

**MINUTES OF THE MEETING OF THE LEICESTERSHIRE COUNTY COUNCIL
HELD AT COUNTY HALL, GLENFIELD ON WEDNESDAY, 3 DECEMBER 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, Mrs. R. Camamile 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, 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. A. M. Kershaw CC, Ms. K. J. Knaggs 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. P. O'Shea 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. E. F. White CC, Miss. H. Worman CC, Mr. M. B. Wyatt CC and Mr. L. E. Yates CC

27. CHAIRMAN'S ANNOUNCEMENTS.

Mr Ron Jenkins

The Chairman reported the death of former County Councillor Ron Jenkins who died on 11th October 2014.

Ron had served on the County Council from 1997 to 2005 and represented the Syston Electoral Division.

He had mainly served on the Development Control and Regulatory Board for which he was Conservative Spokesman during 2004/5, and the Health and Social Care Scrutiny Committee. Prior to the establishment of the Cabinet/Scrutiny model, he had been a member of the Education Committee.

The Chairman invited the Council to stand in silent tribute to the memory of Mr Ron Jenkins.

UK Youth Parliament

The Chairman reported with pleasure that Rina Roy from Charnwood had been selected as one of the 60 members of the UK Youth Parliament to take part in a celebration to mark the 750th anniversary of De Montfort's Parliament.

The event was to be held on 22nd January at Westminster Abbey Chapter House followed by a special Evensong. The invitation had come on behalf of

The Rt Hon John Bercow MP, Speaker of the House of Commons and The Rt Hon Baroness D'Souza, the Lord Speaker.

This was great achievement by Rina and also a tribute to the excellent work of the Children and Families Service.

Visitors

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

28. MINUTES.

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

“That the minutes of the meeting of the Council held on 24th September 2014, copies of which have been circulated to members, be taken as read, confirmed and signed.”

29. 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 of the Council who were also members of a District Council declared a personal interest in the Leicestershire County Council Planning Obligations Policy (minute 33(b) refers)

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

(A) Mrs Richards asked the following question of the Leader or his nominee:-

- “1. Would the Leader please advise the Council regarding the following statements made by County Councillors David Bill and Michael Mullaney in a Liberal Democrat Focus leaflet delivered in Hinckley regarding the future of the Mount Grace School Site:-
 - (a) that specific questions have been put to the County Council regarding a guarantee that all of the playing fields will be retained?
 - (b) that the County Council has been approached over potential parking congestion if this move takes place?
 - (c) that County Councillors David Bill and Michael Mullaney have approached Mr Ould CC directly on this matter in his capacity as Cabinet Lead Member for Children and Families?
2. What is your view regarding the content of the Liberal Democrat Focus leaflet by two County Councillors which would appear to me to be misleading and what impact might this have on the proposed move of Hollier's Walk School to Mount Grace site?”

Mr Ould replied as follows:-

- “1. (a) I am not aware that the County Council has been asked any questions. Mr Bill raised the following question with the Director of Children and Family Services in late September in the context of a broader question regarding an emerging proposal for a move of the Holliers Walk Primary to the Mount Grace site:-

‘In view of the extensive playing field attached to the school, is there a guarantee that all of the field will be retained? As one of the local County Councillors I trust that I will be informed well in advance of any move to dispose of all or part of this land and that the usual consultation process will be followed.’

The answer provided was as follows:-

‘The potential move to Mount Grace for Holliers Walk is not dependent on the sale of any playing field land on the site, hence there are currently no plans to do this (and Sport England would strongly oppose such a move). Should the position change for any reason, then I will ensure you are alerted beforehand.’

- (b) Within the correspondence relating to the above, Mr Bill also raised the following matter:-

‘In view of the fact that all primary schools attract parking and congestion problems, what arrangements will be put in hand to address this problem? Parents’ evenings and other events already cause parking problems in the Butt Lane area. Is this situation now to be replicated every morning and afternoon during school terms?’

The answer provided stated:-

‘In terms of potential parking problems, particularly on Butt Lane, planning conditions for the primary school would require an agreed travel plan to be in place on opening. This will place an emphasis on sustainable travel solutions, based on the current good network of footpaths around the school, and available cycle routes, so as to discourage the use of cars. The travel plan will be agreed with the Environment and Transport Department nearer to the time of the planning application. Primary schools do not normally provide discrete drop off areas for pupils, but this would be considered if deemed necessary by the planners.’

- (c) I have not been approached directly by either Mr Bill or Mr Mullaney about this matter.

2. The content of the leaflet is, in part, factually incorrect. Given the sensitivity of the debate surrounding Mount Grace I would have expected that the facts would be checked prior to publication.

In this context, I am most concerned that, given that Mr Bill in particular has pressed for transparency and clarity about the proposals for the Mount Grace site in order to remove confusion and anxiety for parents and the community; he should now be party to the issuing of a misleading leaflet that contains factual inaccuracies.

At present the governors of Holliers Walk are undertaking a public consultation to gauge the degree of support for the proposed move. The positive response received so far would suggest that Liberal Democrat Focus article has, fortunately, not had an adverse impact upon this.”

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

“Since the introduction by the Government of the new pupil absence authorisation criteria, would the Leader inform this Council of the following information:-

- (a) How many fines have been issued across the county?
- (b) What revenue has been raised from the fines? And
- (c) How much of this revenue has been transferred back to the schools?”

Mr Ould replied as follows:-

- “(a) During the academic year September 2013 to July 2014 a total of 933 Penalty Notices (PN) for non-attendance at school were issued, this equated to 716 PNs for unauthorised school holidays and 217 PNs for general non-attendance. In contrast, the number of PNs so far issued during the 2014/15 academic year equates to 348, 339 for unauthorised holidays and 9 for general non-attendance.
- (b) A total of £35,100 (£32,040 for unauthorised holidays and £3,060 for general non-attendance) was received for PN’s imposed during 2013/14. So far for 2014/15 £9,960 has been received (£9,720 for unauthorised holidays and £240 for general non-attendance).
- (c) Schools do not receive any of the revenue from Penalty Notices. The income received is used as a contribution towards the local authority’s costs of providing the services to manage non-attendance.”

Mr Sprason asked the following supplementary question:-

“I would like to ask for clarity on how many staff work on this within the department and how many parents have been given rebates as a result of teachers strikes?”

Mr Ould replied as follows:-

“I do not have access to either piece of information and I will have to ask for a written response to be sent to Mr Sprason.”

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

“Could the Leader please advise me of the position regarding the arrangements for undertaking urban grass cutting in 2015 now that the Highway Alliance contract with Lafarge Tarmac has ceased?”

Mr Osborne replied as follows:-

“For the benefit of the public record, Mr Sheahan has already had this answer to his question from the Director a few weeks ago.

Following the cessation of our Highways Alliance contract with Lafarge Tarmac and as part of the agreed MTFS we have been considering options to effect the service reductions required while minimising the impact.

We discussed with District Officers whether there was an efficiency saving to the County Council by this function being undertaken by Districts on a marginal cost basis added to their existing environmental maintenance functions. However there was a mixed reaction to this and as such it was not possible to reach a countywide solution on this basis.

There were therefore several considerations:-

1. The lack of a consistent service across the County would have led to confusion and complaints from the public, requiring additional resource for the County Council to deal effectively with customer enquiries/complaints.
2. The lack of a countywide agreement means that the County Council would need to establish its own capability for urban grass cutting incurring overheads and costs thereby negating any savings to the County Council.
3. It would not have been possible in any event to have reached agreements to effect change from April 2015. This is too high a risk for the County Council to take.

In view of the above it has been concluded that the County Council will now develop its own integrated environmental maintenance function. All Lafarge Tarmac staff involved in environmental maintenance have transferred to the County Council.

The exception to the above is Blaby District Council who used to undertake grass cutting for the County Council prior to the Lafarge Tarmac contract and continued to do so as sub-contractors to Lafarge Tarmac. Blaby will continue, at this stage, to undertake this function under an agreement with the County Council; this approach means that there is no requirement to TUPE transfer staff, which would have further complicated matters given the TUPE transfer of Lafarge Tarmac staff to the County Council. In addition, this will prove useful benchmark evidence to review the service performance over the next couple of years.

We have also discussed with Parish Councils the possibility of them taking over and providing the service locally as we already had arrangements in place with some Parishes. A number of Parishes have expressed an interest in this and several more asked for additional information and have been asked to confirm their interest by the end of November at the latest. The offer to Parish/Town councils is not affected by the decision to develop an integrated environmental maintenance function as the square meterage of highways grass that this will cover is not significant and therefore would not affect the cost effectiveness of the County Council's own internal service."

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

"As the Leader may be aware, the Care Quality Commission (CQC) wants all care homes to have a registered manager.

Could the Leader advise me how many of the care homes where the County Council places residents have a registered manager and how many do not?"

Mr Houseman replied as follows:-

"There are 209 care homes in Leicestershire that the County Council has contracts with, however we do not necessarily have County Council funded placements in all of these homes. Our records show that the approximate number of homes where we are aware that no registered manager is in place is 13. Staffing in this sector is volatile and the situation changes constantly.

There is a requirement in legislation for providers to inform the CQC and to nominate a responsible individual who will take responsibility for day to day management until a new registered manager is appointed.

The Compliance and Quality Section within the Adults and Communities Department also works with providers where there is no registered manager as providers are contractually required to advise the County Council when there is no registered manager, and confirm that measures are in place to address this.

In line with the requirements of CQC and those relating to contracts as outlined above with independent care home providers, establishments will need to have in place appropriate resources to cover the vacant manager's role. Additionally providers may have appointed a manager and are awaiting the registration of the manager with CQC."

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

"Will the Leader please look into the problem of residents in Granville Road, Hinckley who often find it impossible to park near their homes? Would he consider whether residents only parking is feasible in this street?"

Mr Osborne replied as follows:-

“The County Council is aware of residents’ concerns about parking and that commuter and non-resident parking is seen as the main cause of friction.

There are currently a number of developments being carried out in the area and further developments planned in the town centre which are likely to change daytime parking patterns on many surrounding roads including Granville Road.

I can also advise Mr Bray that there is a requirement following the completion and opening of the Crescent development for the developer to undertake a review of the impact of parking in the vicinity, which will provide a basis for informing any future parking improvement schemes.

The County Council will therefore look to work with the developer, residents and local members to review the need for residents’ parking on surrounding roads in a more holistic way across the town centre after traffic patterns have developed and settled down.”

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

“The Winckworth-Sherwood report was intended to be funded by a £3,000 grant from Museum Development East Midlands. Due to decommissioning the report, the Council had to pay a fee of £3,500 itself. Could the Leader please advise me:-

- (a) Which budget was the £3500 payment to Winckworth-Sherwood taken from?
- (b) Did anyone connected with County Council read the preliminary report concerning museums from Winckworth-Sherwood, and, if so, what were the preliminary recommendations?”

Mr Blunt replied as follows:-

- “(a) The payment was coded to the Communities and Wellbeing general code.
- (b) As Mr Charlesworth is aware, the County Solicitor, as Monitoring Officer, undertook enquiries during July and August of this year into the commissioning of a report from Winckworth-Sherwood and into the circumstances which led to Winckworth-Sherwood withdrawing the draft document. The County Solicitor’s report explains who read the document and his report was provided to Group Leaders and made publicly available. I am not in a position to comment on the question of the preliminary recommendations. As I have stated previously, I have not seen the report. I suggest you speak directly to the County Solicitor who will be able to advise you in more detail.”

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

“Can the Leader reveal how much was spent converting Leicestershire’s street lights to part-night lighting?”

Mr Osborne replied as follows:-

“The total cost to date is £1.718m.”

31. REPORT OF THE CONSTITUTION COMMITTEE.

(a) Review of Standing Orders (Meeting Procedure Rules).

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

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

32. POSITION STATEMENTS UNDER STANDING ORDER 8.

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

- Midlands Connect;
- East Leicestershire LEADER Bid;
- European Structural and Investment Fund;
- County Councils' Network Annual Conference;
- Meetings with Leicestershire MPs and Emma McClarkin MEP;
- Chairman's Dinner for Her Majesty's Services;
- Working Dog Sculpture unveiling.

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

- Meeting with MPs;
- Medium Term Financial Strategy;
- Transformation Board.

Copies of the position statements are filed with these minutes.

33. REPORT OF THE CABINET.

(a) Leicestershire County Council Annual Performance Report 2014.

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

“That the Leicestershire County Council Annual Performance Report 2014, as referred to in Section A of the report of the Cabinet, be approved.”

(b) Leicestershire County Council Planning Obligations Policy.

It was moved by Mr Blunt, seconded by Mr Hunt and carried:-

“That the revised Leicestershire Planning Obligations Policy, as referred to in Section B of the report to the Cabinet, be approved and that the Chief

Executive and County Solicitor, following consultation with the Cabinet Lead Member for Planning Matters, be authorised to make any necessary future revisions to the Leicestershire Planning Obligations Policy to ensure that it is up-to-date and relevant provided that these do not constitute material changes to the Policy.”

34. REPORT OF THE CORPORATE GOVERNANCE COMMITTEE.

(a) Proposed Changes to the Contract Procedure Rules.

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

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

35. NOTICES OF MOTION.

(a) Working Together to Manage Budget Reductions - Mr Max Hunt

It was moved by Mr Hunt, and seconded by Ms Newton:-

“1. That this Council severely regrets that:-

- (a) since the Coalition Government came into power local services have been disproportionately penalised with a real terms cut in local government funding of 37% with the recent National Audit Office report on local government funding reserving its severest criticism for central government;
- (b) after four years of Coalition Government, local government social care services have been forced to take a bigger hit than any other government services and as social care funding constitutes a large proportion of local authority funding, the funding situation for the County Council will become untenable within the next two years;
- (c) the approach taken by the present administration has failed to understand the significant contribution that the voluntary sector could make to supporting local communities, groups and carers in dealing with cuts being made in services;
- (d) the failure of the Administration to engage in any meaningful way with other political groups on the challenges facing the Council and how these might be tackled.

2. That this Council also notes that many of those in low paid jobs, including a large number of people working in the care sector with which the Council contracts, deserve better pay and conditions.

3. That this Council therefore calls upon the Administration to:-

- (a) work with Councillors of all parties and other County Councils to restore a respectable level of funding to social care services supporting young, disabled and elderly vulnerable people;
- (b) challenge local MPs and Parliamentary Candidates to oppose further cuts to social care in the next Government and support an integrated health and care service;
- (c) review its current approach to working with the voluntary and community sector and engage constructively with them to help deliver the Council's preventative agenda;
- (d) show its support for the lowest paid social care workers by giving a commitment to introduce the living wage within the Council and making it a requirement for organisations with whom the Council contracts."

An amendment was moved by Mr Galton, and seconded by Mr Bill:-

'That the motion be amended to read as follows:-

"1. That this Council notes that:-

- (a) Following the economic crash in 2008, all parties accepted the need to reduce the budget deficit, all went into the 2010 election promising spending reductions to achieve this and all will be promising further cuts to continue reducing the deficit beyond 2015;
- (b) During this parliament, local services have been cut heavily with a real terms cut in local government funding of 37% according to the recent National Audit Office report on local government funding;
- (c) Local taxes such as Council Tax and Business Rates, have not been designed to meet the pressures of social care, the budget of which has risen each year to meet increased demand from vulnerable people in our society;
- (d) Therefore, cuts to local government can be seen as cuts to social care by stealth, and could undermine attempts to reduce demand on NHS through better social care;
- (e) A large number of people working in the care sector are on low wages and zero hour contracts and deserve better pay and conditions.

2. That this Council therefore resolves to:-

- (a) Work together, with cross party talks, to find common ground on how local government should be funded so that central government can be lobbied from a united Council position;
- (b) Work with local MPs and Parliamentary Candidates to protect social care from further cuts in the next Parliament and support an integrated health and social care budget;
- (c) Work more closely with the voluntary and community sector and engage constructively with them to help deliver the Council's preventative agenda;
- (d) Show its support for the lowest paid social care workers by working together to introduce the living wage within the Council and encouraging organisations with whom the Council contracts to do also." '

The amendment was not carried, 10 members voting for the amendment and 40 against.

An amendment was moved by Mr Rushton, and seconded by Mr Osborne:-

'That the motion be amended to read as follows:-

"That this Council believes that at this stage of the Parliamentary cycle, when the seriousness of the Council's financial position will be confirmed at the Cabinet on 11 December, when the coalition government parties and the main opposition party have all indicated their intention to adhere to current spending plans and when the Council has already stated that the care and protection of vulnerable people is its priority:-

- There is little merit in political game playing by opposition groups.
- All the political groups are supportive of the lowest paid workers but increased wage bills must be affordable to the employers.
- The best chance of engaging with Government and the political parties to achieve fair funding for Leicestershire is for the parties locally to make best use of their own resources and channels.
- The importance of returning to the debate after the General Election outcome is known cannot be over-stated." '

The amendment was put and carried, 30 members voting for the amendment and 8 against.

The substantive motion was put and carried.

36. IMPOSITION OF BUS AND CYCLE LANES - LEICESTER NORTH WEST MAJOR TRANSPORT SCHEME.

It was moved by Mr Yates, and seconded by Mr Sprason:-

“That this Council rejects the Coalition Government’s and Leicester City Mayor’s obsessive agenda in imposing cycle and bus lanes which will only create more congestion and that the Leicester North West Major Transport project be roundly rejected.”

The motion was not carried, 2 members voting for the motion and 48 against.

2.30 pm – 5.55 pm
03 December 2014

CHAIRMAN