.

The postponement of remedial work was for a longer period than expected, due to the continued high levels of groundwater. Consequently, the re-

levelling and re-seeding did not occur until the third week in April 2014. Normal grass cutting has not been carried out in these areas to allow them an opportunity to re-establish to a suitable condition to resume normal grass cutting. However, when the site was re-inspected on Monday 23rd June, the poor appearance was noted and arrangements made for further remedial work.

On Friday 27th June, the remedial work commenced, planned to span a three day period. 20 tonnes of topsoil material has been deposited to overlay stony ground, the primary cause of the problem. It is anticipated that these remedial works will markedly improve the appearance of the site.”

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

“I have been advised that due to recent changes in the UK recycled plastics market, plastics are currently not being recycled. Will the Leader :

- a) Advise whether plastics collected as part of the borough/district refuse collections and at RHWS sites are sent for recycling and, if not, indicate what happens to these plastics?
- b) If the plastics are not recycled will the Leader agree with me that this current state of affairs is regrettable and that in the interest of transparency residents should be advised that at present plastics are not being recycled?
- c) Given that local residents take the time and effort to sort and separate materials for recycling, including plastics, will the Leader give a commitment to recycling plastics as soon as it is economically viable to do so?”

Mr Pain replied as follows:-

- “a) Plastics collected as part of the borough/district refuse collections continue to be recycled and each local authority makes its own arrangements for this to happen. Plastic bottles from the Recycling and Household Waste Sites (RHWS) are also recycled. Since the end of July 2013 it has not been possible to recycle rigid plastics from the RHWS such as damaged toys, broken garden furniture, guttering or old water butts. Over the last 12 months these materials have been sent to landfill.
- b) The facility that previously accepted the mixed rigid plastics closed temporarily last summer and as a result the County Council tried to find alternative outlets to recycle this material. This coincided with a drop in the world market for plastics recycling and resulted in an increase in the quality standards for acceptance of mixed rigid plastics and a reduction in available outlets. The authority therefore had no choice but to send this material to landfill for disposal.

Rigid plastics only represent approx 0.4% of the materials that are recycled from the RHWS. By continuing to separate rigid plastics at

the sites we will be in a better position to start recycling when an outlet is found as the public will not have got out of the habit of separating this material.

- c) The County Council appreciates the efforts that are made by Leicestershire residents to separate their waste for recycling which has resulted in consistently high recycling performance over recent years. We will continue to try to find alternative outlets that could accept mixed rigid plastics and will continue to encourage higher levels of reuse and recycling in future.”

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

“Can the Leader advise me:-

- a) Whether the £3000 cost of the Winckworth Sherwood report on Museums was met by the County Council or from an external source?
- b) Whether he considers that the Museums Service was the correct body to commission the report?”

Mr Blunt replied as follows:-

- “a) No payment was made for a report as there was no report.
- b) Matters relating to the commissioning of the report cannot be commented upon at this stage for the reasons explained to the Group Leaders.”

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

- “1. Is the Leader aware that the Council has approximately £6m worth of items in its inventory, with around 5-10% in public exhibitions or displays at a time, and the rest in storage, costing approximately £150,000 a year?
2. Would the Leader be willing to review the use of this inventory, similar to a number of local authorities across the UK, so the Council can ensure that these assets are being used to their full potential?”

Mr Blunt replied as follows:-

- “1. Yes.
2. No. 5-8% of the total collections are on public exhibition or display at any one time, a figure comparable with most other Museums Services. Some collections were never intended to have a use in displays or exhibitions but to contribute to the fields of scientific or archaeological research. Other collections are permanently accessible to schools and colleges.”

14. POSITION STATEMENTS UNDER STANDING ORDER 8.

The Leader presented a position statement on the following matters:-

- Leicester Cathedral Gardens;
- Better Care Together 'Vision for the Future Shape of Health and Social Care';
- Meeting with MPs; and
- Ernie White's book.

The Lead Member for Broadband and Rural Affairs presented a position statement on the following matters:-

- Broadband; and
- Leicestershire Rural Partnership (Rural Conference/LEADER).

Copies of the position statements are filed with these minutes.

15. REPORT OF THE CABINET:-

(a) Youth Justice Strategic Plan 2014/15.

It was moved by Mr Orson, seconded by Mr Snartt, and carried:-

"That the Youth Justice Strategic Plan 2014/15, attached as Appendix 1 to the report, be approved."

16. REPORT OF THE SCRUTINY COMMISSION:-

(a) Overview and Scrutiny Annual Report 2013/14.

It was moved by Mr Galton, seconded by Mr Shepherd, and carried:-

"That the information contained in the Overview and Scrutiny Annual Report 2013/14, attached as Appendix 1 to the report, on its activities, be noted."

17. JOINT REPORT OF THE EMPLOYMENT COMMITTEE AND CORPORATE GOVERNANCE COMMITTEE:-

(a) Employee Code of Conduct.

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

"That the Employee Code of Conduct, as set out in Appendix 1 to the report, be approved."

18. TO CONSIDER THE FOLLOWING NOTICES OF MOTION:

(a) Street Lighting - Mr. P. C. Osborne

It was moved by Mr Osborne, and seconded by Mr Orson:-

“a) That this Council notes that:-

- i) the programme of part-night lighting, dimming and the emerging transformation programme utilising new technology could result in savings in excess of £1million and reduce the Council’s carbon footprint;
- ii) the process of part-night lighting and dimming involves a rigorous evaluation of the potential impact such changes would have on affected areas;
- iii) responses to date from the emergency services and the County Council’s Accident Investigation and Prevention Unit indicate that part-night lighting and dimming has not led to an increase in crime or road traffic accidents;
- iv) analysis conducted by the County Council’s Research and Insight Team comparing reported crimes at parish level in the year leading up to the introduction of part-night lighting with the first year of operation concludes that:
 - overall, across all areas affected there were 195 less crimes (10%) between 12.01am and 5.30am in the year following the introduction of part-night lighting;
 - for individual parishes, changes varied from an increase of 14 crimes to a decrease of 58 crimes;
 - of the 97 areas analysed, 36 saw an increase in crime and 46 saw a reduction in crime and overall, almost half (45) of the areas analysed saw no change, or an increase or decrease by only one crime;
- v) the County Council has a good track record of working with the Police and has acted upon concerns raised which resulted in almost 200 lights temporarily returned to all night operation and which will now return to part-night lighting following recent arrests.

b) That accordingly this Council calls upon members of the Opposition to refrain from making unsubstantiated comments and scaremongering on this issue.”

An amendment was moved by Mr Bill and seconded by Mr Kaufman:-

‘That paragraph (a)i) of the motion be amended to read as follows:-

- “i) the programme of part-night lighting, dimming and the emerging transformation programme utilising new technology could result in savings in excess of £1 million and reduce the Council carbon footprint, while keeping lights on during evening hours.”

That paragraph (b) of the motion be amended to read as follows:-

- “b) That accordingly this Council calls upon member from all parties to continue working together in publicly scrutinising and debating the Council plans for street lighting to ensure that the best possible outcome for Leicestershire’s residents is reached and to that end set up a scrutiny panel to fully explore the different possible ways of making these savings, including the consideration of further LED upgrade projects financed by capital and/or reserves and under-spends rather than borrowing.”

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 follow:-

For the Amendment: Mr Bill, Mr Boulter, Mr Bray, Mr Charlesworth, Mr Galton, Mr Gamble, Dr Hill, Mr Kaufman, Mrs Loydall, Mr Mullaney, Mr Welsh, Mr Wyatt.

Against the Amendment: Mr Bentley, Mr Blunt, Mr Coles, Mr Coxon, Mrs Dickinson, Dr Feltham, Mr Hampson, Mr Hart, Mr Houseman, Mr Jennings, Mr Lewis, Mr Liquorish, Mr Orson, Mr Osborne, Mr Ould, Mrs Page, Mr Pain, Mr Pearson, Mr Pendleton, Mrs Posnett, Mrs Radford, Mr Rhodes, Mrs Richards, Mr Rushton, Mr Shepherd, Mr Snartt, Mr White.

Abstentions: Dr Eynon, Mrs Fox, Mr Hunt, Mr Miah, Ms Newton, Mr Sharp, Mr Sheahan, Mr Spence, Mr Sprason, Miss Worman, Mr Yates.

The amendment was not carried, 12 members voting for the amendment and 27 against, with 11 abstentions.

On the motion 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 Motion: Mr Bentley, Mr Blunt, Mr Coles, Mr Coxon, Mrs Dickinson, Dr Feltham, Mr Hampson, Mr Hart, Mr Houseman, Mr Jennings, Mr Lewis, Mr Liquorish, Mr Orson, Mr Osborne, Mr Ould, Mrs Page, Mr Pain, Mr Pearson, Mr Pendleton, Mrs Posnett, Mrs Radford, Mr Rhodes, Mrs Richards, Mr Rushton, Mr Shepherd, Mr Snartt, Mr White.

Against the Motion: Mr Bill, Mr Boulter, Mr Bray, Mr Charlesworth, Dr Eynon, Mrs Fox, Mr Galton, Mr Gamble, Dr Hill, Mr Hunt, Mr Kaufman, Mrs Loydall, Mr Miah, Mr Mullaney, Ms Newton, Mr Sharp, Mr Sheahan, Mr Spence, Mr Sprason, Mr Welsh, Miss Worman, Mr Wyatt, Mr Yates.

The motion was put and carried, 27 members voting for the motion and 23 against.

(b) Rural Broadband - Mr. S. J. Galton

Mr Galton CC, the mover of the motion, with the consent of the Council, withdrew his notice of motion on Rural Broadband.

(c) Post 16 School Transport - Mr. G. Welsh

Mr Pain, having declared a disclosable pecuniary interest in this matter, left the chamber during consideration of this item.

Mr Welsh, with the consent of the seconder of the motion, sought the consent of the Council to move the following altered motion.

It was moved by Mr Welsh, seconded by Mr Osborne, and carried:-

“a) That this Council notes:-

- (i) that as a result of the Education and Skills Act 2008, from 2015, anyone up to the age of 18 will be required to participate in full time education or training;
- (ii) that the provision of post 16 transport is discretionary and that local authorities can and do make a charge to cover costs;
- (iii) that this will place a significant financial burden upon the families of students that require transport to attend further education;

b) This Council therefore calls upon the Government to provide either:

- (i) full funding to local authorities to enable them to extend the provision of free school transport to students aged 16 – 18 that live further than 3 miles from their nearest 6th form school or FE college;

or

- (ii) Provide financial support to FE colleges and 6th form schools to enable them to provide comprehensive travel bursaries which would recognise the increasingly specialist nature of the post-16 education and skills offer.”

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COUNTY COUNCIL MEETING – 2ND JULY 2014**POSITION STATEMENT FROM THE LEADER OF THE COUNCIL****Leicester Cathedral Gardens**

I am delighted to announce that the development of the new Cathedral Gardens is now complete, and will open to the public with a day of activities and celebration this coming Saturday, 5th July, commencing at 11.30 a.m.

The County Council commissioned artwork, Towards Stillness, which is diagonally opposite the Richard III statue, will be formally handed over to the Cathedral during the event, where I will be joining Sir Peter Soulsby and the Bishop of Leicester for the formalities.

Now that the sculpture is in situ it looks stunning and I am sure will prove to be a popular feature with the many visitors to the Cathedral in the coming years. As part of Saturday's programme of events the sculptor, Juliet Quintero, will be talking about her creation at 1.00 p.m.

I am pleased that the County Council is contributing to the successful partnership which is overseeing the development of the Cathedral Quarter, and where the results speak for themselves. All of this will culminate in Spring next year with the re-interment of King Richard III in our Cathedral.

'Better Care Together' - Vision for the future shape of health and social care

Members will have received details of consultation proposals for the future of health and social care put forward by 'Better Care Together', a partnership of the NHS and the City, County and Rutland Councils. Briefly, the vision is for greater investment in the community to support independent living, closer and more joined up working between health and social care, and re-shaping of the services provided at the 3 hospital sites in Leicester.

Health and social services are facing a huge challenge – less resources with increasing demand from an ageing population and people with disabilities, who thankfully due to the tremendous advances in medicines are living longer.

The 'direction of travel' in this strategy will ask people to make choices and some will be difficult choices. The County Council is committed to work with the NHS to rise to the challenge posed. I would urge all members to engage positively in the consultation exercise and to work with Ernie White, the Cabinet Lead Member for Health, so that together we achieve the best outcomes for the people of Leicestershire.

Meeting with MPs

I recently met with Nicky Morgan MP to discuss issues of mutual concern which included in particular Charnwood's Core Strategy. As Nicky is also Financial Secretary to the Treasury, I used the occasion to raise with her our concerns regarding the funding situation for Adult Social Care, particularly the impact of the Dilnot proposals and the need to progress the Better Care Fund.

In relation to the Better Care Fund, which is the pooled budget of £38million and different to the Better Care Together Strategy referred to earlier in my statement, members will have seen that there have been discussions at Ministerial level. As a result all BCF bids will need to be recast and resubmitted by 1st August. I believe it is important that the BCF bids proceed if we are to deliver the key improvements necessary to deliver integrated care, a point I emphasised to Nicky.

Ernie White's Book

I would highly commend the book recently published by Ernie White 'The Leicestershire Story – People, Power and Politics in an English County' which gives some fascinating insights and his experience during his time as a County Councillor.

COUNTY COUNCIL MEETING – 2ND JULY 2014**POSITION STATEMENT FROM THE CABINET LEAD MEMBER –
BROADBAND AND RURAL AFFAIRS****Broadband**

Significant progress continues to be made in rolling out Superfast Broadband to Leicestershire communities. Last month the Council announced the first phase of communities to benefit from the £18.6m Superfast Leicestershire Programme. More than 62,000 homes and premises will benefit from this programme by March 2016. This first phase involves deployment to 10,000 homes and businesses. I was also delighted to announce last month that the local community group 'Disewired' had secured £119,000 to deliver high speed fibre broadband to Diseworth by the end of 2015.

The Superfast Leicestershire programme should secure 96% fibre broadband coverage across Leicestershire, of which nearly 94% will be 'superfast' that is at least 24mbps. I am determined however that we provide the best possible broadband speeds to all homes and businesses in the county and to achieve this, the Council is taking a number of steps. We are bidding for £3.7m Government funding as part of the Superfast Extension Programme and will be seeking to make this part of a larger funding package of at least £9m by securing funding from local authorities and the Local Enterprise Partnership together with investment from a broadband supplier. I will also be seeking to ensure that county residents and firms get maximum benefit from the current contract with BT and that the information available to communities about planned deployment is improved. I have asked officers to further explore alternative commercial and community solutions that will take us to 100% coverage. If there are opportunities to provide even faster connections, using for example fibre to the property technology, we will explore these too.

Broadband is essential infrastructure for businesses and families and it is important that those living and working in rural areas share in the benefits of the new digital technologies being developed, including online services provided by public services including this Council. I am acutely aware, however, that rural communities not currently covered by planned deployment will justifiably have concerns about how quickly they will benefit from faster broadband speeds. Workshops to explore options have been organised for next week and all parish councils have been invited to attend these. I am also in dialogue with local community groups, for example in the Welland Valley, about how improved broadband can be made available as quickly as possible and am committed to supporting and working with other communities who wish to explore how they might be served by alternative community and commercial solutions.

Leicestershire Rural Partnership (Rural Conference/ LEADER)

This year's Rural Conference, held at Scalford Hall nr Melton Mowbray, was very well attended by over 80 stakeholders including partners, businesses, and community representatives. Attendees heard from a range of national and local speakers about the challenges facing, and opportunities available to, the rural economy and rural communities in Leicestershire.

There was a particular focus on the content of the Draft Rural Framework, providing stakeholders an opportunity to influence the future delivery of its emerging four priorities:

1. Active, inclusive and empowered Parish Councils & meetings
2. Working with communities to deliver local services
3. Enterprising and sustainable rural economies
4. More affordable homes in rural areas

The Framework, which sets out the vision for rural Leicestershire up to 2026, and how the LRP will help contribute to this, will be consulted on over the summer.

As Chair of the Rural Partnership I am overseeing the establishment of a shadow Local Action Group which will bring together a number of key rural stakeholders to further develop and implement an East Leicestershire LEADER bid. We have secured £19,200 from Defra to help develop our proposal which will cover Melton and Harborough districts, some areas of Charnwood and Countesthorpe and Kilby in Blaby. We hope to secure up to £2m to support rural growth and job creation across the area. If successful, LEADER will commence in January 2015.

REPORT OF THE CABINET

A: MEDIUM TERM FINANCIAL STRATEGY UPDATE

Introduction

1. The purpose of this report is to advise the Council of the worsening financial position and the approach to updating the current Medium Term Financial Strategy (MTFS).

Background

2. The current MTFS for 2014/15 to 2017/18 was approved by the County Council in February 2014. Over the autumn and winter the MTFS will be updated. All Scrutiny Committees and the Scrutiny Commission will have the opportunity to consider the outcome of the update in January and early February. The Cabinet will then consider the outcome of scrutiny and other deliberations before it makes a recommendation to the County Council in February.

MTFS Update

3. The Cabinet at its meeting on 19th September is due to consider the attached report, marked Appendix 1. The report highlights the serious financial position facing the County Council and the need to need to develop a strategy for addressing the challenges ahead.
4. The report highlights the following:-
 - a) The national position in which all political parties are committed to balancing the budget which, subject to the balance between spending and tax, will inevitably result in further austerity at least until 2018/19;
 - b) The negative impact on the County Council's budget of the cost of implementing the Care Act and other national initiatives;
 - c) That the County Council is both low funded and low spending when compared to other Councils which would limit scope for further savings. In this regard the report highlights that the County Council has already achieved savings of £85million since 2010 but the roll forward of the MTFS indicates that further savings of approximately £120m will be required before the national budget is expected to be balanced in 2018/19.

- d) That almost 93% of the Council's budget relates to 'statutory services' if a wide definition is taken. This further limits the scope for making significant reductions.
 - e) That notwithstanding the recent increase announced in respect of the Dedicated Schools Grant it is not thought this will be sufficient to fund strategic issues facing schools.
5. The report also makes reference to a consultation on some technical proposals for the 2015/16 local government finance settlement and the Council's response thereto.

Timetable for updating the MTFS

6. The broad timetable for updating the MTFS is as follows:-

October	Consideration of future savings proposals by Lead Members
November	Transformation Board to consider the MTFS and implications for the Transformation Programme
December	Local Government Finance Settlement
January	Cabinet and Scrutiny consideration
February	County Council

7. The Cabinet will be considering the report at its meeting on 19th September and its views will be reported to the County Council.

(Motion to be moved:-

That the update on the MTFS as set out in the report of the Cabinet, be noted.)

**N. Rushton
Chairman**

Background Papers

Report to the meeting of the Cabinet on 19 September 2014 on the Medium Term Financial Strategy Update

**CABINET – 19 SEPTEMBER 2014****MEDIUM TERM FINANCIAL STRATEGY UPDATE****REPORT OF THE DIRECTOR OF CORPORATE RESOURCES****PART A****Purpose of Report**

1. To explain the overall financial position, which is worsening in the medium term, and for Cabinet to agree an approach to updating the current MTFS.

Recommendation

2. The Cabinet is recommended to:
 - (i) Note the significant financial challenge faced by the County Council and the impact on services which is unfolding and becomes acute in 2016/17 and thereafter;
 - (ii) Agree the approach outlined in the report to updating the Medium Term Financial Strategy;
 - (iii) Inform local MPs of the Council's financial position and ask for their views given the impact on their constituents;
 - (iv) Approve the response to the technical consultation on the 2015/16 Local Government Finance Settlement as set out in Appendix C to this report;
 - (v) Note the position on the Business Rate Pool as set out in paragraph 28;
 - (vi) Given the seriousness of the financial challenge, to include this report on the agenda of the next County Council meeting.

Reasons for Recommendation

3. To enable the County Council to continue to develop plans to address the worsening financial position.

Timetable for Decision (including Scrutiny)

4. The MTFS will be considered by the Cabinet in January 2015. All Overview and Scrutiny Committees and the Scrutiny Commission will consider the MTFS in late January and early February 2015. The Cabinet will then make a final recommendation to the County Council in February 2015.

Policy Framework and Previous Decisions

5. The Medium Term Financial Strategy for 2014/15 to 2017/18 was approved by the County Council in February 2014. Over the autumn and winter it will be updated before being considered by the Cabinet, Overview and Scrutiny Committees and County Council in January and February 2015.

Resource Implications

6. The financial position faced by the County Council is both serious and extremely challenging. This is particularly so for a low funded authority such as Leicestershire as room for further savings is limited. The updated MTFS will set out the County Council's response to the financial position.
7. The County Solicitor has been consulted on the content of this report.

Circulation under the Local Issues Alert Procedure

None

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PART B

National Position

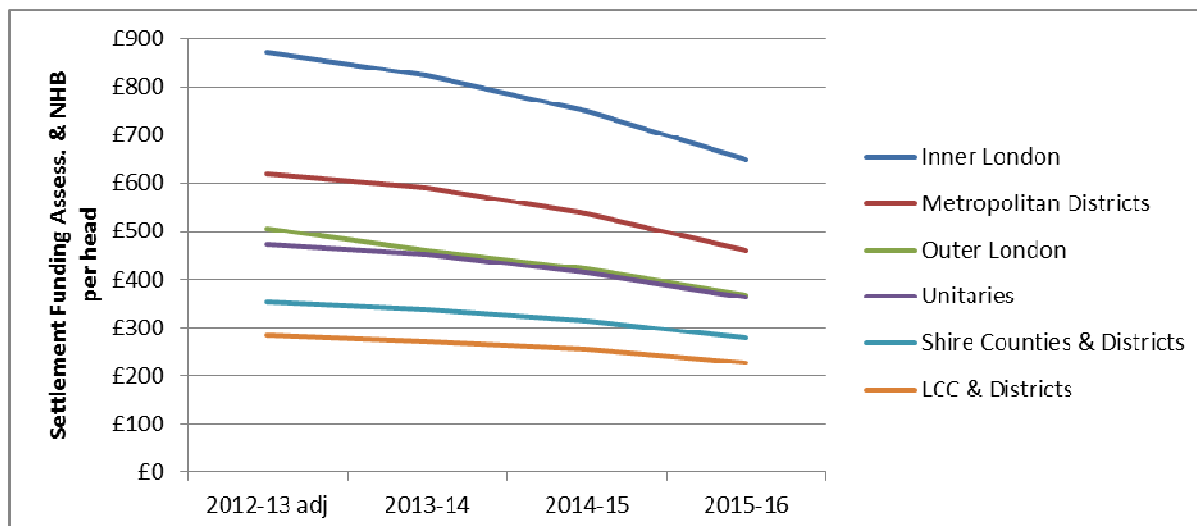
8. Over the last three years there have been significant reductions in the Government's funding of local government. Reductions have been higher than in other parts of the public sector which in part reflects the fact that local government, unlike health, overseas development and education, has not been protected.
9. The Government has provisionally announced local authority funding for 2015/16. The level of funding in subsequent years will not be known until after the General Election in May 2015. First indications will be set out in the next Comprehensive Spending Review which is likely to be published in autumn 2015.
10. The Institute of Fiscal Studies (IFS) estimates that in April 2014 the fiscal consolidation was 46% complete. However, if tax increases are taken into account, at the start of this financial year only 37% of the reduction in public sector expenditure had been achieved. A graph showing the position is at Appendix A of this report. There is therefore no doubt that there will be significant further reductions across the public sector given the need to eliminate the public sector deficit. The IFS again forecasts that austerity budgets will be required until at least 2018/19.
11. It is worth noting that all major political parties are committed to balancing the budget, although at this stage it is unclear as to the balance of spending and tax increases that they would use to achieve this.
12. There are also some significant national risks that will inevitably impact on the County Council's financial position. These principally relate to the implementation costs of the Care Act and integration of social care services with the health service. For both these initiatives indications are that there will be an early negative financial impact on the County Council. In addition, national initiatives such as the Government's troubled families programme (locally Supporting Leicestershire Families) do not have sustainable funding. The Government has not addressed the issue of the cost of the programme being borne by local government whilst the majority of savings are in other organisations such as the Department of Work and Pensions, and those in the health and criminal justice sectors.

Local Position

13. The County Council is both low funded and low spending. The graph in Appendix B shows that the County Council's budget per head of population is the lowest of all counties. On average other comparable county councils spend £81 (15%) more per head of population. The table below shows the additional resources that would be available to the County Council if it spent the same amount per head of population as other authorities. East Sussex and Staffordshire have the highest and second lowest budget requirement per head respectively.

Authority	Additional resources available to Leicestershire CC if budget requirement was at equivalent level
East Sussex	£113m
Dorset	£81m
Nottinghamshire	£69m
Derbyshire	£60m
Staffordshire	£17m

14. This low spend per head reflects the County Council's low funding position, i.e. allocation from Government. Compared to other counties, Leicestershire is the third lowest funded and receives £56 (23%) per head less than the average County Council. If funded by Government at the same level as the average County Council, Leicestershire would receive £37m in additional resources.
15. Leicestershire County Council also has a low council tax base. In simple terms this means that relative to other county councils it has a higher proportion of lower value properties. This means that our receipts per head of population from council tax are lower than most other counties. This position also reflects the fact that the level of council tax is slightly lower than average for County Councils.
16. To compare central government funding of the County Council against other classes of local authority, district council expenditure needs to be included. The graph below shows funding per head compared to other classes of authority. Again the picture shown is one of low funding. It is worth noting that Inner London Authorities receive three times more funding per head than the county authorities. This is the backdrop against which significant savings have been, and will continue to be, made.



17. The County Council, excluding cuts to specific grants, has made savings of £85m since 2010. The current four year MTFS includes a savings requirement of £81m (the £110m saving requirement relates to five years including 2013/14). The savings in the MTFS reflected the views of the public that were received as part of the widespread public consultation in summer 2013.
18. The MTFS will be rolled forward over the winter and this will involve updating key assumptions such as the phasing of savings, growth and inflation requirements and income. There are some key assumptions that will need to be revised to reflect the latest position and these are likely to have a material effect on the MTFS in both the medium and short term. These are:
- Potential additional growth requirement for Social Care which is reflected in a forecast £3.8m overspend on Adult Social Care in the current year and a forecast £2.5m overspend on placements for children in the care of the local authority;
 - The cost of implementation of the Care Act. There is huge uncertainty as to the costs of the Care Act and the extent to which these reforms will be fully funded by central government. The estimates of 'steady state' cost to the County Council range from £30m to £60m per annum. The impact will be from 2015/16 onwards. At present the MTFS assumes that additional costs will be fully funded by central government.
 - The Government has required a re-submission of all Better Care Plans and has changed the guidance as well as introducing new payment by results rules. This could reduce income by up to £3m next year. Discussions have been underway since late July with NHS partners to agree the submission a new Better Care Plan by the Government's deadline of 19th September.
 - National austerity will last until at least 2018/19 so the roll forward of the MTFS will mean that there is another year of lower funding and savings for

local authorities. The report to the Cabinet in April (“Implications of the 2014 Budget on the Medium Term Financial Strategy”) indicated that further savings of £27.5m would be required to reflect this.

- There are indications that some of the savings in the current MTFS will need to be rephased. This is to reflect more up to date information and ensure appropriate consultation is undertaken.
- There will be a shortfall in funding for the Supporting Leicestershire Families programme by 2016/17. This shortfall will need to be filled by contributions from partner organisations, particularly those that benefit financially by reduced demand on their services, otherwise further County Council funding will need to be made available.

19. At this stage further work needs to be undertaken to quantify these risks. However, there is no doubt there will be an impact on the MTFS and an estimate of the current position is summarised in the table below;

Savings and additional income in approved 4 year MTFS	£68.4m
Funding gap in current MTFS	<u>£12.5m</u>
Total savings required in current MTFS	£80.9m ⁽¹⁾
Estimated further savings required in 2018/19	£27.5m
Estimate of potential new spending pressures in 2015/16	£10.0m ⁽²⁾
Total savings requirement 2014/15 to 2018/19	£118.4m

(¹) 5 years saving requirement	£110.0m
Less 2013/14 savings	£23.0m
Less New Homes budget	£3.4m
Balance of various adjustments	<u>£2.7m</u>
4 years saving requirement in current MTFS	£80.9m

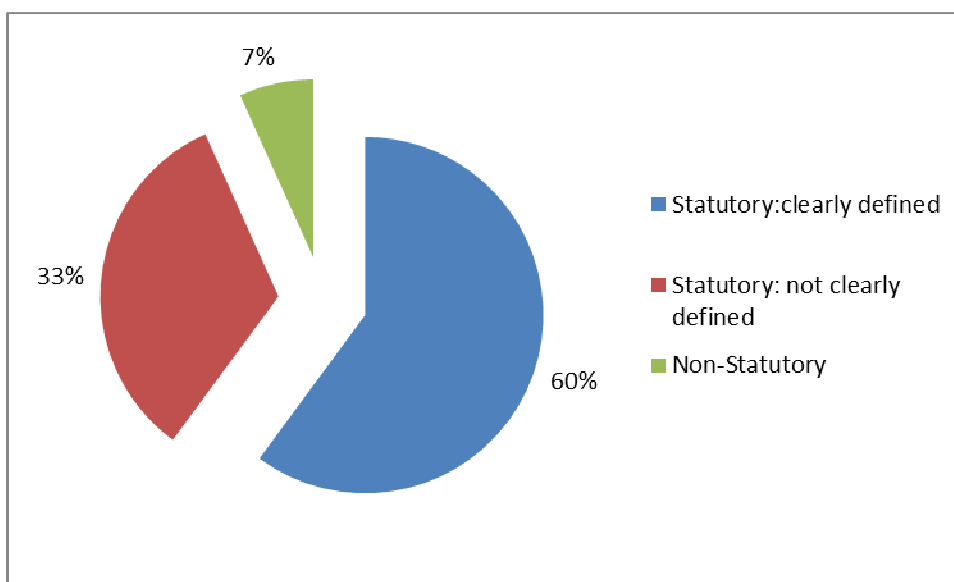
- (²) The £10m additional pressures in 2015/16 is very much an initial estimate and assumes an element of mitigation. It includes;

Potential reduced contribution from the Better Care Fund	£3m
Additional growth arising from in year overspend	£5m
Non achievement of savings in 2015/16	<u>£2m</u>
	<u>£10m</u>

20. The MTFS will be reviewed to mitigate, in part, the new spending pressures. In the short term, in order to balance the MTFS, the phasing of all savings will need to be considered and further savings will be required. This confirms the

financial position facing the County Council is increasingly serious as, therefore, is the impact on services.

21. In identifying savings it is worth noting that 93% of the Council's budget relates to 'statutory' services if a wide definition is taken. 60% is clearly defined by Government, such as Residential Care, Concessionary Travel and Child Protection. However, there is imprecision in the definition of 33%, which would include Libraries, Adult Social Care Reablement and Highways Maintenance. Non-statutory services include museums and country parks. The pie chart below shows the position. The key point, however, is to show how severely this limits the scope for service reductions, although non-statutory services must be at greater risk given the overall savings requirements.



22. Scope to reduce statutory services is limited and efficiency will be the main source of savings in these areas. There are only a few services such as museums, elements of early intervention and safety cameras where there is no statutory basis.

Planning Framework

23. Council departments will be asked to prepare further savings proposals and to reconsider the phasing of already agreed savings.
24. The Transformation Programme (which covers part of the required savings) will seek to ensure that savings are based on sound business cases and the outcome of this work will be reflected in the updated MTFS. The County

Council will continue to maximise efficiency savings and consider new and innovative ways of providing services. Even so, there is no doubt that there will be significant implications for services. This will range from major reductions in non-statutory services, reductions in statutory services to the minimum required to meet legal obligations and reductions in back office functions to the bare minimum. Overall it is inevitable that the priority will lie with protecting and providing statutory services. The scale of the challenge cannot be underestimated and delivery will be hugely challenging requiring robust planning and clear focus.

25. Given the implications on local services, local MPs should be informed of the County Council's position, the impact on their constituents and asked for their views. The last time this was done in autumn 2013 consideration was given to unitary local government in Leicestershire, i.e. a single council. As a result independent work was commissioned and shared with partners. This work, which looked at the outcome of recent moves to unitary authorities elsewhere, indicated that circa £30m per annum ongoing could be saved from the establishment of a County Unitary Authority. These savings would be classed as efficiency and the benefit would be to protect and invest in front line services.
26. The broad MTFS timetable is:
- October – Consideration of future savings proposals by Lead Members
 - November -Transformation Board to consider MTFS and implications for the Transformation programme.
 - December – Local Government Finance Settlement
 - January/February – Cabinet, Scrutiny and County Council

Consultation Response

27. The Government is consulting over the summer on some technical proposals for the 2015/16 local government finance settlement. The draft response is set out in Appendix C. Although many of the proposals can be supported, a number cannot. In addition, concerns over the long term sustainability of the local government finance system remain.

Business Rate pooling

28. The County Council was part of a business rate pool in 2012/13 which generated £700,000 to invest in proposals to improve economic growth across the sub region. Due to risks and uncertainties arising from the lack of

clear guidance from Government, the pool was dissolved in 2014/15. It is proposed that, along with other partners, we express an interest to re-establish a pool and undertake further work over the Autumn/Winter to determine the financial viability of establishing the pool in 2015/16.

Dedicated Schools Grant

29. The local authority receives Dedicated Schools Grant (DSG) which provides for delegated school budgets and other education services:
- a) Schools Block – This block funds delegated school budgets and budgets that are prescribed in the School and Early Years Finance (England) Regulations as held centrally by the local authority on behalf of schools such as premature retirement for school based staff and school copyright licences.
 - b) High Needs Block – This funds special schools, special needs units within maintained schools, top up funding for Special Educational Needs (SEN) in mainstream schools and academies and all other special needs providers.
 - c) Early Years Block – This block funds the free entitlement to early years education for disadvantaged 2 year olds and the early years offer for 3 and 4 year olds.
30. The Schools Budget will be agreed as part of the MTFs and will involve appropriate consultation with schools, the Schools Forum and, the Education Funding Agency. The Government recently announced that £390m would be available to low funded authorities and an extra £20m will be allocated to Leicestershire. This will be the subject of a further report to the Cabinet in October.
31. In the past DSG has been used to fund a range of strategic issues related to schools such as absorbing deficits for schools being required to enter into sponsored academy arrangements and the costs arising from schools admitting additional year groups as a result of age range changes and protection for those losing pupils. Despite the additional schools funding it is unlikely that such capacity will continue.

Equality and Human Rights Implications

32. There are no direct implications arising from this report.

Background Papers

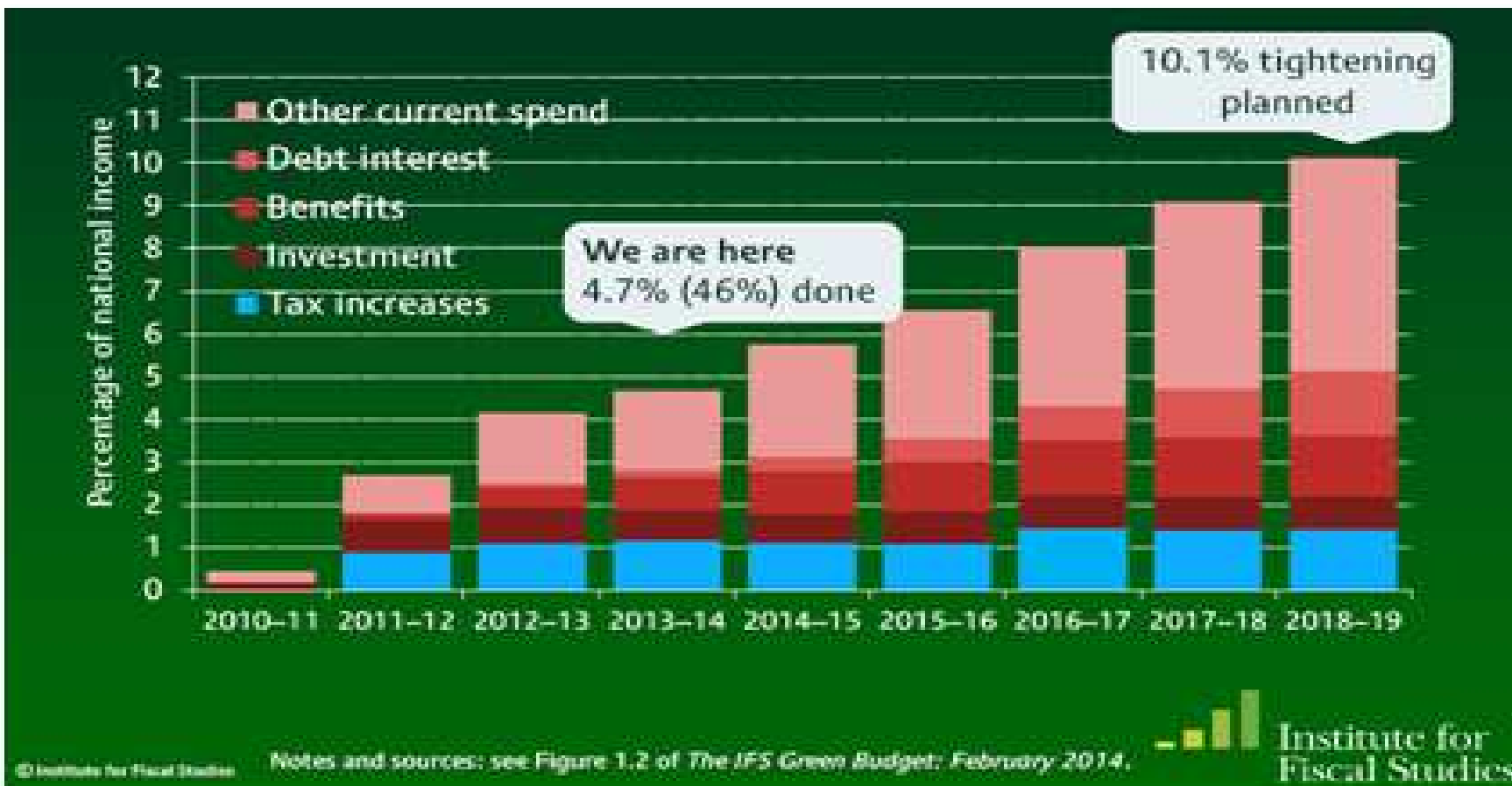
Report to County Council 'Medium Term Financial Strategy 2014/15 to 2017/18', February 2014

[http://cexmodgov1/Published/C00000134/M00003961/AI00037151/\\$5aBudgetReportoftheCabinet.docx.pdf](http://cexmodgov1/Published/C00000134/M00003961/AI00037151/$5aBudgetReportoftheCabinet.docx.pdf)

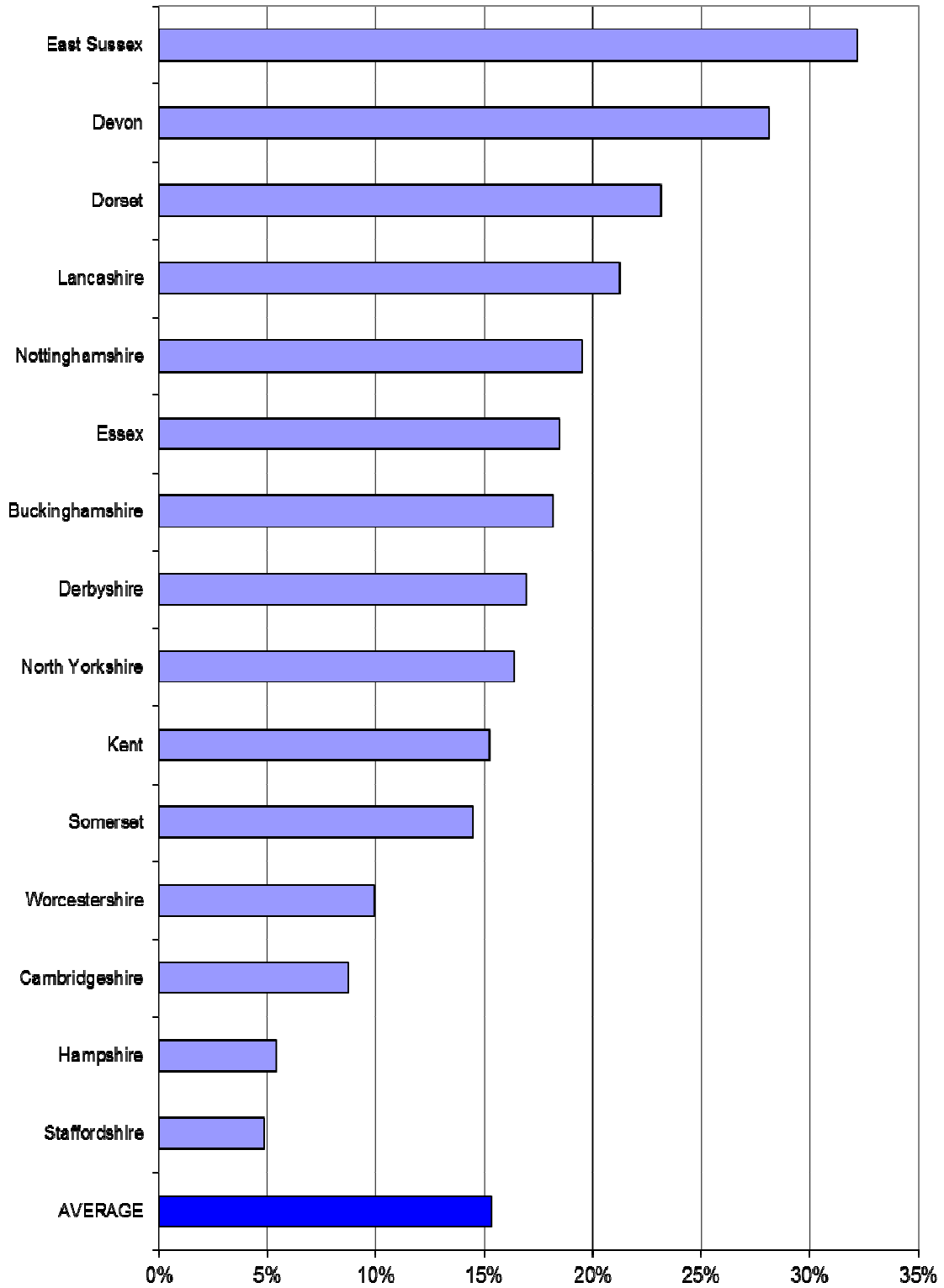
Report to the Cabinet – 'Implications of the 2014 Budget on the Medium Term Financial Strategy' April 2014

[http://cexmodgov1/Published/C00000135/M00003989/AI00037769/\\$5Implicationsof2014onMTFS.docA.ps.pdf](http://cexmodgov1/Published/C00000135/M00003989/AI00037769/$5Implicationsof2014onMTFS.docA.ps.pdf)

The Planned Consolidation



2014/15 Budget Requirement (BR)* per head of population - differences from Leicestershire County Council's BR per head (excluding County Councils that provide Fire, as not comparable)



**Local Government Finance Settlement 2015-16
Technical Consultation**

Start: 22 July 2014

Closing Date: 25 September 2014

Leicestershire County Council welcomes the opportunity to respond to the consultation.

The Council fully understands the need for reductions in public sector expenditure and accepts the need for Councils to take their fair share of funding cuts. However, the Council firmly believes that the proposed level of reductions set out in the provisional 2015/16 settlement is unfair and will have a significant detrimental impact on services and their users.

It follows a series of changes to local government finance which have failed to deliver what was claimed and have proved to be both ill thought out and damaging. In the view of the Council the long term funding for local government is not sustainable.

The proposals in this particular consultation are to a large extent measures that in the case of the Council have been anticipated in its medium term financial strategy and are rightly described as technical matters. They do nothing to address the unsustainable pressures on local government.

One important issue referred to in the Consultation document which has not been deemed to merit a question is the removal of specific grant funding for local welfare provision. The Council strongly opposes the proposed removal of this funding. At a time when local government is facing severe cuts in funding it appears to be totally inappropriate to dismiss this issue and to say that it can be addressed by "allow(ing) local authorities to decide the appropriate proportion of their general fund to spend in providing such services", given that these services provide crisis support for the most vulnerable residents. The suggestion that "it might be possible to create a notional line in the settlement for local welfare funding as an indication on how councils are likely to spend some of their budget" simply adds insult to injury and is ludicrous.

Question 1: Do you agree that compensation for the cap should be paid on the basis of the reduction to retained business rates income adjusted to account for lower tariffs and top-ups, as in 2014-15?

The Council agrees that compensation should be paid on the proposed basis, in 2015-16 and each subsequent year.

Question 2: Do you agree that the 2014-15 Council Tax Freeze Grant should be rolled into Revenue Support Grant, and combined with the 2013-14 Council Tax Freeze funding element as a single element?

The Council agrees with this proposal.

The Council has frozen its element of council tax in each of the four years 2011-12 to 2014-15. The Council did consider a 1.5% council tax increase in 2014-15 but amended this to a freeze on the basis of clearer indications from the Government that there would not be a “cliff-edge” effect after the current Comprehensive Spending Round period and that freeze grants (other than for 2012-13) would continue to be reflected in future funding settlements.

The 2011-12, 2013-14 and 2014-15 Council Tax Freeze compensation should be increased in cash terms to reflect the fact that the tax base has continued to increase. This was reflected in the initial costings of the Freeze Grant, but DCLG has not made any such increases in subsequent years. In the case of the County Council, tax base increases on the 2011-12 and 2013-14 Council Tax Freeze grants would equate to a further £0.2m funding in 2014-15.

Question 3: Do you agree that, subject to satisfactory progress by individual authorities, the 2014-15 Efficiency Support Grant should be rolled in as a separate element for the qualifying authorities?

The Council agrees with this proposal. It grants a limited measure of protection to those authorities which have been the most severely impacted by Government cuts in funding.

Question 4: Do you agree that the 2014-15 Rural Services Delivery Grant should be rolled in and combined with the rural funding element?

The Council agrees with this proposal.

This grant goes a small way to recognising that the Local Government Finance Settlement has consistently underfunded rural authorities whilst providing relatively higher funding to predominately urban authorities.

Question 5: Do you agree with the proposed methodology for reducing funding to authorities which have fallen below the threshold for participation in the Carbon Reduction Commitment Energy Efficiency Scheme, to take account of the loss in tax revenue to the Exchequer?

The Council does not agree with this proposal, as the Carbon Reduction Commitment was not supported by New Burdens additional funding when it was introduced, so it is unfair to take funding away when the burden reduces.

Question 6: Do you have any comments on the impact of the 2015-16 settlement on protected groups, and on the draft Equality Statement?

The draft Equality Statement comments that the impact of the 2015-16 settlement on protected groups will depend on the choices made by authorities in framing their budget for 2015-16 (and subsequent years). The County Council has consulted widely on the services which residents wish the authority to protect and those which could be reduced, if required. Whilst the Council will seek to maintain services to the most vulnerable groups, further cuts to funding in subsequent years may well lead to such services regrettably having to be reduced.

REPORT OF THE CONSTITUTION COMMITTEE

A. REVIEW AND REVISION OF THE CONSTITUTION

Introduction

1. This report concerns the results of the latest review of the Council's Constitution, taking into account changes in legislation and in the Council's structure and practices.

Background

2. Article 15 of the County Council's Constitution gives the Chief Executive a duty to monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. It requires that changes to the document should only be approved by the full County Council after consideration of the proposals by the Chief Executive and the Constitution Committee or, in the case of the Financial Procedure Rules and Contract Procedure Rules, the recommendations of the Corporate Governance Committee. The annual review of the Contract Procedure Rules will be reported to the County Council in December 2014.
3. In the case of everything except the Meeting Procedure Rules the final decision on changes can be made at a single meeting of the County Council. However, in the case of the Meeting Procedure Rules, any motion to add, to vary or revoke Standing Orders must, having been proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.
4. The Constitution came into effect in June 2001 and is reviewed on an annual basis. This report sets out the results of the latest review, attached as Appendices A and B to this report.
5. The majority of the changes are not particularly significant. The Council's attention is drawn to the following:-

Health and Wellbeing Board

6. The terms of reference for the Health and Wellbeing Board have been amended to reflect the decision taken by the Cabinet in February to delegate the function of approving the Better Care Fund and Plans arising from its use.

Panels

7. The list of Panels included in Section E of Part 3 of the Constitution, Responsibility for Functions, has been amended to reflect the creation of three new Panels for Children's Social Care. These Panels have been created to improve accountability and member oversight of the whole range of children's social care services and have replaced the Children's Community Homes Monitoring Panel.

Voting

8. The Meeting Procedure Rules have been amended to reflect the new legislative requirement that a recorded vote must be taken at the budget meeting of the County Council on any motion or amendment which affects the precept set by the County Council.

Rights to Attend Meetings

9. The Access to Information Procedure Rules have been amended to permit members of the public to report on procedures at public meetings, including by recording the meeting or commentating on social media. This reflects new legislation.

Plans and Strategies forming the Policy Framework

10. The list of plans and strategies forming the Policy Framework has been reviewed to ensure that it reflects both current legislation and current practice within the County Council. Those Plans or Strategies which are no longer required have been removed from the list and it is suggested that those Plans or Strategies which are reviewed on an infrequent basis are determined by the Executive rather than reported to full Council. Overview and Scrutiny Committees would still be expected to be involved in the review of these Plans.

Recommendations of the Constitution Committee

11. The recommendations of the Constitution Committee are contained in the motion which appears below.

(Motion to be moved:-

Motion 1

- (a) **That the proposed changes to the Constitution, as set out in Appendices A and B to this report, other than those**

which relate to Standing Orders (the Meeting Procedure Rules), be approved;

- (b) That the list of meetings determined for the purposes of Standing Order 34(2) be amended to read as follows:-

*“Adoption Panel;
Appointment Committee (Chief Officer);
Approval of Premises Panel (Civil Marriages);
Children’s Social Care Panel
Children in Care Panel
Child Protection Panel
Complaints Panel (School Curriculum and Religious Education);
Disputes Panel;
Fostering Panel;
Guardianship Panel;
Member Conduct Panel;
Member Reference Panel on Quality and Safeguarding in Registered Care;
Representations Panel (Independent providers of adult social care);
Secure Accommodation Review Panel.”*

Motion 2 – Procedural Motion in accordance with Standing Order 37

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

(NOTE Standing Order 37 requires that this procedural motion, having been moved and seconded, stands adjourned until the next ordinary meeting of the Council.)

9 September 2014

N R Rushton
Chairman

Background Papers

Report to the meeting of the Constitution Committee on 9 September 2014 on Review and Revision of the Constitution.

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**PROPOSED AMENDMENTS TO THE CONSTITUTION
OF LEICESTERSHIRE COUNTY COUNCIL
SEPTEMBER 2014**

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
<u>PART 1 - SUMMARY AND EXPLANATION</u>	<p>Amend paragraph 9 to read as follows:-</p> <p>“9. Those county councillors who are not members of the Executive make a contribution to the operation of the County Council through membership of the County Council’s committees (some of which are called “boards”) – in the “Regulatory” and “Overview and Scrutiny” areas. The board and committees in the Regulatory area will take decisions on “non-executive” functions (such as licensing, planning, elections and members’ code of conduct and allowances) which are outside the scope of the Executive. Many of the day-to-day decisions within the Regulatory area will, in practice, be taken by professional officers acting in accordance with published schemes of delegation but ultimately still accountable to the relevant board or committee or the full County Council depending on the decision involved.”</p> <p>Change the telephone number given in paragraph 28 to 0116 305 6037.</p>	<p>For clarification.</p> <p>To reflect staff changes.</p>

<p><u>PART 2 - ARTICLES</u></p> <p>Article 7 – The Executive</p> <p>7.04 Designation of Deputy Leader and Lead Member</p>	<p>Amend the second paragraph to read as follows:-</p> <p>“The Leader will also designate two members of the Executive respectively to act as Lead Member for Children and Family Services and Lead Member for Adult Social Care”.</p>	<p>To reflect the Cabinet Lead Member titles</p>
<p>Article 7A – The Health and Wellbeing Board.</p> <p>7A.01 Health and Wellbeing Board</p> <p>7A.03 Role and Function</p>	<p>Amend the note to read as follows:-</p> <p><i>[Note: The County Council’s executive function of approving the Better Care Fund and Plans arising from its use has been delegated to the Health and Wellbeing Board.]</i></p> <p>Amend to read as follows:-</p> <p>“To lead and direct work to improve the health and wellbeing of the population of Leicestershire through the development of improved and integrated health and social care services by:-</p> <ul style="list-style-type: none"> (a) Identifying needs and priorities across Leicestershire, and publishing and refreshing the Leicestershire Joint Strategic Needs Assessment (JSNA) so that future commissioning/policy decisions and priorities are based on evidence. (b) Preparing and publishing a Joint Health and Wellbeing Strategy and Plan on behalf of the County Council and its partner clinical commissioning groups so that work is done to meet the needs identified in the JSNA in a co-ordinated, planned and measurable way. (c) Communicating and engaging with local people in how they can achieve the best possible quality of life and be 	<p>To reflect the role of the Health and Wellbeing Board in relation to the Better Care Fund</p>

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
	<p>supported to exercise choice and control over their personal health and wellbeing.</p> <p>(d) Approving the Better Care Fund Plan including a pooled budget used to transform local services so people are provided with better integrated care and support together with proposals for its implementation.</p> <p>(e) Having oversight of the use of relevant public sector resources to identify opportunities for the further integration of health and social care services.”</p> <p><i>[Note: More detailed working arrangements relating to the operation of the Health and Wellbeing Board are set out on the County Council website at www.leics.gov.uk/healthwellbeingboard.]</i></p>	
<p>Article 15 – Review and Revision of the Constitution</p> <p>15.02 Changes to the Constitution</p>	<p>Amend to read as follows:-</p> <p>“Approval. Changes to the Constitution will only be approved by the full County Council after consideration of the proposal by the Chief Executive and the Constitution Committee and/or Corporate Governance Committee and/or Employment Committee as appropriate; provided that the Chief Executive is authorised to update any part of this Constitution in respect of changes in the Management Structure and Part 9 of this Constitution for the purpose of formally recording any changes in, or additions to, the specific delegations to officers made by the County Council, the Executive or a Regulatory Board or committee. Proposals for changes to the Meeting Procedure Rules in Part 4(A) of this Constitution must comply with the process prescribed in those Rules.”</p>	<p>To recognise the role of the Employment Committee in making recommendations to the Council on the Employee Code of Conduct.</p>

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
<p><i>Schedule 2 – Plans and Strategies forming the Policy Framework</i></p> <p>Schedule 3 – Table A</p>	<p>See Appendix B</p> <p>Amend paragraph 3 of the scope of the Children and Families Overview and Scrutiny Committee as follows:-</p> <p>“3. To monitor the performance and activities of any partnerships that are associated with the executive functions outlined in 1. and 2. Above.”</p> <p>Amend paragraph 3 of the scope of the Environment and Transport Overview and Scrutiny Committee as follows:-</p> <p>“3. To monitor the performance and activities of any partnerships that are associated with the executive functions outlined in 1. and 2. above.”</p>	<p>To reflect the status of the plans and strategies.</p> <p>To reflect changes to the partnership structure.</p>
<p><u>PART 3 - RESPONSIBILITY FOR FUNCTIONS</u></p> <p>Section C: Responsibility for Executive and Health and Wellbeing Functions</p> <p>Joint Arrangements</p>	<p>For the Eastern Shires Purchasing Organisation (ESPO) arrangements, remove reference to Leicester City Council and amend the powers that have been delegated to the joint committee to read as follows:-</p> <p>“(i) Provide a comprehensive cost effective professional purchasing service based on the overall requirements of the Member Authorities (and Customers where applicable);</p> <p>(ii) To maintain effective efficient and economical</p>	<p>To reflect changes in the membership of the consortium.</p> <p>To reflect the updated partnership agreement.</p>

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
	<p>arrangements for the supply of goods and/or services;</p> <p>(iii) To achieve overall cost savings and efficiencies for the Member Authorities by providing a simple effective system for the supply of goods and/or services;</p> <p>(iv) To provide timely and relevant information to the Member Authorities based on their requirements; and</p> <p>(v) To provide the ESPO Services [defined in Schedule 2 to the Partnership Agreement] to the Member Authorities (and Customers where applicable) based on their requirements.”</p>	
<p>Section D: General Scheme of Delegation to Heads of Departments</p>	<p>Amend paragraph (c) of the note to read as follows:-</p> <p>“(c) That in respect of the proper officer functions and other delegated powers and functions allocated to the Chief Executive and County Solicitor, the following officers be authorised to act in their absence:-</p> <p>County Solicitor (in own right and on behalf of Chief Executive) Assistant Chief Executive Head of Democratic Services Head of Legal Services (Children, Adult Services and Litigation) Head of Legal Services (Property, Environment and Commercial).”</p> <p>Amend paragraph 20 to read as follows:-</p> <p>“20. Personnel procedures: power for heads of departments to take decisions relating to employment matters delegated to them from time to time in accordance with the local conditions of service and</p>	<p>To reflect staffing changes.</p> <p>For clarification</p>

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
	<p>other personnel policies and procedures. The Chief Executive may determine from time to time those matters which may be exercised by the head of department.”</p>	
<p>Section E: Panels</p>	<p>Delete paragraph (c) and replace with the following:-</p> <p>(c) Children’s Social Care Panel: To provide strategic oversight at elected member level of children’s social care issues, having particular regard to the following areas:- (i) Children in Care; (ii) Child Protection; (iii) Partnership Working.</p> <p>(d) Children in Care Panel: To provide assurance at elected member level that the County Council is discharging its duties in relation to children in care, having particular regard to the following:- (i) Corporate Parenting; (ii) Education of Children in Care; (iii) Consideration of children and young people causing the most concern, such as those in Secure Accommodation; (iv) Standards in Fostering, Adoption and Community Homes provided by or commissioned by the County Council.</p> <p>(e) Child Protection Panel: To provide assurance at elected member level that the County Council is discharging its duties in relation to child protection, having particular regard to the following:- (i) That the response is proportionate; (ii) That the emergency response is appropriate and</p>	<p>To reflect changes to the Panels with oversight of children’s social care issues in the light of the new Ofsted Inspection Framework.</p>

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
	<p>effective;</p> <p>(iii) The long term maintenance of child safety;</p> <p>(iv) That lessons are learnt from local and national sources.”</p> <p>Re-number remaining paragraphs accordingly.</p> <p>Amend existing paragraph (e) to read as follows:-</p> <p>“(e) Secure Accommodation Review Panel: to consider the appropriateness of the use of secure accommodation in respect of individual children.</p>	
<p><u>PART 4A – MEETING PROCEDURE RULES (STANDING ORDERS)</u></p> <p>Standing Order 28: Voting</p>	<p>Insert the following paragraph after paragraph 3:-</p> <p>“(4) A vote on any proposition at a budget meeting which relates to the calculation of or the issuing of the precept shall be recorded in the minutes of the meeting so as to show whether each member present gave his or her vote for or against the proposition or abstained from voting.”</p> <p>Re-number remaining paragraphs accordingly</p>	<p>To comply with Government Regulations which require local authorities to amend their Standing Orders so as to include provisions requiring recorded votes at budget meetings.</p> <p>This amendment will stand adjourned until the December meeting of the County Council.</p>
<p>Standing Order 30: Interests in contracts and other matters.</p>	<p>Amend as follows:-</p> <p>“If any member of the Council has any interest under the County Council’s Code of Conduct in any contract, proposed contract, or other matter, that member shall declare that interest and withdraw from the meeting while the contract, proposed contract, or other matter, is under consideration by</p>	<p>Reference to pecuniary interest no longer applicable.</p> <p>This amendment will stand adjourned until the December meeting of the County Council.</p>

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
	the Council unless the disability to discuss that matter imposed upon him or her by the Code has been removed by the Corporate Governance Committee.”	
Note after Meeting Procedure Rules	<p>Add the following to the list of meetings determined for the purposes of Standing Order 34(2):</p> <p>“Children’s Social Care Panel Children in Care Panel Child Protection Panel</p> <p>Delete reference to Children’s Community Homes and Service Teams Monitoring Panel.</p>	Redistribution of functions.
<p><u>PART 4B: ACCESS TO INFORMATION PROCEDURE RULES</u></p> <p>Rule 3: Rights to attend meetings</p>	<p>Amend to read as follows:-</p> <p>“(1) Members of the public may attend all meetings subject only to the exceptions in these Rules.</p> <p>(2) Members of the public attending meetings not covered by the exceptions in these rules shall be permitted to report on the proceedings of such meetings. Such reporting shall include filming or providing a commentary on proceedings using social media tools, providing that any such reporting does not cause obstruction so as to render the due and orderly despatch of business impossible.”</p>	To reflect changes in legislation

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
<p><u>PART 6 – MEMBERS’ ALLOWANCES SCHEME</u></p> <p>Schedule 2</p>	<p>Delete (i) from the list of General County Council duties and renumber the remaining paragraphs accordingly.</p>	<p>Redistribution of functions.</p>

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SCHEDULE 2***Plans and Strategies forming the Policy Framework (Article 4.01)*****In accordance with Local Authorities (Functions and Responsibilities) (England) Regulations 2000:**

- 1 Community Safety Strategy.
- 2 The Leicestershire Sustainable Community Strategy.
- 3 Local Transport Plan, including:
 - (a) Leicestershire Local Transport Plan;
 - (b) Central Leicestershire Local Transport Plan.
- 4 Plans and Strategies which form part of the Development Framework:
 - (a) Minerals Development Framework;
 - (b) Waste Development Framework.
- 5 Youth Justice Plan.

By local choice:

- 6 Annual Performance Report.
- 7 Annual Report of the Director of Public Health.
- 8 Code of Corporate Governance.
- 9 Corporate Parenting Policy.
- 10 County Council Strategic Plan.
- 11 Equality, Diversity and Human Rights Strategy.
- 12 Medium Term Financial Strategy.
- 13 Planning Obligations Policy.

*[Note: the following Plans, which are listed here solely for the sake of completeness, do **not** form part of the Policy Framework:*

Plans determined by the Executive:

- | | |
|----------|---|
| <i>A</i> | <i>Agreed Syllabus on Religious Education.</i> |
| <i>B</i> | <i>Anti Social Behaviour Reduction Strategy.</i> |
| <i>C</i> | <i>Biodiversity Action Plan.</i> |
| <i>D</i> | <i>Carbon Management Plan.</i> |
| <i>E</i> | <i>Communications Strategy.</i> |
| <i>F</i> | <i>Communities Strategy.</i> |
| <i>G</i> | <i>Commissioning and Procurement Strategy.</i> |
| <i>H</i> | <i>Corporate Asset Management Plan.</i> |
| <i>I</i> | <i>Design Guide.</i> |
| <i>J</i> | <i>Domestic Violence Reduction Strategy.</i> |
| <i>K</i> | <i>Enabling Growth Plan.</i> |
| <i>L</i> | <i>Enforcement Programme for Underage Sales of Tobacco Products and Aerosol Paints.</i> |
| <i>M</i> | <i>Environment Strategy.</i> |
| <i>N</i> | <i>Fair Funding (Local Management of Schools) Scheme.</i> |

<i>O</i>	<i>Information and Technology Strategy.</i>
<i>P</i>	<i>Leicestershire Rural Framework.</i>
<i>Q</i>	<i>Local Transport Plans Progress Reports.</i>
<i>R</i>	<i>Municipal Waste Management Strategy.</i>
<i>S</i>	<i>People Strategy.</i>
<i>T</i>	<i>Planning Charter.</i>
<i>U</i>	<i>Risk Management Policy and Strategy.</i>
<i>V</i>	<i>Road Safety Plan.</i>
<i>W</i>	<i>Sports Strategy.</i>
<i>X</i>	<i>Statement of Community Involvement (Minerals and Waste Development Frameworks and Planning Applications).</i>
<i>Y</i>	<i>Sustainable Development Appraisal Scheme.</i>
<i>Z</i>	<i>Tree Management Strategy.</i>
<i>ZA</i>	<i>Walking and Cycling Strategies.</i>

Plans determined by the Health and Wellbeing Board:

<i>ZB</i>	<i>Better Care Fund Plan.</i>
<i>ZC</i>	<i>Joint Health and Wellbeing Strategy.</i>
<i>ZD</i>	<i>Joint Strategic Needs Assessment.</i>
<i>ZE</i>	<i>Pharmaceutical Needs Assessment.</i>