

**MINUTES OF THE MEETING OF THE LEICESTERSHIRE COUNTY COUNCIL
HELD AT COUNTY HALL, GLENFIELD ON WEDNESDAY, 6 DECEMBER 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. G. A. Boulter CC, Mr. S. L. Bray 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. 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, Mrs. A. Wright CC and Mr. M. B. Wyatt CC

28. CHAIRMAN'S ANNOUNCEMENTS.

Royal Engagement

The Chairman had written on behalf of Members and Officers of the County Council offering congratulations and best wishes to Prince Harry and Meghan Markle, following the announcement of their engagement.

Ministry of Defence Employer Recognition Scheme

The Chairman was pleased to announce that the County Council had received a Silver Award under the Ministry of Defence Employer Recognition Scheme, in national recognition of the Council's commitment to the Armed Forces. This is the second time that such an award has been made to the County Council.

Poppy Appeal

The Chairman was delighted to inform the Council that the total amount raised by this year's poppy appeal amongst Council members and staff was £4057.13.

Visitors

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

29. MINUTES.

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

"That the minutes of the meeting of the Council held on 27 September 2017, copies of which have been circulated to members, be taken as read, confirmed and signed."

30. DECLARATIONS OF INTEREST.

Mrs Broadley declared a personal interest in the Notice of Motion to: 'Make Fair Transitional State Pension Arrangements for 1950s Women' (minute number 36 refers) as the arrangements affected her pension.

Dr Eynon declared personal interests in respect of Carillion Radio/Hermitage FM mentioned in the Leader's position statement (minute number 33 refers) as she was a volunteer at the radio station and in respect of Maplewell Hall School (minute 34(a) refers) as her son worked at a special school in Ashby.

Mr Poland declared a personal interest in relation to the report on the Youth Justice Plan (minute 34(d) refers) as an employee of Leicestershire Police.

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

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

- “1. How many of our Help to Live at Home providers have a CQC rating of Outstanding, how many are rated Good and how many are rated as Require Improvement?
2. How many of our Help to Live at Home service users receive a service from a provider with a CQC rating of Outstanding, how many receive service from one that is Good, and how many from one that Requires Improvement?
3. How does this compare to the service we used to offer Leicestershire residents before Help to Live at Home?
4. Is the Council on track to make the £1 million a year savings? How much is expected to be saved this year?”

Mr Blunt replied as follows:-

- “1. The County Council currently purchases domiciliary care services from over 50 providers, which are rated as follows:

Outstanding – 0 providers
Good – 41 Providers
Require Improvement – 6 providers
Yet to be rated – 6 providers
2. Good - 820 Service users

Requires Improvement – 421 Service users
Yet to be rated – 465 Service users

3. CQC publishes only the current ratings of regulated providers therefore this information is not held by the County Council.
4. The County Council is on track to achieve the £1m saving this year.

The Homecare budget has been reduced by a further £5.6m (from £21.14m to £15.58m) to reflect the emerging trend of Service Users choosing to have a Direct Payment rather than a managed home care service.”

Mr Boulter asked the following supplementary question:-

“Can I thank Mr Blunt for the reply but could he please explain why the County Council gave contracts to six providers that still require improvement? I would have thought that one of the basic things to have done was for the County Council to choose providers that have a good CQC rating rather than knowing they need improvement.”

Mr Blunt replied as follows:-

“Seeking people to help with living at home, is quite difficult. There are many, many challenges to do with the cost of what people get paid and a variety of things. We do the very best we can to find the best services that we can. CQC are the people who regulate the industry and we are always working with them and with the providers to improve their service. I think it is unfortunately endemic in the business that we are in that not everyone is good. We would like everybody to be outstanding. Unfortunately that is not available in Leicestershire and sadly it is not available anywhere else in the country.”

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

“The current contract with Menphys for Early Support and Inclusion ends at the end of this month. The Budget for 2017 was £213.700. The service is being taken in-house in order for the budget for 2018 of £170.000 to be achieved. Would the Leader advise:

1. Whether the in-house service will provide the same services to the 420 families who are currently being supported under the present contract? If not, what services will be stopped?
2. Is the provision of early support and coordination for children with complex needs to be in-house?
3. Will the staff currently employed by Menphys be TUPE transferred to the County Council and, if so, will it be necessary to have a restructuring of the service, and what would be the costs if that were to happen?

4. What assurances can be given to families who are using the early support service for children with complex needs about continuity of service since the contract with Menphys finishes at the end of the month?
5. Will there be any change in the threshold for families wishing to access the service?"

Mr Ould replied as follows:-

"Before answering the five specific questions I need to point out to Mr Osborne that the total funding from the original contract with Menphys to provide the service to children and families with SEND - £213,700 – has not been reduced. The revised specification was for £170,000 as some aspects had already been brought in house along with the funding needed to provide the particular service.

1. Menphys has informed the Department it is currently working with 305 cases. Menphys has identified that 98 of these 305 cases will require ongoing support and the others (207) can be closed.

Of these 98 at least 40 will be taken on by health services. This leaves a maximum of 56 cases to be taken on by the County Council's in house service.

The services delivered by Menphys under the current contract will be continued under the new in house arrangements.

2. Early support and coordination for children with complex health needs will be undertaken by the NHS. They already fund a worker who is based at Menphys to undertake the work. The County Council will provide case coordination for children with SEND who do not have complex health needs.
3. The staff who are eligible for TUPE will move across to be employed by the County Council. It will not be necessary to have a restructure of the service as a result of this.
4. Menphys are talking with families about their need for ongoing support. If they need this and want it, then the case will transfer over to the County Council, who will write to families to explain this. For children with complex health needs, the health worker who is based at Menphys will continue to undertake this work.
5. Families will be able to access information and advice, access to more specialist short break services, and information about universal and targeted play and leisure services through the in-house service. For families who need additional support or where needs are not sufficiently clear, an Early Help assessment will be undertaken in order to identify needs and deliver required support through groups or on a one-to-one basis."

Mr Osborne asked the following supplementary question:-

“I am grateful to Mr Ould for his replies. In the penultimate sentence of the reply to (b) you say that, of the 98 children, 40 will be taken on by the health service. As you are aware, as am I, the contract with Menphys finishes in December and I would like some surety for families who use the facilities. Are you therefore saying that you have concluded a contract with the health service or is it just a wish?”

Mr Ould replied as follows:-

“I’m not in a position of knowing whether a contract has been given to the health service so I will find out and reply to Mr Osborne in writing.”

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

“Could the Leader indicate:-

- (a) How many children in the County have autism stated on their Education, Health and Care Plan (EHCP)?
- (b) How many of those children are in mainstream education but have high needs?
- (c) How many children are in outside provision, i.e. not in mainstream nor a county special school?
- d) What is the average cost of buying in outside provision per pupil?”

Mr Ould replied as follows:-

- “(a) 628
- (b) 280
- (c) 150
- (d) £64,734”

TO DISPOSE OF BUSINESS FROM THE LAST MEETING.

32. REPORT OF THE CONSTITUTION COMMITTEE.

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

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

“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.”

33. POSITION STATEMENTS UNDER STANDING ORDER 8.

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

- County Council's Network Annual Conference 2017;
- Industrial Strategy;
- Children's Heart Unit;
- Preventing Suicide;
- Visit to Leicester by his Grace, the Archbishop of Canterbury;
- BBC Radio Leicester and the new Leicester Mercury Editor;
- Carillion Radio/Hermitage FM.

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

34. REPORT OF THE CABINET:-

(a) Maplewell Hall School.

It was moved by Mr Ould and seconded by Mrs Posnett:-

"That the Council:-

- (a) Notes the receipt of a petition containing 11,592 signatures opposing the proposed closure of the residential facility at Maplewell Hall School;
- (b) Notes the decision of the Cabinet to proceed with the publication of a Statutory Notice in early January 2018 supported by a statutory proposal as the next step to progress the removal (closure) of the residential provision;
- (c) Notes that there will be a four week 'representation period', during which further comment on the proposals can be made;
- (d) Notes that the Cabinet will receive a further report on 9 March 2018, after the representation period, to enable a final decision to be taken on the implementation or otherwise of the closure of the residential facilities."

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

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

"That the Cabinet be requested to reconsider its decision to proceed with the proposal to remove (close) the residential facilities at Maplewell Hall School."

The amendment was put and not carried, 17 members voting for the amendment, 33 against the amendment and 2 abstentions.

On the amendment 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 amendment

Mr Bill, Mr Boulter, Mr Bray, Mrs Broadley, Mr Charlesworth, Mr Crooks, Dr Eynon, Mr Galton, Mrs Hack, Dr Hill, Mr Hunt, Mr Kaufman, Mr Miah, Mr Mullaney, Mrs Newton, Mr Sheahan, Mr Wyatt

Against the amendment

Mr Bedford, Mr Bentley, Mr Blunt, Mr Breckon, Dr Bremner, Mr Coxon, Dr Feltham, Mrs Fryer, Mr Gillard, Mr Harrison, Mr Jennings, Mr Liquorish, Mr Morgan, Mr O'Shea, Mr Orson, Mr Ould, Mrs Page, Mr Pain, Mr Parton, Mr Pearson, Mr Pendleton, Mr Poland, Mrs Posnett, Mrs Radford, Mr Rhodes, Mrs Richards, Mr Richardson, Mrs Richardson, Mr Rushton, Mrs Seaton, Mr Shepherd, Mr Slater, Mrs Wright

Abstentions

Mr Osborne, Mrs Taylor

The motion was put and carried, 33 members voting for the motion, 17 against.

(b) Strategic Plan and Single Outcomes Framework.

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

“That the Strategic Plan for 2018 to 2022, set out in Appendix A to this report, be approved.”

(c) Annual Delivery Report and Performance Compendium.

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

“That the Annual Delivery Report and Performance Compendium 2017 be approved.”

(d) Youth Justice Plan.

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

- “(a) That the revised Leicestershire Youth Justice Strategic Plan 2016 – 2019 as set out in the Appendix to this report be approved;
- (b) That the Director of Children and Family Services be authorised to make minor amendments to the Youth Justice Strategic Plan 2016-

2019 as are considered necessary to ensure it remains current and conforms to the requirements of the Youth Justice Board.”

(e) Annual Report of the Director of Public Health.

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

“That the Director of Public Health Annual Report 2017 be noted with support.”

36. TO CONSIDER THE FOLLOWING NOTICE/S OF MOTION:

(a) Make Fair Transitional State Pension Arrangements for 1950s Women.

It was moved by Mrs Broadley and seconded by Mr Mullaney:-

“That this Council calls upon the Government to make fair transitional state pension arrangements for all women born in the 1950s affected by the changes to the SPA and, who have unfairly borne the burden of the increase to the State Pension Age (SPA) with lack of appropriate notification.

Hundreds of thousands of women had significant pension changes imposed on them; first by the Pensions Act of 1995 and then again 2011; with little to no personal notification of the changes. Some women less than two years notice of a six-year increase to their state pension age. Some women have had no notice at all.

Many women born in the 1950s are living in hardship. Retirement plans have been shattered with devastating consequences. Many of these women are already out of the labour market, caring for elderly relatives, providing childcare for grandchildren, or suffer discrimination in the workplace so struggle to find employment.

Women born in this decade are suffering financially. These women have worked hard, raised families and paid their tax and national insurance with the expectation that they would be financially secure when reaching 60. It is not the pension age itself that is in dispute - it is widely accepted that women and men should retire at the same time.

The issue is that the rise in the women's state pension age has been too rapid and has happened without sufficient notice being given to the women affected, leaving women with no time to make alternative arrangements.

This Council calls upon the Government to reconsider transitional arrangements and compensation for women born in the 1950s affected by the changes to the SPA.”

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

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

“That this Council notes that:-

- (i) There is general acceptance that all men and women should retire at the same age;
- (ii) The changes in the 2011 Pensions Act, which were brought in by the Coalition Government, were debated at length and a decision made by Parliament, as part of which a concession was made to limit the impact on those most affected, benefitting almost a quarter of a million women and costing £1.1 billion in total;
- (iii) Reversing the Pensions Act 2011 would cost over £30 billion;
- (iv) Further concessions on this issue would require people of working age, specifically younger people, to bear an even greater share of the cost of the pensions system.” ’

The amendment was put and carried, with 31 members voting for the amendment and 17 against.

On the amendment 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 amendment

Mr Bedford, Mr Bentley, Mr Blunt, Mr Breckon, Dr Bremner, Mr Coxon, Dr Feltham, Mr Gillard, Mr Harrison, Mr Jennings, Mr Liquorish, Mr Morgan, Mr Orson, Mr Ould, Mrs Page, Mr Pain, Mr Parton, Mr Pearson, Mr Pendleton, Mr Poland, Mrs Posnett, Mr Rhodes, Mrs Richards, Mr Richardson, Mrs Richardson, Mr Rushton, Mr Shepherd, Mr Slater, Mrs Taylor, Mrs Wright

Against the amendment

Mr Bill, Mr Boulter, Mr Bray, Mrs Broadley, Mr Charlesworth, Mr Crooks, Dr Eynon, Mrs Fryer, Mr Galton, Ms Hack, Dr Hill, Mr Hunt, Mr Kaufman, Mr Miah, Mr Mullaney, Mrs Newton, Mr Sheahan,

The substantive motion was put and carried.

2.00 pm – 6.18 pm
06 December 2017

CHAIRMAN