

**MINUTES OF THE MEETING OF THE LEICESTERSHIRE COUNTY COUNCIL
HELD AT COUNTY HALL, GLENFIELD ON WEDNESDAY, 22 MARCH 2017**

PRESENT

Mr. W. Liquorish JP CC (in the Chair)

Mr. I. E. G. Bentley CC, Mr. D. C. Bill MBE CC, Mr. R. Blunt CC, Mr. G. A. Boulter CC, Mr. S. L. Bray CC, Mrs. R. Camamile CC, Mr. M. H. Charlesworth 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. A. M. Kershaw CC, Ms. K. J. Knaggs CC, Mr. P. G. Lewis 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. L. 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, Mr. T. J. Richardson 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, Mr. M. B. Wyatt CC and Mr. L. E. Yates CC

48. CHAIRMAN'S ANNOUNCEMENTS.

Last Meeting of the Current County Council

The Chairman mentioned those Members for whom the meeting would be their last as County Councillors and wished them well for the future.

The Chairman also acknowledged the service of those Members who would not be standing for re-election.

The Chairman further thanked all Members for their service to the County and people of Leicestershire and also for the courtesy and support they had shown to him during the past year.

Mr Barry Garner

The Chairman thanked Mr Barry Garner for his generous gift to the County Council, which he had donated in grateful thanks of his service on the County Council from 1997 to 2013.

The gift of an engraved silver salver and accompanying decanter and glasses would be displayed in the Silver Collection Cabinets in the Members Lounge.

Visitors

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

49. MINUTES.

It was moved by the Chairman, seconded by Mrs Richards, and carried:-

“That the minutes of the meeting of the Council held on 22nd February 2017, copies of which have been circulated to members, be taken as read, confirmed and signed.

50. 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.

There were no declarations.

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

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

"What is this Council's responsibility as Waste Authority for ensuring that the nature of the waste material stored in the Ravenstone lagoons is compliant with permissions given for storing and spreading? Has this Authority assessed the impact of these activities on the surrounding towns and villages?"

Mr Blunt replied as follows:-

“North West Leicestershire District Council gave consent to carry out agricultural permitted development for two clay lined lagoons on 28th November 2014 and control over the development therefore rests with that Council.

The County Council has not been involved in the planning approval. It has no role in this matter and therefore has not assessed the impact of the activities on the surrounding towns and villages.”

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

- “1. Can the Leader please advise me of the total number of people that were provided with homecare services, either by or through the Council, during July 2016, before Help to Live at Home launched, and how many people were provided with homecare services during January this year, broken down into self-funders and non-self-funders?
2. A recent budget monitoring report presented to the Scrutiny Commission revealed that there is a £2.6m overspend on Residential and Nursing Care. The explanation given said it was partially caused by the need to cover gaps in domestic care services following the launch of Help to Live at Home by placing people in residential care in the short term. Can the Leader please provide me with the number of service users eligible for homecare that were instead provided with

residential care and the additional cost to the Council?"

Mr Houseman replied as follows:-

- “1. In July 2016, 3,370 people received home care either directly from the Council or commissioned from the independent sector. Of these, 503 (15%) paid for the full cost of their care. The total number receiving care in these ways in January 2017 was lower principally due to 740 choosing to switch to a direct payment for their care and 250 full cost payers deciding to make their own private arrangements. This resulted in 2,139 people receiving care either directly from the Council or commissioned from the independent sector of whom 253 (12%) were full cost payers.
2. For the period between March 2016 and February 2017 there were 138 people placed in an interim residential or nursing placement awaiting a package of care. During this period the total cost of these placements was £192,300. The highest level of interim care activity was in November 2016 with 35 people starting a placement at a total cost of £53,900. The average number of people starting per month has since returned to the pre-November position of approximately 10 placements.”

Dr Hill asked the following supplementary question:-

“I would like to ask Mr Houseman to check his sums because I make 3,370, less 740, less 350 and that is the starter figure, less the people who switched direct payments, less the self-funders who have gone independent, makes 2,380, missing 241 people. Secondly, the Leader in his statement says there were 1,619 services users, but in my reply it says 2,139.”

Mr Houseman replied as follows:-

“Thank you Dr Hill for the supplementary question. First, can I say, as this is my last full Council meeting that I have always respected you for being one of the most sensible, diligent and hardworking Liberal Democrat members, and a very nice person.

In answer to your question, a number of factors have an impact on further reducing the overall number of people in receipt of home care by the Council. Prior to Help to Live at Home going live, significant work was done to improve the quality of management information about people who needed to be transferred to the new services and this resulted in the removal of duplicate records and other records relating to people who no longer received home care services. The majority of cases transferring were subject to an individual review prior to going live and in a number of cases this resulted in services being changed or discontinued because they were no longer required. In addition, some self-funders, who we only funded a tiny amount of their care package, decided on transfer that they would fully fund their own care package. This was the reason for the number of changes.”

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

“Can the Leader please advise:-

- (a) Where does our statutory duty lie with regard to gardens and hedges obstructing the footway?
- (b) If we are not able to fulfil this in a timely and efficient way, as I have been led to understand, what alternative approaches have been considered in non-parished areas?”

Mr Osborne replied as follows:-

- “(a) The owner or occupier of a property has a legal responsibility (Highway Act 1980 s154) to ensure that the 'public highway' adjacent to a property is not obstructed by vegetation from their property. In addition, the Highway Authority has a duty under Section 130 of the Highways Act to prevent, as far as possible, the 'stopping-up' or obstruction of the highways for which they are the Highway Authority.

It also states that if the parish or representative community body informs the Highway Authority of an obstruction it is the duty of the Authority, unless it is decided that the representations are incorrect, to take appropriate action.

Where the Highway Authority is notified of an obstruction due to overhanging vegetation from a private property the following action is taken.

Officers will send a letter to the householder requesting them to cut back the hedge/tree within 21 days. If householders fail to comply with this they are then sent a further letter giving them another 21 days. If they still do not comply with the request, a team will be sent out to cut the tree/hedge.

- (b) Leicestershire County Council is currently reviewing its approach to highway maintenance to align it with the new national Code of Practice “Well Maintained Highways”. As part of this review a pilot has been approved which will enable the County Council to work with parishes and community organisations to understand the feasibility of, and appetite for, devolving a range of duties. These could range from responsibility for inspecting and reporting to delivering some localised highway services, including in this instance being authorised to issue the first letter to the owner on behalf of the Council. The outcomes of these pilot assessments will help inform how this approach could be applied to both parished and non-parished areas.”

Mr Hunt asked the following supplementary question:-

“The Cabinet Lead Member is saying that parishes or representative community bodies may inform the Highway Authority of outgrowing vegetation obstructing the pavement, etc. Can he tell us what sort of representative community body has the right to instruct the Highway Authority to take action?”

Mr Osborne replied as follows:-

“Chairman, I am just trying to find out exactly what the part in the reply the member did not quite understand. He is asking for an explanation rather than I think looking at the answer and understanding the answer, but if he is still in a fairly befuddled state, I will answer him as best I can later.”

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

“Can the Leader please advise:-

- (a) Where does our statutory duty lie with regard to protecting grass verges with pegs, bollards and other impediments for the purpose of preventing non-residents from parking on, and destroying, those grass verges?
- (b) Some residents have been threatened with their removal thereby allowing the grass verges to degrade. Given that the County Council itself employs this practice and because of the extent of their use by residents, is such an approach realistic and what alternative approaches have been considered, particularly in non-parished areas?”

Mr Osborne replied as follows:-

- (a) The County Council’s statutory duties are to maintain the highway in a safe condition. As such, there is no statutory duty on the County Council as Highway Authority to prevent vehicles parking on grass verges or, indeed, to repair damage to grass verges caused by non-residents, residents or their visitors. The County Council’s current operational procedure in relation to verge maintenance can be summarised as:

Highway verges that are either damaged through parking or over-riding will not be repaired except in the following circumstances:

- Where repair or improvements of a highway verge should reasonably be included as part of essential safety schemes (i.e. those with an accident record higher than the national average or higher than otherwise could be expected) which are taking place at the same location.
- Where repair or improvements to a highway verge should reasonably be included within programmed works to maintain the condition of our highway network that are taking place at the same location.
- Where repair or improvements to a highway verge should reasonably be included within infrastructure improvement works aimed at delivering economic and housing growth which are taking place at the same location.

- Where another authority or third party wholly funds repairs or improvements to a highway verge.
- (b) As a result of the above the County Council does not routinely protect verges from inappropriate parking. The use of (typically) white painted stones by residents, is contrary to the Highways Act and may make the resident or the authority liable for third party damage and injuries. However, officers take a pragmatic approach to this and will only seek their removal where there are genuine safety concerns.

We will however work with parish councils, communities and individuals to allow local solutions to be developed subject to appropriate agreements on funding, liability and maintenance.”

Mr Hunt asked the following supplementary question:-

“This is referring to page 13 on the pink papers and in paragraph (a) the Lead Member states, and this is referring to stones, wooden posts, and such-like protecting the grass verges and he says that there is no statutory duty on the County Council as Highway Authority, and then in the ensuing section, which is largely in (b), we hear that the Highways Act, unspecified, has the requirement not to place white stones contrary to the Act on grass verges, and then goes on to say that residents may be liable, and then it says that officers take a pragmatic view. This seems rather confusing to any of us here who are faced with the situation of stones, posts or bollards to protect grass verges and I wonder therefore if the Lead Member would support the Scrutiny Committee in the future taking an item on this to clear up the obvious discrepancy over pragmatic action taken by officers.”

Mr Osborne replied as follows:-

“To answer Mr Hunt, it is not my job, nor it is it within my competence to say what scrutiny should or should not have on its agenda and I am surprised you would want to delegate that authority to me.”

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

“Would the Leader please advise me of:-

1. The full employer costs for all principal officers (Senior Management) as part of their annual remuneration in 2015/16.
2. Any Honoraria paid to any of the Senior Manager posts in 1 above between 2009/10 and 2015/16, including how much and to whom?”

Mr Rhodes replied as follows:-

“I have interpreted ‘senior management’ to be those Officers covered by the Annual Pay Policy statement i.e. Chief Officers and Assistant Directors.

1. I would refer Mr Charlesworth to the Report of the Employment

Committee and the draft Pay Policy Statement which may be found at pages 19-29 of the Council booklet. The only additional costs are the employer's contributions, i.e. National Insurance payments, and employers' pension contributions – both dictated by national regulations to the level of salary paid.

2. I can confirm that the only honoraria payments made to senior officers within the stated period were to three Assistant Directors between July 2011 and July 2013 in recognition of the cover they provided whilst their Director was on secondment for part of his time to a Government Department.”

52. POSITION STATEMENTS UNDER STANDING ORDER 8.

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

- Midlands Engine/Midlands Connect;
- Fire and Rescue Service – Member Briefing;
- Energy and Water Strategy;
- Help to Live at Home;
- Glenfield Children's Heart Hospital;
- Elections.

The Cabinet Lead Member for Finance and Resources gave a position statement on Adult Social Care Funding.

The Cabinet Lead Member for Children and Families gave a position statement on the National Funding Formula for Schools.

A copy of the position statements is filed with these minutes.

53. REPORT OF THE EMPLOYMENT COMMITTEE.

(a) Pay Policy Statement.

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

“That the County Council's Pay Policy Statement 2017/18, as referred to in the report of the Employment Committee, be approved.”

54. REPORT OF THE CORPORATE GOVERNANCE COMMITTEE.

(a) Members' Planning Code of Good Practice.

It was moved by Mr Kershaw, seconded by Mr Pendleton and carried:-

“That the revised Members' Planning Code of Good Practice as set out in Appendix A to the report of the Corporate Governance Committee, be approved.”

(b) Delegation of Leicester City Council's Internal Audit Function.

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

“That the County Council accepts the delegation of the internal audit function from Leicester City Council on the basis outlined in the report.”

55. REPORT OF THE CONSTITUTION COMMITTEE.

(a) Establishment of a Joint Committee for the Central Investment Pool.

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

“That approval be given to the establishment of a Joint Committee made up of the eight Midlands-based Local Government Pension Funds (including the Leicestershire Fund) to form the LGPS Central Investment Pool and that the Chairman of the Leicestershire Local Pension Committee act as the Fund’s representative on the Joint Committee with the Vice Chairman acting as a substitute.”

56. REPORT OF THE CABINET.

(a) Dates of Council Meetings.

Mr Rushton, with the consent of the seconder of the motion, sought the approval of the Council to move the following altered motion:-

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

MOTION 1

“(a) That the County Council’s Annual General Meeting be held at 2.00 p.m. on Wednesday, 17th May 2017.

(b) That Standing Order 1(5) be amended to read as follows:

“SO1(5) Unless the Council otherwise determines, all meetings of the Council shall be held at 2.00 p.m. other than a meeting on a Saturday which shall be held at 10.00 a.m. provided that the time may be varied by the Chairman following consultation with the Group Leaders.”

(c) That Council meetings in 2017/18 and 2018/19 be held on the following dates:-

Wednesday 28 June 2017
Wednesday 27 September 2017
Wednesday 6 December 2017
Wednesday 21 February 2018 (Budget Meeting)
Wednesday 21 March 2018

Wednesday 16 May 2018 (Annual Meeting)
Wednesday 27 June 2018
Wednesday 26 September 2018
Wednesday 5 December 2018
Wednesday 20 February 2019 (Budget Meeting)
Wednesday 20 March 2019
Wednesday 15 May 2019 (Annual Meeting)

MOTION 2 – Procedural Motion in accordance with Standing Order 37

- (d) That the change to Standing Order 1 (The Meetings Procedure Rules) as set out in (b) above, be approved.”

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

2.30 pm – 4.03 pm
22 March 2017

CHAIRMAN