



DATE: 20 September 2016  
MY REF: MIS/CCouncil  
PLEASE ASK FOR: Mr. M. I. Seedat  
DIRECT DIALING: (0116) 305 6037  
E-MAIL: [mo.seedat@leics.gov.uk](mailto: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, 28 SEPTEMBER 2016 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 29 June 2016. (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 Constitution Committee.
  - (a) Annual Review of the Constitution. (Pages 19 - 26)
  - (b) Appointment of Independent Persons. (Pages 27 - 30)



7. To consider the following notices of motion:

(a) 2021 Census and the Armed Forces Community - 'Count them in Campaign' - Mrs. P. Posnett

This Council notes:

1. The obligations it owes to the Armed Forces community within Leicestershire as enshrined in the Armed Forces Covenant.
2. The absence of definitive and comprehensive statistics on the size or demographics of the Armed Forces community within Leicestershire which includes serving Regular and Reserve personnel, veterans, and their families.
3. That the availability of such data would greatly assist the Council, local partner agencies, the voluntary sector, and national Government in the planning and provision of services to address the unique needs of the Armed Forces community within Leicestershire

In light of the above, this Council supports the Royal British Legion's call to include a new topic in the 2021 census that concerns military service and membership of the Armed Forces community and urges Parliament and local MPs to ensure that the 2021 census includes questions concerning our Armed Forces community.

(b) Grammar Schools - Mr. G. Welsh

1. That this Council notes:-

- (a) That Leicestershire was one of the first authorities to abandon the grammar school system and is proud of the success of its schools within a fully comprehensive system.
- (b) The Prime Minister's announcement that she intends to allow new selective schools to open, allow existing selective schools to expand and allow non-selective schools to become selective.
- (c) The reasons why grammar schools went out of favour including:
  - (i) The social segregation of students by ability.
  - (ii) Evidence that they depress overall educational achievement and perpetuate socioeconomic disadvantage.
  - (iii) That the countries with the most successful school systems do not utilise selective schools but instead focus on raising standards and attainment for all students.

(iv) That eleven years old is too early to determine a child's life chances and discriminates against late developers.

(d) The numerous criticisms that have been made of the policy, including those by Nicky Morgan, MP for Loughborough the previous Education Secretary.

2. That this Council therefore supports the warnings given by Nicky Morgan MP and others, and urges Government not to relax restrictions on, or provide extra support for, selective schools.

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**MINUTES OF THE MEETING OF THE LEICESTERSHIRE COUNTY COUNCIL  
HELD AT COUNTY HALL, GLENFIELD ON WEDNESDAY, 29 JUNE 2016**

**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. 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. S. J. Hampson CC, Mr. G. A. Hart 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. 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. T. J. Pendleton CC, Mrs. P. Posnett CC, Mrs. C. M. Radford CC, Mr. J. B. Rhodes CC, Mr. T. J. Richardson 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 and Mr. M. B. Wyatt CC

**10. CHAIRMAN'S ANNOUNCEMENTS.**

Jo Cox MP

The Chairman asked all Members of the Council to join with him in extending sympathies and condolences to the family of the late Jo Cox MP.

What had happened in the streets of West Yorkshire had been an attack on democracy. The Chairman said that he hoped that politicians would learn lessons from this tragedy, were more measured in the language used which sometimes had served to inflame and stir up hatred, and stated the need to become a more tolerant society and one that accepted and recognised differences.

Jo had been a hard working local MP who, both in Parliament and prior to becoming an MP, had worked tirelessly to help those less fortunate both at home and abroad.

Members joined the Chairman standing in silent tribute to the memory of Jo Cox.

Armed Forces Day

The Chairman reminded Members that the County Council had led the planning for the joint City and County celebration of Armed Forces Day each year. This year's celebrations had started on 21<sup>st</sup> June when the Vice-Chairman and the Lord-Lieutenant, the Leader, many veterans and school children had taken part in a ceremony at Stand Easy, which marked the raising of the Armed Forces Day flag. That flag had flew outside County Hall leading up to the main celebration which had been held in Leicester on Saturday, 25<sup>th</sup> June.

The Cathedral had hosted a service of Thanksgiving, which had been attended by more than 650 service personnel, cadets, veterans and other guests, and had featured the Cottesmore Military Wives Choir. The Service had been followed by a parade through the City of more than 400 personnel who had marched behind the pipes and drums of the Seaforth Highlanders. The Chairman said that he had been proud to be present alongside the Lord-Lieutenant and Lord Mayor for the Salute and March Past.

### Battle of The Somme

The Chairman reminded Members that the City and County's commemoration of the Battle of The Somme would be a Service at Leicester Cathedral on Friday, 1<sup>st</sup> July at 10 a.m. This would be preceded by a half muffled quarter peel of the Cathedral bells and would conclude with a two minute silence at 11 a.m. The Schools Music Service would be involved at the Cathedral.

There would also be a Whistle for The Somme event at 7.15 a.m. at Stand Easy on Friday, 1<sup>st</sup> July. Members were encouraged to attend. Organisations across Leicestershire had been encouraged to observe a two-minute silence and to lower the Union Flag on Friday; District Councils would be taking part in this.

The Chairman advised that, given the significant contribution of Commonwealth countries in the Great War, the County Council had been encouraging temples, mosques and other places of worship to join in prayers on Friday. A number of churches would also be ringing their bells half-muffled as a tribute to the fallen.

### Myra Brodie and John Wallace

The Chairman was delighted to announce that Myra Brodie and John Wallace had been recognised in The Queen's Birthday 2016 Honours List, receiving British Empire Medals for services to Education.

Myra has been a School Crossing Patrol Warden at Little Bowden Primary School, a role which she had performed for the past twenty five years.

John Wallace, who has been a LA Governor at The Latimer School, had served on the Governing Body for the past twenty eight years.

Members joined the Chairman in offering congratulations to Myra and John for the well-deserved national recognition of their work.

### Lesley Hagger

The Chairman reminded Members that this was the last Council meeting that Lesley Hagger would be attending before leaving Leicestershire to take up a new post of Director of Children's Services in Northamptonshire.

Lesley had been the permanent Director of Children's Services since December 2013, having previously filled the role on a temporary basis for

twelve months.

Lesley first joined Leicestershire in 2003 as a Senior Education Officer and took on an Assistant Director role in 2005. In these roles, Lesley had been instrumental in creating integrated Early Help provision across the County.

The Chairman said that he was sure that all Members recognised Lesley as a chief officer, who before and since her appointment, had provided excellent access, advice and support, and stated that he would not wish this occasion to pass without placing on record the Council's appreciation of Lesley's special contribution to the operation of the Council.

### **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 18<sup>th</sup> May 2016, 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.

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 members of the Leicester, Leicestershire and Rutland Combined Fire Authority declared a personal interest in relation to the Notice of Motion on Combined Fire Authority Scrutiny Arrangements (Agenda item 8(a) refers).

All members who served as School Governors declared a personal interest in the Notice of Motion on Schools (Agenda item 8(b) refers).

There were no other declarations.

## **13. QUESTIONS ASKED UNDER STANDING ORDER 7(1)(2) AND (5).**

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

"What are the strategic options for the future management of the Arboretum, Sheepy Magna Wheelwright's shop, Century Theatre, Pit Top, Fishing Lakes and other properties associated with Snibston Country Park now that the

Museum is closed and how will these options be developed?"

**Mr Pain replied as follow:-**

"As Dr Eynon has previously been advised, the County Council is assessing possible improvements to the Country Park including the associated amenities referred to in the question. Local consultation will be arranged at the appropriate time."

**Dr Eynon asked the following supplementary question:-**

"I would like, Chair, to commend Councillor Pain on the brevity of his reply. I would like to follow up with some further questions about engagement and consultation, which he talks about. Which stakeholder and community groups, I'd like to ask, does the Lead Member consider essential to work with whilst assessing the possible improvements. What engagement has there been with Historic England and what position does the scheduled ancient monument hold in its 'Buildings at Risk' register? How will the assessment align with the work being done by North West Leicestershire District Council and their Coalville Project and, more specifically, what are the barriers and enablers to allowing pedestrian access from the town centre to the historic pit top and the popular Century Theatre which remains open."

**Mr Pain replied as follows:-**

"I'm not sure that was a supplementary question to be answered, Chairman. The question was "what strategic options are being considered". I can tell you a lot of hard work is going into a multitude of opportunities. That work will result in a business case towards the end of this year. Once that business case has been delivered we can then look to see how best to progress from that. Until then, I have nothing further to add."

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

"In light of the most recent decision of the Cabinet on the Leicester to Burton Line, would the Leader confirm that the decision does not preclude the Council lobbying for improvements which would enhance the prospects of the line going ahead, nor does it prevent members informally working with officers to further their own understanding of the subject, in support of their role as community representatives?"

**Mr Osborne replied as follows:-**

"Realistically, lobbying could only be for Government funding. Without a sound business case, the prospects for which the Cabinet noted do not exist, there is no point in considering lobbying.

Given the vast amount of information about the Line, not least the study recently reported to the Cabinet, which is publicly available, I do not see what more the County Council can do to assist members' understanding of the subject. Officers are already working with reduced resources and there are no reasonable grounds on which they could be asked to do further work on



the Line in light of the very clear Cabinet decision.”

#### **14. POSITION STATEMENTS UNDER STANDING ORDER 8.**

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

- EU Referendum;
- Fair Funding;
- Combined Authority and Devolution Deal;
- Great Central Railway;
- Melton Mowbray;
- A50 Speed Reduction Scheme;
- Flooding;
- Jonny Walton;
- The Battle of the Somme.

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

#### **15. REPORTS OF THE CABINET:-**

##### **16. LEICESTERSHIRE MINERALS AND WASTE LOCAL PLAN.**

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

- “(a) That the Leicestershire Minerals and Waste Local Plan (MWLP) – Pre-Submission Document attached as Appendix A to the report be published for consultation as the document to be submitted to the Secretary of State for Communities and Local Government in accordance with the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012 and subsequently to be submitted to the Secretary of State;
- (b) That the Chief Executive be authorised to undertake the statutory publicity and consultation required prior to submission to the Secretary of State and complete the preparation of the documents necessary to accompany the Submission Plan and comply with the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012;
- (c) That the Head of Planning following consultation with the Cabinet Lead Member be authorised to make such minor adjustments to the Pre-Submission Plan or accompanying documents as he considers necessary, including changes considered appropriate in response to the Pre-Submission consultation and issues raised by the Planning Inspector post submission.
- (d) That it be noted that the Minerals and Waste Local Plan will be submitted to the Cabinet and full Council in 2017 for formal adoption.”

**An amendment was moved by Mr Sharpe and seconded by Mr Miah:-**

“That part (a) of the motion be amended to read as follows:-

- (a) That the Leicestershire Minerals and Waste Local Plan (MWLP) – Pre-Submission Document attached as Appendix A to the report be published for consultation as the document to be submitted to the Secretary of State for Communities and Local Government in accordance with the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012 and subsequently to be submitted to the Secretary of State subject to Policy M10 be amended to read as follows:-

‘M10 – Planning permission will be granted for the exploration of conventional and unconventional hydrocarbons (oil and gas) provided that:-

- (i) The well site and associated facilities are sited in the least sensitive location from which the target reservoir can be accessed;
- (ii) Operations are for a temporary length of time;
- (iii) Evidence is produced that comprehensively assures against risk to:-
  - public health; and
  - the community from seismic activity.’

- (b) Evidence is provided to demonstrate that following consultation, the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.’ ”

The amendment was put and not carried, 17 members voting for the amendment and 29 against.

**An amendment was moved by Mr Hunt and seconded by Mr Sheahan:-**

“That part (a) of the motion be amended to read as follows:-

- (a) That the Leicestershire Minerals and Waste Local Plan (MWLP) – Pre-Submission Document attached as Appendix A to the report be published for consultation as the document to be submitted to the Secretary of State for Communities and Local Government in accordance with the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012 and subsequently to be submitted to the Secretary of State subject to Policy W3 for Strategic Waste Facilities on Page 53 of the Plan (page 92 of the Council booklet) be amended as follows:-

‘Planning permission will be granted for new strategic waste facilities, including extensions to existing waste facilities which would in combination with the existing use(s) create a strategic facility, taking into account the principles set out in Policy W5.’ ”

The amendment was put and not carried, 9 members voting for the amendment and 37 against.

**An amendment was moved by Mr Bill and seconded by Mr Charlesworth:-**

“That consideration of the Leicestershire Minerals and Waste Local Plan (MWLP) Pre-Submission Document, attached as Appendix A to the report, be deferred, and that the Chief Executive be requested to amend the Plan to provide stronger protections for local residents when considering unsuitable planning applications for waste facilities with a view to the revised MWLP being submitted to the Cabinet and then to the full County Council for approval in due course.”

The amendment was put and not carried, 17 members voting for the amendment and 29 against.

On the motion being put and before the vote was taken, five members rose asking that a named vote be recorded.

The vote was recorded as follows:-

For the motion

Mr Bentley, Mr Blunt, Mrs Camamile, Mr Coxon, Mrs Dickinson, Dr Feltham, Mr Hampson, Mr Hart, Mr Houseman, Mr Jennings, Mr Kershaw, Mr Lewis, Mr Orson, Mr Osborne, Mr O’Shea, Mr Ould, Mrs Page, Mr Pain, Mr Pendleton, Mrs Posnett, Mrs Radford, Mr Rhodes, Mr Richardson, Mr Rushton, Mr Shepherd, Mr Snartt, Mr White

Against the motion

Mr Bill, Mr Bray, Mr Charlesworth, Dr Eynon, Mrs Fox, Mr Galton, Mr Hunt, Mr Kaufman, Ms Knaggs, Mr Lynch, Mr Miah, Mr Mullaney, Ms Newton, Mr Sharp, Mr Sheahan, Mr Spence, Mr Wyatt

Abstentions

Mr Liquorish, Mr Sprason

The motion was put and carried, 27 members voting for the motion, 17 against and 2 abstentions.

**17. YOUTH JUSTICE STRATEGIC PLAN 2016 - 2019.**

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

“That the Youth Justice Strategic Plan covering the period 2016-2019, attached as Appendix 1 to this report, be approved.”

**18. EQUALITY STRATEGY 2016 - 2020.**

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

“That the Equality Strategy 2016 – 2020 as referred to in Section C of the report of the Cabinet and Appendix A thereto be approved.”

**19. REPORT OF THE SCRUTINY COMMISSION:-**

**20. OVERVIEW AND SCRUTINY ANNUAL REPORT 2015/16.**

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

“That the information contained in the Overview and Scrutiny Annual Report 2015/16, attached as Appendix 1 to this report, on its activities, be noted.”

**21. NOTICES OF MOTION.**

**22. COMBINED FIRE AUTHORITY: SCRUTINY ARRANGEMENTS.**

It was moved by Mr Charlesworth and seconded by Mr Bray:-

“1. That this Council:-

- (a) Notes that the Combined Fire Authority has for the last 12 months run without an Overview and Scrutiny Committee.
- (b) Recognises the good work of its own Overview and Scrutiny Committees, where members of all parties work together to constructively scrutinise decisions, policies and proposed changes to services that impact on the people of Leicestershire and believes that the Combined Fire Authority would benefit from having a similar process.
- (c) Notes the recent comments by the Leader of the County Council and Chairman of the Combined Fire Authority about valuing the input of Overview and Scrutiny and “The role it has in strengthening democracy in Leicestershire.”

2. That this Council therefore calls on its members that sit on the Combined Fire Authority to pass a resolution at the next available opportunity that would reinstate the Combined Fire Authority’s Overview and Scrutiny Committee.”

The motion was put and not carried with 7 members voting for the motion and 29 against.

**23. SCHOOLS.**

Mr Spence, 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 Spence, seconded by Mr Ould, and carried:-

“1. That this Council:-

- (a) Welcomes the Government’s decision not to continue with proposals to force all schools to become academies by 2020;
- (b) Notes the vital role all state funded schools play in our education system;

- (c) Welcomes the positive culture of school to school support throughout Leicestershire.
- 2. That this Council is concerned about the financial risks facing smaller rural schools moving towards academy status.
- 3. This Council therefore resolves to:-
  - (a) Commit to continue support of maintained schools in the County for as long as governors, management and communities determine it to be required;
  - (b) Positively facilitate and work to prepare local Multi Academy Trust options for Leicestershire schools wishing to move towards academy status.”

2.30 pm – 6.03 pm  
29 June 2016

CHAIRMAN

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**COUNTY COUNCIL MEETING – 29<sup>TH</sup> JUNE 2016****POSITION STATEMENT FROM THE LEADER OF THE COUNCIL****EU Referendum**

This was not the result for which I campaigned but I respect the result. The hard work now begins for the new Prime Minister but also and importantly, for us locally. The referendum result has produced instability in Government and the financial markets, but I am determined to pursue successful outcomes for our own campaigns for fair funding and a devolution deal for the combined authority, and to do what is best for the County Council. We owe that to the people of Leicestershire.

Thankfully, I have heard no reports from Leicestershire of racist chanting or damage to property which has been seen elsewhere in recent days. I hope that will remain the case since it is only what I would expect given our enviable record of cohesive communities.

**Fair Funding**

We continue to work on Fair Funding. The modelling work completed has been shared with other low funded councils and we are forging close links on this important topic. Our case is strong and we will work with Leicestershire MPs in order to influence Government.

We also recognise that business rates retention pilots in Liverpool, Manchester and London are a risk to the fairer distribution of resources in the future. This is a point that we will make to Government as we cannot end up in a position where a more generous allocation of business rates is made to some localities before the review of Local Government finance is completed.

We are not taking a parochial approach to this issue. We are interested in the total resources coming into local areas for a number of public services, not just county council services. The analysis completed shows that a number of authorities outside London, including cities and counties, are disadvantaged by the current methodology. The work we are doing will hopefully be helpful to many councils.

**Combined Authority and Devolution Deal**

We remain on track to establish the Leicester and Leicestershire Combined Authority although it is now expected that the Parliamentary approval process will start after the summer recess, rather than before. This means the Authority should be established late in November/ early December rather than late October as previously planned. The partnership established across the nine local authorities and the LLEP remains very strong, in sharp contrast to the position in many other areas, and we continue to work closely together to develop a Devolution Deal for discussion and negotiation with Government. The next meeting of the Economic Growth Board, on

4<sup>th</sup> July, will consider an update on the preparation of the Devolution Deal and a draft Constitution for the Combined Authority.

We also now have an agreed proposal for the governance of tourism support to be overseen by the Combined Authority. This will facilitate stronger partnership working across our area and in the case of tourism, help us build on the opportunities provided by the discovery of Richard III's remains, the success of Leicester City Football Club, and the strong range of tourism attractions, such as Twycross Zoo and Twinlakes, which our area is home to.

### **Great Central Railway**

I am delighted that we have agreed to become a shareholder in the Great Central Railway. GCR is looking to double its visitor numbers and to increase the contribution to the Leicestershire economy to between £30 million and £65 million over five years, with the potential to create between 486 and 966 indirect jobs through additional spend in the local economy.

This will come about through completing the £8 million Bridging the Gap project to reunite two sections of the Great Central Railway which are currently separated by a 500 metre 'gap', and the £18 million project to establish a Heritage Railway Museum at GCR's Leicester North station, which will be a world class visitor attraction.

### **Melton Mowbray**

Together with the Leader of Melton Borough Council, I met with Sir Alan Duncan MP to brief him on our shared proposals for a transport strategy for the town including the proposals to develop an outer relief road. We went through the work to date and outlined our next steps which will involve submitting a bid through the LLEP to the Department for Transport for funding to develop the project to a shovel ready scheme by 2020. Being successful in this would put us in a prime position to secure funding for the construction phase after that.

### **A50 speed reduction scheme**

On 17<sup>th</sup> June I met Edward Argar MP together with Ozzy O'Shea and a number of Groby and Ratby residents to receive letters of support for our proposals to reduce the speed limits along the A50 from County Hall to Field Head.

The proposals include reducing the current sections of 50 mph to 40 mph to ensure that the limits are consistent along the route.

### **Flooding**

The heavy rainfall earlier this month caused flash flooding in several parts of the County.

The County Council played a key role in the response, which included:-



- 2500 filled sandbags issued to local councils and those threatened by flood waters. Additionally, 2000 unfilled bags were sourced for North West Leicestershire Council;
- Support for primary schools in Ashby and Worthington, as well as support for Thringstone Community Centre and Greenhill Youth Centre.

I am sure members will wish to join with me in thanking officers who worked hard during this period.

Could I use this opportunity to mention flood wardens? In particular, I want to highlight the work of the flood wardens in Breedon and Packington who provided invaluable information about the local risk. I would urge people to consider becoming flood wardens and if anyone out there is interested please call on 0116 305 6101.

### **Jonny Walton**

I am pleased to report that Jonny Walton has been included in the Great Britain rowing team for the Rio Olympics. He will be competing in the men's double event.

Jonny from Kirby Muxloe was supported through the GO GOLD Athlete Fund which is operated by Leicester-Shire and Rutland Sport.

GO GOLD financially supports talented young people who are competing at county or regional level with the potential to compete at a higher level. The County Council, along with the City and Rutland Councils and all Districts fund the GO GOLD programme.

Can I wish Jonny every success at the Olympics and let us hope he returns with a gold medal. I look forward to hearing of other GO GOLD recipients who may be named as team members in other sports. Any successes achieved in Rio would add to the already splendid sporting achievements of teams and individuals in the City and County.

### **Battle of The Somme**

Chairman, as my last part of my statement, I would like to add to what you said earlier.

Through our World War One Reference Group we have been instrumental in arranging a number of initiatives to mark the Battle of the Somme. This will include a real time roll of honour being printed in the Leicester Mercury between the 1<sup>st</sup> July and 31<sup>st</sup> December, under our Soar to Somme logo, with the names of more than 2,000 Leicestershire men who were killed during the Battle of the Somme, appearing on the one hundredth anniversary of their death.

As the County Council is an employer of Reservist personnel, I have invited those staff to wear their uniforms to work on 1<sup>st</sup> July. This is part of a wider initiative we have launched with the support of the East Midlands Reserve Forces and Cadets

Association, which also encourages cadets to wear their uniforms to school or college.

The County Council's Heritage Lottery funded 'Century of Stories' project goes from strength to strength. The team have made new personal connections to the Somme and illustrated these in a new exhibition which will be displayed at the Cathedral on Friday. Examples of this work can be found in the Members Lounge, featuring the work of pupils from Maplewell Special School.

## **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 proposal 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.
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 has been reviewed on an annual basis every year since it came into effect in June 2001. This report sets out the results of the latest review. Proposed changes to the Contract Procedure Rules and Financial Procedure Rules arising from the review will be considered by the Corporate Governance Committee and reported to the County Council at its meeting in December.
5. The majority of the changes are corrections following changes in departmental staffing structures or have been proposed to provide greater clarity to an existing provision, rather than to change a provision. The Committee's attention is drawn to the following:-

#### **Officer Employment Procedure Rules**

6. These have been amended to reflect changes in legislation and guidance relating to the procedure for dismissal of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer.

Members may recall that the new regulations removed the requirement to appoint a Designated Independent Person (DIP) and instead required the Council to set up a Panel which comprised no less than two independent persons to advise the Council on any proposal to dismiss such officers. Since then guidance has been received that the Panel established to consider dismissal of these officers should only comprise independent members. The need for the full County Council to approve the dismissal has also been made explicit.

#### Members' Allowances Scheme

7. The provision relating to Councillor's pensions has been amended to reflect that, since 31 March 2014 new councillors have not had access to the Local Government Pension Scheme and that, from May 2017, all pension arrangements will cease.

#### **Recommendations of the Constitution Committee**

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

**(Motion to be moved:-**

**That the proposed changes to the Constitution, as set out in Appendix A to this report, be approved)**

16 September 2016

N R Rushton  
Chairman

#### **Background Papers**

Report to the meeting of the Constitution Committee on 16 September 2016 on Review and Revision of the Constitution.

**PROPOSED AMENDMENTS TO THE CONSTITUTION  
OF LEICESTERSHIRE COUNTY COUNCIL  
SEPTEMBER 2016**

<b><u>ITEM</u></b>	<b><u>PROPOSED AMENDMENT</u></b>	<b><u>EXPLANATION</u></b>
<b><u>PART 2 - ARTICLES</u></b>  Schedule 2	Add the following to the list of Plans determined by the Executive:-  “Q Local Flood Risk Management Strategy”  Renumber the remaining Plans accordingly	To reflect current practice
Schedule 3 Table A	Amend the scope of the Children and Families Overview and Scrutiny Committee to read as follows:-  “1. The executive functions of the County Council in respect of Children and Family Services.  2. To monitor the performance and activities of any partnerships that are associated with the executive functions outlined in 1. above”	To reflect changes in the partnership structure of the County Council.
Schedule 3 Table C	Amend number 8 in the functions and areas of responsibility of the Chief Executive to read as follows:-  “8. Provision of professional advice in connection with and managing the effective provision of services in respect of:- (a) Strategic Planning. (b) Communities and Economic Strategies, and related partnerships. (c) Emergency Management.”	To reflect changes in the departmental structure.

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
	<p>Amend the post of ‘County Solicitor’ to read ‘Director of Law and Governance’.</p> <p>Amend number 1 in the functions and areas of responsibility of the Director of Children and Family Services to read as follows:-</p> <p>“1. Provision of professional advice in connection with and managing the effective provision of children and family services, youth justice and safer communities.”</p>	To reflect changes to the name of the department.
Schedule 3 Table D	<p>Amend the post designated as Chief Financial Officer to read ‘Director of Finance’.</p> <p>Amend the post designated as Scrutiny Officer to read ‘Head of Law.’</p>	To reflect changes in job title.
<p><b><u>PART 3 - RESPONSIBILITY FOR FUNCTIONS</u></b></p> <p>Section A: Responsibility for “Local Choice” functions</p>	Amend note (c) to refer to item 11 below.	Item 13 has previously been deleted.
Section D: General Scheme of Delegation to Heads of Department	<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 Director of Law and Governance, the following officers be authorised to act in their absence:-</p> <p>Director of Law and Governance (in own right and on behalf of Chief Executive)</p>	To reflect staffing and job title changes

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
	Assistant Chief Executive Head of Democratic Services Head of Law.”	
Section E: Panels	Amend the role of the Fostering Panel to read as follows:-  “(k) Fostering Panel: to consider applications from people who wish to be registered as foster carers to ensure that they comply with the National Standards laid down for the fostering of young children and make recommendations to the Fostering Agency (i.e. Children and Family Services).”	To reflect changes to the name of the department
<b><u>PART 4B: ACCESS TO INFORMATION PROCEDURE RULES</u></b>  Rule 14: The Forward Plan	Amend (1) to read as follows:-  “(1) At least 28 <u>clear</u> days before decisions of the nature set out in paragraph (2) are to be taken by a decision making body exercising executive functions the Chief Executive will produce a Forward Plan setting out the details. The Forward Plan will be published on the County Council’s website and made available for inspection by members of the public.	To clarify that the requirement is for the Forward Plan to be produced 28 clear days before a meeting of the Cabinet (this excludes the day of postage and the day of the meeting).
<b><u>PART 4E – OVERVIEW AND SCRUTINY PROCEDURE RULES</u></b>  Rule 18: Matters within the remit of more than one overview and scrutiny committee	Change the reference to the three Scrutiny Commissioners to “the four Scrutiny Commissioners”	To reflect the current number of Scrutiny Commissioners

<u>ITEM</u>	<u>PROPOSED AMENDMENT</u>	<u>EXPLANATION</u>
<p><b><u>PART 4H – OFFICER EMPLOYMENT PROCEDURE RULES</u></b></p> <p>Rule 3: Head of Paid Service</p> <p>Rule 11: Disciplinary Action against Certain Employees</p>	<p>Amend Rule 3 to read as follows:-</p> <p>“Where a committee, subcommittee or officer is discharging, on behalf of the County Council, the function of the appointment of an officer designated as the Head of Paid Service, the full County Council must approve that appointment before an offer of appointment is made to that person.”</p> <p>Amend paragraph 3 to read as follows:-</p> <p>“(3) Where consideration is being given to the dismissal of the Head of Paid Service, the Monitoring Officer or the Chief Finance Officer, a Panel (comprising an Advisory Committee established under section 102(4) of the Local Government Act 1972) will be set up which shall consist of three Independent Persons and which shall meet at least 20 working days before any meeting of the County Council at which any proposed dismissal is to be considered.”</p> <p>Add a new paragraph 5 as follows and renumber the remaining paragraphs accordingly:-</p> <p>“(5) Where a committee, subcommittee or officer is discharging, on behalf of the County Council, the function of the dismissal of an officer designated as the Head of Paid Service, as the Chief Finance Officer, or as the Monitoring Officer, the full County Council must approve that dismissal before notice is given to that person.</p>	<p>To reflect changes in legislation.</p> <p>To reflect changes in legislation and guidance. The JNC Guidance states that the Panel should only comprise independent members.</p>



<b><u>ITEM</u></b>	<b><u>PROPOSED AMENDMENT</u></b>	<b><u>EXPLANATION</u></b>
<b><u>PART 6: MEMBERS' ALLOWANCES SCHEME</u></b>	<p>Amend paragraph 17 to read as follows:-</p> <p>“17. This provision is effective from 1 May 2003. However, since 31 March 2014 new councillors have not had access to the Local Government Pension Scheme. Those existing members already in the Scheme as at 31 March 2014 will continue to accrue rights until the end of the term of office which that member is serving on 1 April 2014, or age 75, whichever is the earlier. All pension arrangements will cease in May 2017.”</p>	<p>To reflect changes in Councillor pension arrangements</p>
<b><u>PART 10: PETITIONS SCHEME FOR LEICESTERSHIRE COUNTY COUNCIL</u></b>	<p>Change the contact telephone number to 0116 305 5483</p> <p>Amend the last bullet point of paragraph 7 to read as follows:-</p> <p>“be received by the Chief Executive’s Department eight clear days before the relevant meeting at which it is to be presented, if it is to be considered at that meeting”</p>	<p>To reflect staffing changes</p> <p>Aligning the guidance with Standing Orders for consistency.</p>

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## REPORT OF THE CONSTITUTION COMMITTEE

### B. APPOINTMENT OF INDEPENDENT PERSONS

#### Introduction

1. This report concerns the appointment of Independent Persons to support the Member Conduct Complaints Process as required under Section 7 of the Localism Act 2011, and to support the procedures for dealing with the dismissal of the Chief Executive, the Monitoring Officer and the Chief Financial Officer as required by the Local Authorities (Standing Order) England (Amendment) Regulations 2015.

#### Background

2. The Localism Act 2011 sets out provisions regarding the conduct of members. It is a requirement under this Act that the Council appoint at least one Independent Person, whose view must be sought and taken into account by the Authority before it makes a decision on any allegation and whose views may be sought about allegations.
3. At its meeting on 26 September 2012, the Council appointed three Independent Persons to form a Panel from which any one could be contacted to advise on particular allegations.
4. The Local Authorities (Standing Order) England (Amendment) Regulations 2015 set out a new procedure for dealing with the possible dismissal of the Chief Executive, the Monitoring Officer and the Chief Financial Officer which was adopted by the County Council on 8 July 2015.
5. The revised procedures require a Panel consisting of at least two independent persons to consider any proposal to dismiss such a statutory officer and allow for those appointed to support the Member Conduct process to also act in this capacity. Recent guidance from the Joint Negotiating Committee for Chief Executives of Local Authorities, following consultation with the Department for Communities and Local Government, suggest that such a Panel can comprise of only independent persons.

#### Applicants

6. The Independent Persons appointed in 2012 were appointed for a period of four years. With their terms of service due to expire, a new recruitment process was undertaken. The position, which would continue to fulfil both roles outlined above, was advertised and interviews were carried out by a Panel of Members drawn from the Corporate Governance Committee and the Employment Committee, supported by the Monitoring Officer and the Assistant Director of Corporate Services.

## Proposed Appointments

7. Whilst the Council previously appointed three independent persons, five applicants are recommended for appointment to allow greater flexibility and to avoid the possibility of a conflict of interest. All of those recommended are eligible, live in Leicestershire and are considered to be suitable candidates.
8. The Appointment Committee met on Tuesday 30<sup>th</sup> and Wednesday 31<sup>st</sup> August 2016 to interview the candidates and decided to recommend the following people for appointment:-

Mr Surinder Sharma  
 Mr Gordon Grimes  
 Mrs Jayne Kelly  
 Professor David Bonner  
 Mr Michael Pearson

Further details of the above candidates are set out in the Appendix to this report.

9. The Constitution Committee considered the recommendations of the Independent Persons Appointment Committee at its meeting on 16<sup>th</sup> September 2016 and supported the proposed appointments.

## Resource Implications

10. Any payments made to the independent persons appointed will fall outside the Members Allowance Scheme which only applies to either elected or co-opted members of the Authority. No allowance is proposed. However, the Constitution Committee was of the view that a set fee should be paid for any work undertaken by the independent persons appointed on a daily rate basis and that this should be linked to the allowance paid to jurors. Costs will be met from existing Members Allowance budgets.

## (Motion to be moved

**That Mr S Sharma, Mr G Grimes, Mrs J Kelly, Professor D Bonner and Mr M Pearson be appointed to serve as Independent Persons for a term of four years ending on 30 September, 2020.)**

28 September 2016

N J Rushton CC  
 Chairman

## Background Papers

Report to the County Council on 26 September, 2012  
 Report to the County Council on 8 July, 2015  
 Report to the Constitution Committee on 16 September, 2016.

**Mr Surinder Sharma**

Mr Sharma has been an Independent Person for the County Council since 2012. He has wide ranging experience gained from working in the public, private and voluntary sectors and has served as Chairman of the Leicester Racial Equality Council, a member of the Equal Opportunities Commission, a Magistrate and an elected member of a local authority.

**Mr Gordon Grimes**

Mr Grimes, a retired Senior Civil Servant, has recently been appointed as an Independent Person by Leicestershire Borough and District Councils and the Leicestershire Fire Authority. Mr Grimes has also been an Independent Person for the County Council since 2012.

**Mrs Jayne Kelly**

Mrs Kelly is a solicitor with over twenty five years' experience of working in the public sector, once having been the Deputy Monitoring Officer at a local authority.

**Professor David Bonner**

David Bonner, a specialist in public law who was employed at the University of Leicester since 1974 has been an Independent Person for the County Council since 2012.

**Mr Michael Pearson**

Mr Pearson was an independent member of the Standards Committees of Leicestershire County Council and Charnwood Borough Council and has recently been appointed as an Independent Person by Leicestershire Borough and District Council and the Leicestershire Fire Authority. Now retired, he previously held a senior management position at Loughborough University.

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