

**MINUTES OF THE MEETING OF THE LEICESTERSHIRE COUNTY COUNCIL
HELD AT COUNTY HALL, GLENFIELD ON WEDNESDAY, 2 DECEMBER 2020**

PRESENT

Mrs. P. Posnett MBE 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, 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. J. Kaufman 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 OBE 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. L. Phillimore CC, Mr J. Poland CC, Mrs. C. M. Radford CC, Mr. J. B. Rhodes CC, Mr. T. J. Richardson CC, Mrs H. L. Richardson CC, Mrs. J. Richards 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

18. CHAIRMAN'S ANNOUNCEMENTS.

It was with great sadness that the Chairman reported the passing of former Councillors Sir Lyonel Tollemache and Mr Denis Bown.

Denis Bown

Denis Bown passed away on Sunday, 4th October following a short illness aged 88.

Mr Bown served on the County Council for 28 years from 1981 to 2009. During his period in office he served on various Council bodies but his main interest was in the areas of Planning and Environment and Transport. He also campaigned tirelessly for the Earl Shilton bypass.

He also served on Hinckley and Bosworth Borough Council for a total of 34 years in three terms between 1962 and 2007 and was Mayor twice – in 1974-76 and again in 1999-2000.

Sir Lyonel Tollemache

Sir Lyonel passed away on Wednesday 7th October 2020 aged 89.

Sir Lyonel served on the County Council for 12 years from 1985 to 1997 representing the Belvoir Division. During his period of office he served on the Finance and General Purposes, Agriculture and Social Services Committees.

I call on members to stand in silent tribute to the memory of Denis Bown and Sir Lyonel Tollemache.

Remembrance Sunday and Armistice

The Chairman reported that although Remembrance Sunday and Armistice were very different this year she was pleased to be able to participate in online ceremonies marking both of these commemorations. The Chairman was also pleased to report that County Hall had been illuminated in red for the duration of the Royal British Legion's Poppy Appeal. Although the number of Remembrance Sunday Services were much reduced this year, the Chairman thanked those Members who were able to attend local services and lay a County Council wreath.

19. TO CONFIRM THE MINUTES OF THE MEETING OF THE COUNCIL HELD ON 30 SEPTEMBER 2020.

It was moved by the Chairman, seconded by Mr Kaufman and carried:

“That the minutes of the meeting of the Council held on 30 September 2020, copies of which have been circulated to members, be taken as read, confirmed and signed.”

20. TO RECEIVE DECLARATIONS BY MEMBERS OF INTERESTS IN RESPECT OF ITEMS ON THIS AGENDA.

The Chairman invited members who wished to do so to make declarations of interest in respect of items on the agenda for this meeting.

Mr Osborne and Mr Orson declared a personal interest in the notice of motion concerning increased tree planting (Item 8 (a)) as farmers and landowners in the County.

Mrs Newton, Mrs Seaton, Mr Kaufman and Mr Miah declared personal interests in the notice of motion on the St Mary's Birth Centre (Item 8 (c)) as members of their family were employed by NHS Trusts affected by the proposed reorganisation of NHS services.

Dr Eynon declared a personal interest in the notice of motion on the St Mary's Birth Centre (Item 8 (c)) as a former GP.

Mrs A. Wright declared a personal interest in the notice of motion on the St Mary's Birth Centre (Item 8 (c)) as an employee of a firm that represented NHS Trusts.

21. TO ANSWER QUESTIONS ASKED UNDER STANDING ORDER 7(1)(2) AND (5).

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

“It has been recognised that many Early Years providers have had significant reductions of children attending preschool. How many early years places have been lost in Leicestershire, expressed both numerically and as a percentage?”

Mrs Taylor responded as follows:

“Since March 2020, 9 pre-schools and day nurseries and 33 childminders have closed resulting in a loss of 436 places.

However, over the same period 6 pre-school and day nurseries and 20 childminders have opened offering a total of 333 places.

Therefore, in total there has been a loss of 103 places (0.88%) in Leicestershire since March 2020.”

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

“There have been concerns from Head Teachers, reported nationally, that some students have fallen behind after the closure of schools. What assessment has been made of this trend in Leicestershire? Is it known how much further disadvantaged pupils have fallen behind in comparison with their peers due to school closures and what arrangements have been made to ensure there is appropriate and targeted catch-up support?”

Mrs Taylor responded as follows:

“Most students across Leicestershire were out of school from 23rd March 2020 until the beginning of the Autumn Term 2020. Over this period schools remained open for children of key workers and those children who were deemed to be vulnerable. Children who were not in school over this period were provided with education through their school, predominantly through online methods.

As children have returned to school in the Autumn Term all schools have undertaken an assessment of all children in order to fully understand the impact of the period of time out of school and learning at home. It appears that the impact of pupils’ time out of education in Leicestershire, mirrors the gap reported nationally which is that the curriculum learning gap between disadvantaged pupils and their peers has increased by 46 per cent compared with July 2019.

In the summer (2020) the Government announced £1 billion of funding to support children and young people to catch up lost time after school closure. The funding is especially important for the most vulnerable children and those children from disadvantaged backgrounds. This funding includes:

- a one-off universal £650 million catch up premium for the 2020 to 2021 academic year to ensure that schools have the support they need to help all pupils make up for lost teaching time
- a £350 million [National Tutoring Programme](#) to provide additional, targeted support for those children and young people who need the most help, which includes:
 - a schools programme for 5 to 16-year-olds – for more information, see the [National Tutoring Programme FAQs](#)
 - a [16 to 19 tuition fund](#)
 - an oral language intervention programme for [reception-aged children](#)

Individual schools are responsible for planning their programmes of work to support children to catch up.

Through the County Council's Education Effectiveness Team, school leaders have accessed training on recovery curriculum, provided jointly by the Local Authority and school leaders on what this means and how it could be structured and implemented. Training sessions on planning for effective remote learning in schools and another on the most effective use of the catch-up funding allocated to schools by the Department for Education have also been well attended by school leaders."

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

"Early on, it was anticipated that schools would require access to computer equipment for those children who needed that support. How many pieces of equipment were delivered to schools in Leicestershire?"

In preparation for further periods of home-based learning, how will the County Council work with schools to survey pupils and parents to better understand the need for digital equipment and resources?"

Mrs Taylor replied as follows:

"IT equipment has been delivered in different phases. 893 laptops were issued directly to Leicestershire County Council which have been allocated and distributed to children known to social care or who are looked after, as well as those who are now in their GCSE year in the local authority maintained schools. In the same scheme, all academies preparing children for GCSEs also received an allocation directly for them to allocate to pupils.

A further allocation of laptops has been made for schools directly by the Department for Education, enabling schools to apply for laptops once 'bubbles' of students have been sent home to isolate. We only have access to details for the allocation to local authority maintained schools, which currently totals 267 for 89 schools.

Schools are responsible for the allocation of IT equipment and are best placed to understand the needs of pupils attending their schools.

The County Council's Education Effectiveness Team is actively engaging with schools through the Leicestershire Education Excellence Partnership to establish needs and co-ordinate support.

This has included training on the use of remote learning in partnership with the Edutech Demonstrator schools, as well as communicating and facilitating schemes to enhance provision, such as the rural broadband roll out for schools and communities, and the Vodafone offer of free data SIMS for disadvantaged pupils."

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

“How has the County Council been monitoring the impact on support for vulnerable learners due to the temporary relaxation of the 2014 SEND Regulations and has the Council prioritised restoring support to these learners?”

Mrs Taylor replied as follows:

“Temporary relaxations were introduced by the Secretary of State for Education for a limited period of time. The relaxations affected timescales for undertaking initial Education, Health and Care (EHC) Needs Assessments and the ability to exercise some flexibility in terms of the provision to be made available through an EHC Plan.

Relaxation of timescales for undertaking EHCPs. This relaxation enabled Local Authorities to identify where any delay in producing an initial EHCP within the expected 20 week timescale was due to reasons attributable to Covid-19. This ‘temporary relaxation’ applied between 1st May and 25th September 2020. In Leicestershire we did not record any such delays as being due to Covid-19.

The ability to exercise some flexibility in terms of the provision to be made available through an EHC Plan. The temporary relaxations removed the legal requirement to provide the exact provision stated in the EHC Plan and instead placed an expectation that the local authority/or the NHS can make ‘Reasonable Endeavours’ to provide the support. This ‘temporary relaxation’ applied only between 1st May and 31st July.

The County Council has worked with schools so that every child with an EHC Plan was assessed in terms of the schools’ ability to provide the support as detailed in the EHCP. Children were assessed as ‘green’ where they were able to attend school as normal, ‘amber’ where they were educated at home but the school were able to work with the parents to provide as much continuity of education as possible, and ‘red’ where the school had specific concerns.

Where there were any concerns these were followed up on an individual basis between the SEN Officer, school and parent. The County Council wrote to all parents/carers of a child with an EHC Plan and advised them about what to do if they have any concerns. In a small handful of cases parents did contact the Local Authority and in each case officers worked with the school to identify a workable solution.

Since September all schools have been open for all children, with the exception of those few children who are clinically extremely vulnerable, or where it has been necessary for schools to ask certain year groups to work from home following a positive test in a particular bubble for a short period of time. Where children with an EHCP cannot attend school, e.g. because a year group have been asked to self-isolate, then there is an expectation that the school make suitable arrangements to provide continuity of education.

Schools have been working extremely hard to provide continuity of education during this demanding period. County Council officers, such as SEN Officers, Specialist Teachers, Educational Psychologists and Education Effectiveness Partners, continue to work with schools to offer support and advice regarding children on a case by case basis, including for example attendance at Annual Reviews.”

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

“Parents who are clinically extremely vulnerable to SARS-Covid-2 and who refuse to send their child to school risk being prosecuted under section 444 of the Education Act (1996).

1. How many children attending Leicestershire schools have family members at home who are clinically extremely vulnerable to SARS-Covid-2?
2. How is this authority addressing these families’ concerns regarding school-related viral transmission?
3. How flexible is this authority regarding the prosecution of school non-attendance in these circumstances?
4. How does this authority ensure that children who are not attending school due to family concerns re Covid-19 receive an adequate education?”

Mrs Taylor replied as follows:

“1. The County Council does not hold this information, however the Department for Education guidance sets out that children who live with someone who is clinically extremely vulnerable, but who are not clinically extremely vulnerable themselves, should still attend education.

2. There is no available data to show the breakdown of whether viral transmission is through schools or in the community.

The education team is working closely with schools and the public health team in the County Council to mitigate any risks identified and to reduce the risk of transmission in schools.

3. The Department for Education required all local authorities to recommence non-attendance measures from the start of the autumn term, as part of their proposals for a return to education for all schools following the earlier lockdown restrictions.

The County Council’s approach to non-attendance is predicated on supporting pupils/families to achieve an early return to regular schooling and in this respect penalty notices and prosecutions are always seen as a last resort when other support measures, for

example working with the Inclusion Service, have been unsuccessful.

Our approach throughout the autumn term has been to keep in close contact with schools, and to ensure that families who may lack the confidence and seek further assurance about a child's safe return to school are not penalised; where there are persistent cases of non-attendance which pre-date lockdown restrictions, it is expected that these will be processed in the normal manner and in accordance with the duties of the County Council.

Whilst each case will be assessed individually, parents who are clinically extremely vulnerable to SARS-Covid-2 and who refuse to send their children to school are unlikely to risk prosecution.

4. Where children of statutory school age are identified as Clinically Extremely Vulnerable (CEV) and are unable to attend school, they are considered as a child with medical needs and as such schools will refer these pupils to the County Council in line with the statutory guidance. The County Council will jointly work with the school to ensure that effective education is in place and will arrange education on behalf of the school if required.

Where children are missing education (CME) due to family concerns relating to Covid-19 (including parents who are clinically extremely vulnerable as set out above) the school will notify the Inclusion Service in line with the CME guidance. The Inclusion Service will be engaged to ensure that the school is enabling the young person to access education through virtual or other means, whilst considering risk assessments for the child to be able to return to full-time school based education."

22. TO RECEIVE POSITION STATEMENTS UNDER STANDING ORDER

8.

"The Leader gave a position statement which provided an update on Covid-19 and the UK100's new Net Zero Pledge.

The Lead Member for Adult Social Care, and Heritage, Leisure and Arts gave a position statement which provided an update on the Adult Social Care response to the Covid-19 pandemic and summarised the current position of the care sector in Leicestershire.

The Chairman of the Scrutiny Commission gave a position statement on the work of the Scrutiny Commission and its Committees to support and protect the residents of Leicestershire.

Copies of the position statements are attached."

23. REPORT OF THE CABINET.

(a) Annual Delivery Report and Performance Compendium 2020.

"That the Annual Delivery Report and Performance Compendium 2020 be approved."

24. REPORT OF THE EMPLOYMENT COMMITTEE.

25. PAY POLICY STATEMENT 2021-22.

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

“That the County Council’s Pay Policy Statement 2021/22, attached as Appendix A to the report of the Employment Committee, be approved.”

26. TO CONSIDER THE FOLLOWING NOTICE OF MOTION:

27. INCREASING NEW TREE PLANTING ACROSS LEICESTERSHIRE.

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

It was moved by Mr Hunt, seconded by Mr Pain, and carried:

- “a) This Council notes that
- i. The historic human and natural development of the County has had an impact on the landscape character with consequential loss of woodland cover;
 - ii. The woodland cover over the counties of Leicestershire and Rutland currently approximates to 4% which is significantly lower than most rural counties like ours;
 - iii. As well as acting as carbon sequestration, it is well evidenced that trees can remove air pollutants from the atmosphere.
(Leicestershire 2018-21 JSNA);
 - iv. The statutory Committee for Climate Change advocates the planting of around 30,000 hectares (90 – 120 million trees) of broadleaf and conifer woodland each year to 2050, which has lately been supported by Central Government;
 - v. The new England Tree Strategy which is expected to be produced by DEFRA before the end of the year will:-
 - set out policy priorities to support and deliver an ambitious tree planting programme throughout the country focussed on expanding, protecting and improving woodlands, and how trees and woodlands can connect people to nature, support the economy, combat climate change and recover biodiversity;
 - help bring together potential funding streams and wider policies to increase tree planting, including the forthcoming Environmental Land Management Scheme (ELMS) and other private and publicly funded schemes thereby supporting the Government’s “Green Future”, 25-year Environmental plan and aspiration to increase woodland cover in England to 12%

by 2060.

- b) That it be noted that this Council has:-
- i) a long history of encouraging tree planting through initiatives such as the 'MOREhedges', 'MOREwoods', Tree Disease Pack and Free Tree Replacement schemes which has resulted in over 26,500 trees and 14,000 metres of hedges being planted since 2010;
 - ii) in its updated Tree Management Strategy 2020- 2025 set a target for new woodland planting across the county, in addition to its existing programme of arboreal disease management and replacement;
 - iii) developed an overarching management plan for 340ha of woodland across the County Park Estate and submitted the plan for approval by the Forestry Commission which will set out a programme of sustainable woodland management works across the estate and provides opportunities to apply for funding to deliver works under the countryside stewardship scheme.
- c) That recognising the role tree planting can play in reducing carbon and improving the quality of the environment this Council commits to:-
- i) Working in partnership with the National Forest Company on a Woodland Charter for Leicestershire which will: -
 - set out a 'vision' for trees and woodlands in Leicestershire and form the basis for engaging partners to deliver wider ambitions for increasing tree planting;
 - establish an up to date baseline for woodland and canopy cover for the County and will work with partners to set new SMART targets needed to increase canopy cover to ensure our communities are safe and economy is sustainable for the long-term.
 - ii) Consulting with Local Planning Authorities notably through Local Plans, developer contributions; Planning conditions/obligations to increase woodland cover;
 - iii) Using its best endeavours to seek new funding through future government funding offers, the county's great landowners and other private concerns, including personal endowments."

(a) Care Homes.

It was moved by Mr Mullaney and seconded by Mr Bill:

“(a) That this Council notes: -

- i) the immense challenges faced by care workers in providing essential support to some of Leicestershire's most vulnerable residents during the Coronavirus Pandemic and thanks them for their hard work, bravery and compassion;
 - ii) notes how workers at some of the Leicestershire County Care Limited (LCCL) homes were forced to accept cuts to pay and conditions on threat of losing their jobs during the pandemic;
 - iii) further notes the recent closure of the LCCL home 'The Limes' as a consequence the poor CQC reports the home had received.
- (b) That this Council believes it is vital that care workers are properly rewarded for the work they do and resolves to request the Cabinet to require all providers to declare as a condition for inclusion on the Council's framework of approved providers: -
- i) whether they pay the Real Living Wage to their staff;
 - ii) their policy on pay for travel time;
 - iii) their policy on pay for over-night care.
- (c) That the information provided in (c) above be published to allow those purchasing care to take it into account when deciding which providers to commission.
- (d) That this Council further requests that officers be asked present a paper setting out a path towards signing up to Unison's Ethical Care Charter and the costs involved noting that should the cost involved in doing so exceed the Council's ability to fund the commitment, this Council pledges to campaign actively for the Government for the increased funding needed, thereby creating a level playing field and the highest standards possible for Adult Social Care."

An amendment was moved by Mrs Radford and seconded by Dr Eynon:

- "a) That this Council: -
- i) notes that Leicestershire's care workers (internal and external social care staff) have demonstrated enormous dedication, professionalism and tireless energies in supporting people during the Coronavirus pandemic since March;
 - ii) notes that employers and providers of adult social care, have navigated their way through this unprecedented time with support from the County Council;
 - iii) extends its enormous appreciation and thanks to hard working adult social care staff and providers for all that they have done, and continue to do, to support Leicestershire citizens during this period of ongoing challenge.
- b) That this Council notes that: -

- i) all providers of social care are required by law to pay their staff the National Living Wage and National Minimum Wage (NLW and NMW), depending on their age and that the regulations also require employers to pay for all working time and for their travel time between care calls, excluding commuting time;
 - ii) the County Council's contracts and tenders stipulate that employers are responsible for ensuring that they are legally compliant and that its care rates enable providers to pay their staff the NLW and NMW.
- c) That this Council notes that: -
- i) officers are looking at the implications of signing up to the Unison's Ethical Care and Residential Care Charters which will include: -
 - engagement with providers and other stakeholders;
 - identifying if and how elements of the charter can be included in any future publicly available service delivery processes and contract conditions; and
 - a report to members setting out the viability of signing up to the Charters."

The amendment was put and carried, 41 members voting for the amendment and 12 against.

The substantive motion was put and carried unanimously.

(b) St Mary's Birth Centre.

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

It was moved by Mr Pearson, seconded by Mrs Hack, and carried:

- "a) That this Council recognises that improvements to Leicestershire Hospitals are needed, welcomes the £450m NHS investment to Build Better Hospitals for the Future and notes that these proposals include reconfiguration of both Acute and Maternity services.
- b) That this County Council also: -
 - i. recognises the strong local concern regarding the proposed relocation of the Midwife-led Birthing Unit and closure of the postnatal ward currently based in Melton Mowbray;
 - ii. recognises the value of stand-alone midwife-led services;
 - iii. notes concerns regarding the temporary nature of the proposed relocated service at the Leicester General Hospital;
 - iv. supports the right of local people to campaign for local services.
- c) That this Council notes the response to the consultation is being led by the Leicester, Leicestershire and Rutland Joint Health Overview and Scrutiny Committee on 14th December and encourages all Members to:
 - i. read the 'Build Better Hospitals for the Future' consultation

- documents;
- ii. examine how the proposed changes will affect residents in their division;
 - iii. give their individual responses to the consultation directly to the NHS or via the Joint Committee.”

2.00 – 5.37 pm
02 December 2020

CHAIRMAN