

**MINUTES OF THE MEETING OF THE LEICESTERSHIRE COUNTY COUNCIL
HELD AT COUNTY HALL, GLENFIELD ON WEDNESDAY, 27 SEPTEMBER
2017**

PRESENT

Mrs. J. Richards CC (in the Chair)

Mr. P. Bedford CC, Mr. I. E. G. Bentley CC, Mr. D. C. Bill MBE CC, Mr. R. Blunt CC, Mr. L. Breckon JP CC, Dr. P. Bremner CC, Ms. L. Broadley CC, Mr. M. H. Charlesworth CC, Mr. J. G. Coxon CC, Mr. B. Crooks CC, Dr. T. Eynon CC, Dr. R. K. A. Feltham CC, Mrs. H. J. Fryer CC, Mr. S. J. Galton CC, Mr. D. A. Gamble CC, Mr. T. Gillard CC, Mrs. A. J. Hack CC, Mr. D. Harrison CC, Dr. S. Hill CC, Mr. Max Hunt CC, Mr. D. Jennings CC, Mr. J. Kaufman CC, Mr. W. Liquorish JP CC, Mr. J. Miah CC, Mr. J. Morgan, 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. Parton CC, Mr. A. E. Pearson CC, Mr. T. J. Pendleton CC, Mr J. Poland CC, Mrs. P. Posnett CC, Mrs. C. M. Radford CC, Mr. J. B. Rhodes CC, Mr. T. J. Richardson CC, Mrs H. L. Richardson CC, Mr. N. J. Rushton CC, Mrs B. Seaton CC, Mr. S. D. Sheahan CC, Mr. R. J. Shepherd CC, Mr. D. Slater CC, Mrs D. Taylor CC, Mr. G. Welsh CC, Mr. E. F. White CC, Mrs. A. Wright CC and Mr. M. B. Wyatt CC

19. CHAIRMAN'S ANNOUNCEMENTS.

Mr Tony Kershaw

The Chairman reported the death of former County Councillor, Mr Tony Kershaw. He had served on the County Council representing the Quorn and Barrow upon Soar Electoral Division from 2001 to 2017 and served as Chairman of the County Council from 2008 to 2009.

He had spent two years as a Cabinet Support Member before becoming a member of the Cabinet from 2005 to 2007, with Lead Member responsibilities for Access to Services, Communication and Consultation. He had been a Cabinet Member again from 2009 to 2011, where he had been Lead Member for Waste. He had been a Scrutiny Commissioner from 2011 to 2013, where his role had included chairing the Budget and Performance Monitoring Scrutiny Panel. During 2013 to 2014 he had been Chairman of the Environment and Transport Overview and Scrutiny Committee. From 2015 until 2017 he had been Chairman of the Corporate Governance Committee.

Mr David Inman

The Chairman reported the death of former County Councillor Mr David Inman. Mr Inman had served on the County Council representing the Hinckley No. 3 (Burbage) Electoral Division from 1973 to 1977. He had served on the Environment Committee and the Public Protection Committee.

The Chairman invited Members to join her in silent tribute to Mr Kershaw and Mr Inman.

Phil Crossland

The Chairman reported that Phil Crossland had recently retired from the County Council.

Phil had joined the County Council as Director of Environment and Transport in 2013 and had made an enormous contribution to the operation of the Council. His customer focussed approach had put Leicestershire residents at the heart of how the Department delivered its services. More recently Phil had been instrumental in representing Leicestershire within Midlands Connect, which had placed Leicestershire firmly at the forefront of the development of major transport proposals for the area.

The Chairman asked all Members to join her in wishing Phil Crossland a long and happy retirement.

Visitors

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

20. MINUTES OF THE EXTRAORDINARY MEETING.

It was moved by the Chairman, seconded by Mr O'Shea and carried:-

“That the minutes of the Extraordinary meeting of the Council held on 28th June 2017, copies of which have been circulated to members, be taken as read, confirmed and signed.”

21. MINUTES OF THE ORDINARY MEETING.

It was moved by the Chairman, seconded by Mr O'Shea and carried:-

“That the minutes of the Ordinary meeting of the Council held on 28th June 2017, copies of which have been circulated to members, be taken as read, confirmed and signed.”

22. 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 declared a personal interest in the report of the Independent Remuneration Panel on Member Allowances (minute 26(b) refers).

Mr S Sheahan CC declared a personal interest in the Notice of Motion on the National Joint Council pay claim as a member of Unison (minute 27(a) refers) and a disclosable pecuniary interest in the Notice of Motion on the electrification of the Midland Mainline (minute 27(b) refers) as his house was in the rural support zone for HS2. Mr Sheahan undertook to leave the Chamber during discussion on the latter item.

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

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

“What progress has been made on the Combined Authority bid?”

Mr Rushton replied as follows:-

“The submission remains with the Department for Communities and Local Government.”

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

“Will Leicestershire County Council be following Derbyshire’s lead in removing the CEO post and saving around £250,000 per year?”

Mr Rushton replied as follows:-

“No.”

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

“In the recent edition of ‘Leicestershire Matters’ it mentions a £355 million boost for roads and transport. How much of this £355 million has been secured?”

Mr Pain replied as follows:-

As the article states “We have road and transport projects worth £355 million on the way, some of which have already secured funding”. This breaks down as:

- £31m grant funding and developer contribution paid*
- £49m developer contribution agreed*
- £105m current bid submission*
- £137m for major schemes that would be delivered by partners (Network Rail and Highways England)
- £33m worth of schemes* will be developed with bids submitted as and when appropriate funding schemes emerge

*County Council schemes

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

“Did Leicestershire County Council officers make any contribution (formal or

informal) to the deliberations of the Remuneration Panel? And if so, what was that contribution?”

Mr Rushton replied as follows:-

“Yes in the form of an information and options paper. In accordance with the usual procedures a copy was provided to each Group Leader prior to submission to the Panel.”

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

“How many FTE Librarians are currently employed by Leicestershire County Council?”

Mr Blunt replied as follows:-

“6.3 FTE professionally qualified librarians.”

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

“Does Leicestershire County Council monitor the financial health of Care Home providers it uses for its placements?”

Mr Blunt replied as follows:-

“Yes.”

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

“At the Cabinet meeting on the 23rd June this year, an agenda item was a paper on District Council collection of council tax.

- (a) What was the response from the Districts to the proposed review?
- (b) Leicester City’s collection rate is only 97% (worse than any Leicestershire District). As this seriously affects the collection for Leicestershire’s Police and Fire Services, was the proposed review offered to the City as well?”

Mr Rhodes replied as follows:-

“(a) The County Council proposed to pay for a review of council tax that covered the following themes:

- Policy – do the current principles allow the optimum level of council tax to be billed?
- Collection – do the current operational processes and arrangements allow collection of billed amounts to be maximised?
- Planning – can the accuracy of forecasts be improved?

The Cabinet report provided detailed evidence to support the need for such a review and the review was supported by both the Leicestershire Police and Crime Commissioner and the Leicestershire, Leicester and Rutland Fire and Rescue Service.

All District Treasurers nevertheless rejected the idea of such a review, which is disappointing given the extremely tight financial position being faced by the County Council, and other preceptors, and the fact that in a few years council tax will generate over £300m of income for the County Council. As such it is important that council tax is collected as efficiently and effectively as possible. I am not sure how anyone could argue against such a review.

Districts councils, however, are in the process of sharing current practice on forecasting and have been asked to develop performance management information so the preceptors have a better view of their performance.

- (b) Leicester City Council is a unitary authority and makes its own decisions which we respect. Clearly the County Council is interested in the effectiveness of district council tax forecasting and collection as they provide the precept for the county.”

(H) Mr Parton asked the following question of the Leader or his nominee:-

“Could the Leader please provide me with an update on average speed – camera pilots?”

Mr Pain replied as follows:-

“The introduction of Average Speed Camera Pilots is being undertaken with the cooperation of the Leicester, Leicestershire and Rutland Road Safety Partnership. The procurement process for the purchase of average speed cameras is anticipated to be complete in October. The signage work at the seven pilot sites:

- A50 Bradgate Hill, Groby
- B676 Saxby Road, Freeby
- Burton Road, Measham
- A6 Harborough Road and Glen Road, Oadby
- B4114 Leicester Road, Sharnford
- A4304 Lutterworth Road, Walcote
- Beacon Road, Woodhouse Eaves

is nearly complete. In addition arrangements are being put in place for before and after data analysis.

With the award of contract due in October we anticipate that the earliest implementation for cameras will be in the New Year.

Communities/parishes in the pilot areas will be kept updated with progress

once the contract has been signed.”

(I) Mr Welsh asked the following question of the Leader or his nominee:-

- “1. Many Members will have been surprised at the urgent Cabinet report detailing the plan to deliver the Early Support and Inclusion Services on the basis of an in-house provision and also the letter from Menphys sent to members of the Children and Families Overview and Scrutiny Committee. Could the Leader explain why the report did not appear on the original agenda, let alone the Forward Plan given the report states that this issue has been ongoing for over several months and why the sudden and unexpected Cabinet decision?
2. The Children and Families Overview and Scrutiny Committee members did not have an opportunity to comment on this issue. Does the Leader not think that it would have been better for this matter to be referred to the Overview and Scrutiny Committee before it was discussed by the Cabinet?
3. In light of the lack of any internal track record of delivering of such services in-house, is this approach not reckless in the extreme?
4. As the amount of the contract is relatively low and the savings small, would it not be more sensible to sit down with Menphys, who are held in such high esteem by the public of Leicestershire and find a way forward that utilises the well-developed skills of Menphys for wellbeing of families of disabled children in Leicestershire?”

Mr Ould replied as follows:-

- “1,2,3 The contractual arrangements with Menphys or a similar provider would not normally be a matter for Cabinet decision. Given the attitude of Menphys lobbying against County Council officers and their consistent references to the Lead Member, it was judged appropriate to report the Council’s position to Cabinet so it could be officially on the record. I understand the Menphys letter to the Scrutiny Committee was sent by Menphys and not placed on the agenda by officers as it was received late on Friday, 8th September, with the Scrutiny meeting taking place on Monday, 11th September. There was no reason within the Constitution for this matter to appear on the Forward Plan. I disagree completely in respect of the assertion made by Mr Welsh in question 3.
4. As the report to the Cabinet explained, the Council’s contract and procurement rules do not allow further extension of the contract, which Menphys had requested on their terms. The Council is under no obligation to retender the provision.”

24. POSITION STATEMENTS UNDER STANDING ORDER 8.

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

- Fair funding;
- Corporate Asset Investment Fund Strategy;
- Visit to Leicestershire by Sichuan Vice-Governor;
- Midlands Engine and Midlands Connect;
- Strategic Growth Plan;
- Welfare Reform;
- Loughborough University and the 2017 School Games;
- Historic Child Sexual Abuse;
- Birkett House Special School.

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

25. REPORT OF THE CABINET.

(a) Leicestershire Minerals and Waste Local Plan.

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

- “(a) That the Proposed Changes to the pre-submission draft Minerals and Waste Local Plan attached as Appendix A to the report be published for consultation as amendments to 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, following consultation with the Cabinet Lead Member, 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 consultation on the Proposed Changes and issues raised by the Planning Inspector post-submission).”

(b) Local Code of Corporate Governance.

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

“That the revised Code of Corporate Governance referred to in Section B of the report of the Cabinet, be approved.”

26. REPORT OF THE CONSTITUTION COMMITTEE.

(a) Annual Review of the Constitution.

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

“Motion 1

- (a) That the proposed changes to the Constitution, as set out in Appendix 1 to this report, other than those which relate to Standing Orders (the

Meeting Procedure Rules), be approved;

Motion 2 – Procedural Motion in accordance with Standing Order 37

- (b) That the changes to Standing Orders (The Meeting Procedure Rules), as set out in Appendix 1 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.)

(b) Report of the Independent Remuneration Panel on Member Allowances.

During the discussion on this matter, Mr Charlesworth made comments which questioned the independence of the members of the Remuneration Panel. The Chairman invited Mr Charlesworth to withdraw the remarks and apologise. Mr Charlesworth refused to do so.

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

- “(a) That all Members of the County Council be required to prepare and submit an Annual Report for publication on the County Council’s website by June 2018;
- (b) That Group Leaders and Group Whips be responsible for ensuring that all Members of their Groups complete and submit an Annual Report; (The Panel intends to reconvene in the autumn of 2018 to review the outcome of this recommendation.)
- (c) That the Panel recommends to Council that the Basic Allowance for all Members be set at a level of £10,691 with effect from 1st October 2017;
- (d) That a Special Responsibility Allowance should be payable to the Deputy Chairmen of Scrutiny Committees and the Deputy Chairman of the Development Control and Regulatory Board and that the level be set at £2,000 per annum with effect from 1st October 2017;
- (e) That allowances be payable to the Group Whips with effect from 1st March 2018 at the following rates, £59.00 per member, and that it be noted that the allowance level will be reviewed at the Panel’s next meeting:-

Conservative Group	£2,124.00
Labour Group	£354.00
Liberal Democrat Group	£767.00;

- (f) That the Opposition Group Leader allowances be calculated at a level of £684.00 per member with effect from 1st October 2017:-

Liberal Democrat Group Leader	£8, 892
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Labour Group Leader

£4,104;

- (g) That any Member in receipt of more than one Special Responsibility Allowance should be able to claim all allowances in full;
- (h) That Basic and Special Responsibility Allowances be increased on an annual basis, from 1st April 2018, for a four year period in line with the Local Government Employee Pay Award;
- (i) That the current levels of Travel and Subsistence allowances remain unchanged.”

(A number of members indicated that they would not wish to take the revised allowance and would renunciate.)

27. TO CONSIDER THE FOLLOWING NOTICES OF MOTION:

(a) National Joint Council (NJC) pay claim.

It was moved by Dr Eynon and seconded by Mrs Newton:-

“(a) That this Council:

- i. notes the National Joint Council (NJC) pay claim for 2018, submitted by UNISON, GMB and Unite on behalf of council and school workers and calls for the immediate end of public sector pay restraint with claims referred to an appropriate sector pay review body;
- ii. recognises the sacrifice made by public sector workers during seven years of wage restraint and the ongoing cuts to local government funding and calls on the Government to provide additional funding to fund a decent pay rise for NJC employees and the pay spine review.

(b) That this Council therefore resolves to:

- i. call immediately on the LGA to make urgent representations to the Government to fund the NJC claim and the pay spine review and notify us of their action in this regard;
- ii. write to the Prime Minister and Chancellor seeking additional funding to fund a decent pay rise and the pay spine review;
- iii. meet with local NJC union representatives to discuss the pay claim and the pay spine review.”

An amendment was moved by Mr Rhodes and seconded by Mr Shepherd:-

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

‘(a) That this Council:-

- i. notes the National Joint Council (NJC) pay claim for 2018, submitted by UNISON, GMB and Unite on behalf of council and school workers and calls for the immediate end of public sector pay restraint with claims referred to an appropriate sector pay review body;
- ii. notes the sacrifice made by public sector workers during seven years of wage restraint and the ongoing cuts to local government funding;
- iii. calls on the Government to fully fund any agreed pay rise for NJC employees and the pay spine review to avoid further reductions in services.’ ”

The amendment was put and carried, 46 members voting for the amendment and 7 against.

The substantive motion was put and carried unanimously.

(b) Electrification of the Midland Mainline.

Mr Sheahan CC having declared a disclosable pecuniary interest in this matter left the Chamber and therefore took no part in the discussion.

It was moved by Mr Mullaney, seconded by Mr Bill and carried unanimously:-

“That this Council:-

- (a) regrets the decision of the Secretary of State for Transport to cancel the electrification of the Midland Mainline (MML) beyond Kettering;
- (b) notes the benefits of electrification as set out in Network Rail’s document “Upgrading the Midland Main Line” which includes more capacity, improved reliability, quieter and more environmentally friendly trains, with a low carbon footprint;
- (c) notes that the business case for MML electrification remains strong and is essential for HS2 integration and the delivery of classic compatible services connecting Leicestershire with the Northern Powerhouse cities;
- (d) further notes that around £20 million has already been spent preparing for MML electrification in Leicestershire with line and station improvement works at Market Harborough already completed;
- (e) notes that diesel fuel is associated with air polluting particles PM 2.5 and therefore does not offer the benefits of improved air quality that electric trains do;
- (f) believes it to be in the interests of Leicestershire that the Government reinstates its commitment to full electrification of the Midland Mainline

to maximise the benefits this will bring to jobs, economic growth and future prosperity; and

- (g) authorises the Chief Executive to write to all Leicestershire's MPs to seek their support."

2.00 pm – 3.59 pm
27 September 2017

CHAIRMAN