

MINUTES OF THE MEETING OF THE LEICESTERSHIRE COUNTY COUNCIL HELD AT COUNTY HALL, GLENFIELD ON WEDNESDAY, 5 DECEMBER 2018

PRESENT

Mr. L. J. P. O'Shea CC (in the Chair)

Mr. T. Barkley CC, 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. D. A. Gamble CC, Mr. T. Gillard CC, Mrs. A. J. Hack CC, Dr. S. Hill CC, Mr. Max Hunt CC, Mr. D. Jennings CC, Mr. W. Liquorish JP CC, Mr. J. Miah CC, Mr. J. Morgan CC, Mr. M. T. Mullaney CC, Ms. Betty Newton 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 MBE 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, Mrs D. Taylor CC, Mr. G. Welsh CC, Mrs. A. Wright CC, Mrs. M. Wright CC and Mr. M. B. Wyatt CC

28. CHAIRMAN'S ANNOUNCEMENTS.

The Centenary of the First World War

The centenary of the end of the First World War had been commemorated across the county with Armistice services and parades being held in many towns and villages. Leicestershire's communities had really worked hard to ensure this most important centenary was marked in a dignified way. The Chairman applauded all those who have been responsible for organising the many tributes.

The County Council paid its own tribute on 9 November with a short, but moving, service at the Stand Easy memorial.

The City and County Councils, together with the Leicestershire Lieutenancy, marked this centenary with a special service at Leicester Cathedral. More than 400 attended this wonderful service, which concluded the work of the City and County Councils to mark the centenary.

The Chairman thanked colleagues in the Corporate Resources Department who had raised £4,775 for the Poppy Appeal from their initiatives at County Hall. Members joined with the Chairman in passing on their appreciation for this effort.

Visitors

The Chairman welcomed to the meeting all visitors, guests of members and anyone joining the meeting via the webcast.

29. MINUTES.

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

“That the minutes of the meeting of the Council held on 26 September 2018, copies of which have been circulated to members, be taken as read, confirmed and signed.”

30. 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.

Mr J Poland CC declared a disclosable pecuniary interest in the notice of motion on Police Funding (minute 37(a) refers) as he was an employee of Leicestershire Police. Mr Poland undertook to leave the room during discussion of that item.

Mr L J P O’Shea CC declared a personal interest in the notice of motion on Police Funding (minute 37(a) refers) as he had previously been employed by Leicestershire Police and was now in receipt of a pension from the Police Force.

Mr S D Sheahan CC, Mr R Blunt CC and Mr J G Coxon CC declared a disclosable pecuniary interest in the appointment of Mr T J Pendleton CC as Cabinet Support Member (minute 36(a) refers) as his proposed portfolio included representing the County Council on meetings related to the construction of HS2, the route of which was expected to affect their properties. They undertook to leave the room during discussion of that item.

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

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

“The 159 route runs between Coalville and Hinckley, via local villages of Ibstock, Nailstone, Barlestone, Newbold Verdon, Market Bosworth, Stapleton and Barwell. Some villages such as Stapleton will have no buses at all if this service is cut!

The service is used by School Children/Students who go to College in Hinckley, people who work and more senior residents who have no other means of transport to go shopping, etc. With local Post Offices, Pubs and Shops closing in the rural areas, the loss of this service will only increase isolation of villagers who do not drive.

Could the Lead Member advise me what the Council intends to do to ensure that the residents served by the 159 bus route will continue to have a public bus service?”

Mr Pain replied as follows:-

“On 16th October 2018 the Cabinet adopted its new passenger transport

policy and strategy. This policy and strategy sets out how the County Council will meet its statutory duties and deliver (where the policy need is established) fit for purpose and value for money passenger transport services across Leicestershire.

The County Council fully appreciates the importance of people being able to access key services. This is why the new policy and strategy affords priority to connecting people to food shopping, primary healthcare and employment opportunities at local centres.

I can confirm, following Roberts Coaches registration to withdraw the 159 service from 22nd December 2018, that the County Council has agreed to provide a subsidy to enable them to continue running the service until the end of June 2019. This is in line with the majority of the other services currently subsidised by the County Council. This extension to June 2019 also allows time for a full review of this, and all other subsidised services, against the new policy assessment criteria with the results of that assessment being used to decide on the most fit for purpose passenger transport outcome for each service from mid 2019.

The County Council will continue to provide transport funding support for eligible school pupils and community transport continues to be a service on offer for those people unable to use conventional passenger transport.”

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

“Despite increasing prevalence of Type 2 Diabetes in Leicestershire many public events still rely on unsuitable sweet-biscuits and cake as the default snack option. What are the barriers and enablers to developing this Council’s public-facing catering offer so that it demonstrates our Public Health priorities?”

Mrs Posnett replied as follows:-

“The catering ordering page on the Council intranet has options such as wraps and fruit readily available to order. Therefore the issue is down to changing the behaviour of people placing the order.

To promote healthy eating alternatives a paragraph has recently been added to the online order form:

“Before you order your refreshments we thought you may be interested to know that more healthy options are available in buffets, and fruit is available as well as/instead of biscuits. Also please do contact us if you have any special dietary requirements or need information about allergens.”

The head chef has also been asked to review the range of alternatives on offer.

Ultimately diet is a matter of individual responsibility, but by making healthy alternatives more prominent on the order form the Council would seek to encourage healthy eating. Members can play their part by taking a lead in

putting down the custard creams and picking up the carrots.

Across the Council the Workplace Health and Well Being Strategy Group, co-chaired by Corporate Resources and Public Health and supported by voluntary departmental health and wellbeing coordinator and champions, helps develop plans and activities to promote the wellbeing of staff.”

Dr Eynon asked the following supplementary question:-

“Are there any plans to both celebrate and promote this change to audiences beyond this Council, perhaps to our District and Borough Councils and other public partners?”

Mrs Posnett replied as follows:-

“We are at the moment looking at producing a Food Strategy so we are talking with district councils, retailers, food producers, local cafes and restaurants. It is not necessarily just about people’s weight, it is about food from field to fork and what we can do to improve that for where we live. I think it is well worth reminding people that you do not have to eat that biscuit, it is your choice whether you eat it or not.”

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

“With regard to Education, Health and Care Plans (EHCPs) could the Leader let me know for each academic year since 2014:-

- (a) The number of plans requested?
- (b) The number of assessments carried out?
- (c) The number of appeals made by parents or carers to the Special Educational Needs and Disability Tribunal and how many of these appeals were successful?”

Mr Ould replied as follows:-

- (a) 2014/15 - 516
2015/16 - 576
2016/17 - 640
2017/18 – 887
- (b) 2014/15 - 354
2015/16 - 395
2016/17 - 396
2017/18 – 635

| (c) | | 2014/2015 | 2015/2016 | 2016/2017 | 2017/2018 |
|-------------------------|--------------------------------------|-----------|-----------|-----------|-----------|
| Total tribunals | | 30 | 21 | 84 | 80 |
| Tribunal outcome | Resolved prior to tribunal | 18 | 15 | 63 | 52 |
| | Tribunal ordered in favour of parent | 6 | 4 | 17 | 13 |
| | Tribunal ordered in favour of LA | 6 | 0 | 3 | 2 |
| | Ongoing | 0 | 0 | 0 | 13 |
| | Transferred to another LA | 0 | 2 | 1 | 0 |

Mr Welsh asked the following supplementary question:-

“Firstly, can the Lead Member speculate as to why we have seen a 166% rise in the number of appeals and the second part of my question is, in the very useful table it says that we resolve a large number of these prior to tribunal, I just wondered how do we do that?”

Mr Ould replied as follows:-

“I’ll take the second one first if I may? In terms of how it is done it is on an individual case-by-case basis taking into account the evidence that parents provide and that other professionals provide. It is after all an Education, Health and Care Assessment Plan and dependent upon the individual circumstances will be the final conclusions that go into that. In terms of the increase in numbers, I have been asked to speculate. I have therefore no evidence to substantiate what I am now saying but there are potentially three reasons. One is unintended consequences by the Department for Education in the introduction of Education, Health and Care Plans because this situation is not unique to Leicestershire, it is nationwide. Secondly, the use of social media: we have very clear evidence that parents of children with similar disabilities communicate with each other and frequently try to recommend schools. The third is, I think, fairly clear that as our society expands and the quality of our schools goes up so parents try and exercise greater choice than actually the parameters of making an Education, Health and Care Assessment allow.”

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

“Could the Lead Member inform the Council on how many road traffic collisions involving pedestrians have occurred in Loughborough in the past three years? Of those reported how many resulted in fatalities?”

Could the Lead Member advise what actions the Council takes in terms of investigations and any preventative measures following a serious or fatal accident?”

Mr Pain replied as follows:-

“In the past three years (1st October 2015 to 30th September 2018) 43 injury accidents involving pedestrians were recorded within the area of Loughborough. There were no fatalities.

Accident reports submitted by the Police are usually three months behind although preliminary notifications for fatalities are reported immediately. As such we are aware of the two recent fatal accidents. On 11th November 2018, a 64 year old man tragically lost his life on Holt Drive and then on 13th November 2018 a 12 year old boy tragically lost his life on Meadow Lane.

Following any fatal accident officers undertake urgent investigations to ensure that there is no highway defect which could have been a contributory factor in the incident. In doing so they will analyse the information provided by the Police, to determine if the Police have highlighted any cause for concern regarding the highway. The investigations for the above two fatalities concluded that there were no highway defects found to have been a contributing factor.

Each year a Casualty Reduction report is produced for Leicestershire. This report analyses all the reportable injury accidents in the county. The report is presented annually at the Environment and Transport Overview and Scrutiny meeting in February/March. Any areas of significant concern are highlighted in this report and officers will then request funding to carry out works based on the evidence contained in the report. Whilst it is fully appreciated that one accident is one too many, the adopted process for dealing with reportable injury accidents is clearly set out in the Casualty Reduction Report and is based on an evidence led approach which ensures parity across the county.

As part of business as usual all safety concerns highlighted to the Council by members, parishes, residents or other bodies are investigated and appropriate action taken where necessary.”

Mr Miah asked the following supplementary question:-

“The background for this question is a tragic death in a road traffic accident of a 12 year old boy on his way home in the early evening of 13 November. It also centres on a cluster of other road traffic accidents involving pedestrians in Loughborough around that time last month. This incident has been very difficult and the Police, Ambulance Service and County Council officers have been magnificent so I cannot fault them there. However, I am seeking assurances from Mr Pain as the Lead Member that, following concerns raised by myself and local residents and who live near to the scene of the accident, everything that can be done will be done to make that area a safer place for our children?”

Mr Pain replied as follows:-

“First of all, my condolences to both of the people that tragically lost their lives in accidents in November including the young boy that you spoke about. In terms of giving assurances, as you will see from the response, the

Department does investigate as to whether there are highway defects that may be a contributory factor towards accidents. In this instance that does not seem to be the case. I can give you with the assurances that we do investigate, we do a thorough job, and if remedial works and other improvements are needed then through the normal processes those bids will be put in and we will seek to ensure that our roads are in the safest possible condition.”

32. POSITION STATEMENTS UNDER STANDING ORDER 8.

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

- iMPower – most productive council;
- Unitary Local Government;
- County Councils Network Annual Conference 2018;
- East Midlands Collaboration;
- Leicester and Leicestershire Local Enterprise Partnership;
- Social Value;
- Broadband.

The Cabinet Lead Member for Children and Family Services gave a position statement on the following matters:-

- Ofsted – ‘Focus visit on the Front Door’;
- Innovation Partnership;
- New Lubbethorpe Primary School;
- Newlands Community Primary School;
- Ministerial Visit to Leicestershire Youth Offending Service;
- Fostering and Adoption.

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

33. REPORT OF THE CORPORATE GOVERNANCE COMMITTEE.

(a) Proposed changes to the Contract Procedure Rules.

It was moved by Mr Bedford, seconded by Mr Richardson and carried unanimously:-

“That the proposed amendments to the Contract Procedure Rules, set out in Appendix 1 to the report of the Corporate Governance Committee, be approved.”

34. REPORT OF THE CONSTITUTION COMMITTEE.

(a) Review of the Constitution.

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

“That the proposed changes to Part 3 (Responsibility for Functions) of the Constitution relating to the extension of role and responsibilities of the Constitution Committee to deal with the functions of the County Council as a Charitable Trustee, be approved.”

(b) Report of the Independent Remuneration Panel.

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

- “(a) That those Members who submitted an Annual Report be thanked for doing so.
- (b) That those Members who have not submitted an Annual Report for the municipal year 2017/18 do so at the earliest opportunity.
- (c) That all Members of the County Council be required to prepare and submit a second Annual Report for publication on the County Council’s website by June 2019 and it be noted that the Panel intends to reconvene in the autumn of 2019 to review the outcome of this recommendation.
- (d) That Group Leaders and Whips, in particular the Conservative and Labour Group Leaders and Whips, be thanked for their hard work in ensuring that all Members of their Group submitted an Annual Report.
- (e) That Group Leaders and Group Whips be reminded of their responsibility for ensuring that all Members of their Groups complete and submit a second Annual Report.
- (f) That the allowance payable to Group Whips continues to be paid at the current rate of £60.20 per Member.
- (g) That it be noted that the Panel will review the Group Whips allowance at its next meeting (Autumn 2019).”

35. REPORT OF THE CABINET.

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

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

“That the Director of Public Health Annual Report 2018 be noted with support.”

(b) Annual Delivery Report and Compendium 2018.

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

“That the Annual Delivery Report and Performance Compendium 2018 be approved.”

36. APPOINTMENTS MADE IN ACCORDANCE WITH ITEM 11 OF STANDING ORDER 4.

(a) Appointment of Mr T J Pendleton CC as Cabinet Support Member.

Mr Sheahan, Mr Blunt and Mr Coxon, 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 Rushton, seconded by Mr Shepherd and carried:-

“That Mr T J Pendleton CC be appointed as Cabinet Support Member until the next Annual Meeting of the County Council, as provided for in Article 7 of the Council’s Constitution.”

37. TO CONSIDER THE FOLLOWING NOTICE OF MOTION:

(a) Police Funding.

Mr Poland, 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 Bill and seconded by Mr Crooks:-

“(a) That this Council notes:-

- (i) concerns expressed by the Home Office Select Committee predicting dire consequences for public safety unless police budgets are increased;
- (ii) the view of the National Audit Office that the funding model for policing is financially unsustainable;
- (iii) since 2010 Government grant received by Leicestershire Police has gone from £134m in 2010, down to £104m this year resulting in police numbers falling from 2,300 in 2010 to 1806 this year;
- (iv) the most recent Treasury decision to pass on to local forces the full cost of pension revaluation that will cost Leicestershire Police £5million per annum equivalent to the cost of employing approximately 180 police officers;
- (v) the considerable effort undertaken by Leicestershire Police to date to reduce back office costs and improve efficiency through transformation and innovation and as a result saving £8million since 2010;
- (vi) the increasing pressures faced by the police as a result of an

increasing population, the proliferation of cyber-crime and fraud and increased demands arising from safeguarding vulnerable people.

- (b) That this Council believes that the current level of police funding is inadequate to meet the needs of the people of Leicester, Leicestershire and Rutland and supports the representations made by the Chief Constable and Police and Crime Commissioner to Leicestershire MPs urging them to make representations to Government on this matter.”

An amendment was moved by Mr Rhodes and seconded by Dr Eynon:-

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

- (a) That the County Council fully supports Leicestershire Police and notes recent speculation about Government intentions on police funding, including further council tax rises, and that the most recent issue affecting police funding, the question of pension costs, may be the subject of court proceedings.
- (b) That the County Council is not in a position to comment on the above but believes that the answer to any of the serious funding shortfalls affecting front-line public services does not lie in short-term fixes but in medium to longer term funding changes and therefore notes the crucial importance of the Government’s forthcoming Comprehensive Spending Review.
- (c) That accordingly, the County Council asks Leicestershire MPs to support the County Council, Leicestershire Police and the Fire and Rescue Service and to draw the attention of Government to the Council’s view that, in order to be effective, the CSR as a minimum should adopt the following principles:
- Taxpayers’ money should be focussed on maintaining and improving services.
 - Services must be cost-effective.
 - Recognition of service demand.
 - Recognition of the impact of austerity.
 - Fairness in public sector funding.
 - Equity in service provision.
 - An end to silo decision-making within Government which frustrates local service delivery.
 - The importance of prevention in longer term solutions to societal and service pressures.”

The amendment was put and carried with 39 members voting in favour and 12 members voting against.

The substantive motion was put and carried, with 39 members voting in favour and 12 abstentions.