

**MINUTES OF THE MEETING OF THE LEICESTERSHIRE COUNTY COUNCIL
HELD AT COUNTY HALL, GLENFIELD ON WEDNESDAY, 6 JULY 2022**

PRESENT

Dr. R. K. A. Feltham CC (in the Chair)

Mr. R. G. Allen CC, Mr. R. Ashman CC, Mr. N. D. Bannister CC, Mr. T. Barkley CC, Mr. P. Bedford CC, Mr. D. C. Bill MBE CC, Mr. G. A. Boulter CC, Mr. S. L. Bray CC, Mr. L. Breckon JP CC, Mr. B. Champion CC, Mr. N. Chapman CC, Mr. M. H. Charlesworth CC, Mr. J. G. Coxon CC, Mrs. H. J. Fryer CC, Mr. S. J. Galton CC, Mr. D. A. Gamble CC, Mr. K. Ghattoraya CC, Mr. D. J. Grimley CC, Mrs. A. J. Hack CC, Mr. B. Harrison-Rushton CC, Mr. D. Harrison CC, Mr. R. Hills CC, Mr. Max Hunt CC, Mr. P. King CC, Mr. B. Lovegrove CC, Mr. J. Miah CC, Mr. M. T. Mullaney CC, Ms. Betty Newton CC, Mr. O. O'Shea JP CC, Mr. J. T. Orson JP CC, Mrs. R. Page CC, Mr. B. L. Pain CC, Mr T. Parton CC, Mr. T. J. Pendleton CC, Mr. L. Phillimore CC, Mr J. Poland CC, Mrs. P. Posnett MBE CC, Mrs. C. M. Radford CC, Mr. T. J. Richardson CC, Mrs H. L. Richardson CC, Mr. N. J. Rushton CC, Mrs B. Seaton CC, Mr. R. J. Shepherd CC, Mr. C. A. Smith CC, Mrs D. Taylor CC, Mr. G. Welsh CC, Mrs. A. Wright CC and Mrs. M. Wright CC

11. CHAIRMAN'S ANNOUNCEMENTS.

Mr Kind

The Chairman reported with sadness the death of former County Councillor Mr Alan Kind.

Mr Kind was a member of the County Council from 1991 to 2001 and represented the South Wigston electoral division. He served as Chairman in 1997 to 1998 and was Cabinet Lead Member for Building a Healthier Community and Improving Economic Wellbeing for two consecutive years from 1999 to 2001. He also served on a number of Committees including the Resources Committee, the Planning and Recreation Committee and the Economic Development and Employment Committee.

Members joined the Chairman by standing in silent tribute to the memory of Mr Kind.

Falklands War Remembrance

On Tuesday 14th June at 3.00 p.m. the Chairman hosted a small remembrance service at Stand Easy to commemorate the ending of the Falklands War in 1982. The timing of the event was to coincide with the Act of Remembrance which took place at the 1982 Cemetery in Port Stanley, 11.00 a.m. local time. At the service the Chairman was joined by a group of former Paras who were marching from Rotherham to London in tribute to fallen Falklands War heroes.

Armed Forces Week

On Monday 20th June to mark the start of Armed Force week Darren Watret who was currently employed as an Operations Manager in the Environment and Transport

Department raised the Armed Forces Day Flag at a ceremony at Stand Easy. Darren who served in the Army for 25 years and was posted around the world, including tours in Germany, Northern Ireland, Kuwait, Bosnia, Iraq and Afghanistan.

On Saturday 25th June, together with the Lord-Lieutenant and Lord Mayor of Leicester the Chairman attended Armed Forces Day in Leicester City. The parade was made up of service personnel, veterans, and cadets through the streets of Leicester. Following the parade there was an outside 'Drumhead Service' in Green Dragon Square. The Chairman said it was a very moving occasion.

Green Plaque

Last month the Chairman had the honour of unveiling a Green Plaque in honour of Fanny Deacon who was at the time the first woman in Britain to qualify to register as a pharmacist. Fanny first registered as a chemist and druggist with the Pharmaceutical Society in 1869, but as a woman she was not allowed to become a member until 1879.

The Chairman said it was a great honour to unveil the plaque.

Summer Reception

The Chairman announced that he would be hosting his summer Reception at Beaumanor Hall on Thursday 28th July at 6.30 p.m. All Members had been invited and the Chairman hoped that all would be able to join him.

County Service

The Chairman confirmed that he would be hosting a County Service later in the year and all Members would receive an invitation in due course.

12. 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 18th May 2022, copies of which have been circulated to members, be taken as read, confirmed and signed.”

13. 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.

No such declarations were made.

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

(A) Question by MR CHARLESWORTH

“How many of the Members Highway Fund projects have been delivered in each ward across the county? The reason I ask is because despite having over £20,000 worth of projects approved, not one has been delivered in the East Wigston ward.”

Reply by MR O'SHEA

"To date a total of 31 schemes have been delivered through the Members Highway Fund. "Delivered" refers to any scheme which has completed either through installation or grant transfer being issued.

A breakdown of the schemes is presented below, according to district/ electoral division.

District/Electoral division	Requests completed
HINCKLEY AND BOSWORTH	
Markfield, Desford & Thornton	1
Market Bosworth	2
NORTH WEST LEICESTERSHIRE	
Ashby De La Zouch	7
Coalville South	1
Forest & Measham	2
HARBOROUGH	
Gartree	1
Launde	2
Lutterworth	1
Broughton Astley	3
Bruntingthorpe	1
Lutterworth	1

BLABY	
Stoney Stanton & Croft	2
Narborough	1
OADBY AND WIGSTON	
Oadby	1
Wigston East	2
CHARNWOOD	
Hathern	1
Thurmaston	1
Anstey	1
Total	31

With regard to schemes in Wigston East the position is as follows: -

District	Location	Request	Status
OADBY & WIGSTON	Wigston, Welford Road	Bin	Works Completed – 23 June 2022
OADBY & WIGSTON	Wigston, Welford Road	Benches	Works Completed – 23 June 2022
OADBY & WIGSTON	Wigston, Welford Road	Village gateway	Works ordered (21 June 2022) awaiting scheduling
OADBY & WIGSTON	Wigston, Welford Road	Current VAS sign not working, needs repairing. Another VAS sign needed for opposite direction.	Feasibility Design

There are currently 93 schemes which are in the “delivery stage”. This refers to any scheme where the works have been ordered or design and/ or feasibility work is taking place.

Once works have been ordered and depending on the nature and scope of works, there can be a three-month lead time prior to the work being scheduled.

These remaining 93 schemes will be delivered this financial year.

The timescales involved in delivering the first year of the MHF initiatives have been due to a number of factors. The MHF scheme was not approved until June 2021 with many Members not being able to discuss options with their communities until September 2021. This meant that many scheme requests were not finalised until nearer the end of the financial year. This, along with current recruitment issues for the necessary additional resource for delivery, has meant that the majority of the schemes for 2021/22 fund are scheduled to be delivered in the current financial year.”

(B) Question by MR CHARLESWORTH

“Earlier this year there was a case at the high court between Somerset County Council and NHS Somerset Clinical Commissioning Group and others. This case was as a result of a previous case at the Court of Appeal in May 2021, when in the course of proceedings it became clear that there had been a breach of the Adoption Agencies Regulations 2005 with respect to a decision made by a local authority, acting as an adoption agency, to apply for an order authorising a child’s placement for adoption. The breach involved a failure to obtain a report on the child’s health or have advice from the agency medical adviser that such a report was unnecessary. In addition the ‘child permanence report’ did not include a medical summary written by the agency medical adviser.

The result of the May 2021 case and another in November 2021 had caused other local authorities to review their own position with the result that a number identified the same, or similar, breaches of the medical elements of the Adoption Agencies Regulations 2005.

Could the Leader please advise:

1. Has Leicestershire County Council undertake a review of its position concerning Adoption Agency Regulations 2005?
2. Did this identify any breaches or potential breaches?
3. If so, what action has been taken?"

Reply by MRS TAYLOR

- "1. The County Council, alongside our Regional Adoption Agency (RAA) partners, has undertaken a review of decisions made in the last 5 years (since 2017) following the judgment referred to. Since June 2017, the County Council has maintained a position that no Best Interest Decision (BID) by the Agency Decision Maker (ADM) would be undertaken without full consideration of the medical report made by the Adoption Medical Advisor. This has been applied to all cases since implementation in 2017 and the Leicestershire ADM and Adoption Agency are confident that no decision has been made without the medical report being available. A further review is ongoing to ensure a neo natal report is included in the wider medical report from the medical adviser.

There is a section within the Child Permanence Report (CPR) for the Adoption Medical Advisor's summary. However, the summary is completed for adoption planning purposes rather than court evidence. Due to confidentiality the summary is not always added to the CPR as this is filed in court. However, the ADM always has this information available to them to make the Best Interest Decision

2. One potential breach was identified in 2017 which was considered by the ADM prior to the implementation of the current decision-making regime. The ADM and Adoption Service Manager are confident that since June 2017 that there have been no further breaches or potential breaches in relation to the inclusion of a general health report from the medical adviser. However, as referred to above there may be an ongoing issue about the precise detail of neo natal information contained in these reports in some cases which is being explored further.
3. On 13th April 2022, the President of the Family Division (the most senior Family Court judge in the jurisdiction of England and Wales) provided case law guidance on the implications of the Somerset Judgement. His judgement makes it clear that it is not necessary for local authorities who may have failed to provide a medical report in the terms required by the Regulations to apply to the court for a declaration that any placement orders made in such circumstances are valid. However, this does not mean that such orders cannot be challenged, for example by a birth parent. It should be noted that it is very unlikely that any challenges would be successful, particularly where the lack of compliance had not been drawn to the attention of the court before making the order. In response to this ruling the RAA made the decision not to audit cases where orders were made more than 5 years ago.

To enhance the robustness of the process the Adoption Panel Advisor now includes the exact legal wording of the relevant Regulations in the material that is completed as an aide-memoir and will include a check list for recording whether these have been complied with in full.

In relation to the neo natal information required within the medical report provided by the adoption medical advisor, as mentioned above, a review of relevant cases will take place. If any omissions are identified, this information will be sought from the relevant health authorities (to the extent that this is reasonably practicable) and this will be included in the child's records by way of an addendum report if necessary.

(C) Question by MR HUNT

- “1. In relation to setting priorities the Net Carbon Zero Draft Strategy states that ‘the transition to net zero will include approaches which follow the ‘carbon reduction hierarchy’. “Although all policy levers will need to be used to achieve net zero by 2045, the focus will be on those actions which have the largest impact on emissions.” and “The aim is to always look for solutions at the top of the ‘mitigation hierarchy’ to address carbon emissions, in preference to those at the bottom”. In plain English would that mean that we will tackle the worst cases first by eliminating them, or failing that, reducing their effect?
2. With five sets of Lead Actions (put briefly as: Sustainable Transport, Reduced demand for Energy, Green Economy, Community Involvement and Nature & Land Use) would the Leader encourage all members to read the Draft Net Carbon Zero Strategy and submit their own specific priorities within the Lead Actions before the consultation closes in less than three weeks?
3. The consultation states that as a leading organisation the County Council aims to lead by example, could the Lead Member suggest some ways in which he and other members can personally lead by example in each of those areas?
4. Could he suggest similar ways in which Town and Parish Councils can take up the challenge?
5. Adair Turner said last week that “the simple fact remains that one of the biggest things that ordinary citizens can do to reduce their climate impact is to significantly reduce red meat consumption”; this as obvious so-call co-benefits, but would he agree and what other big things would he recommend to ordinary citizens?”

Reply by MR PAIN

- “1. The Net Zero Strategy and Action Plan prioritises action based on the Science Based Target's Mitigation Hierarchy. In short, the greatest priority would go to actions/projects which aim to prevent emissions directly at their source, for example swapping a car or bus journey for cycling or walking.

Where it is not possible to eliminate the emissions directly from their source, the next approach seeks to reduce them (e.g. by improving energy efficiency of buildings, resulting in less energy being used and carbon emissions generated).

Where energy still needs to be used, the third approach looks at how we can substitute what is used for renewable energy or low carbon technology (e.g. solar panels or heat pumps), further lowering the County's emissions.

These first three approaches aim to lower Leicestershire's emissions considerably by 2045 in line with best practice. For emissions which are unable to be tackled by these three approaches, 'residual emissions', the approach would then look at how they can be compensated for, through actions to remove carbon from the atmosphere (e.g. local action to absorb carbon from the atmosphere) and as a last resort, carbon offsetting in other localities.

In addition to this hierarchy, we aim to prioritise actions which can have the greatest impact on carbon emissions, to ensure that we reduce carbon as quickly and efficiently as possible.

2. An All Member Briefing was held on 24 May to inform Members about the draft Strategy and Action Plan. Members were encouraged to participate in the consultation and share the consultation with their networks and constituents.

The consultation invites respondents to comment on "what extent do you agree or disagree that we have identified the right strategic themes on which to base the Strategy?" and "How important, if at all, do you think the following strategic themes are in achieving net zero?", as well as further questions around the specifics of each theme (objectives, actions and priorities).

The consultation closes on 26th July and further engagement with the public and stakeholders is planned for the duration of the Strategy and Action Plan delivery period.

3. Leicestershire County Council has reduced its carbon emissions by 73.6% since 2008/09. The Council continues to deliver a range of projects and activities that cut carbon, including investing in renewable energy, energy efficiency of our buildings and low carbon fleet.

Page 61 of the draft Strategy and Action Plan lists 10 actions that individuals can take to support the transition to net zero. These include changes to our travel habits, saving energy and using cleaner sources of power, encouraging wildlife in our gardens and local neighbourhoods by planting trees and providing wildlife-friendly areas, thinking careful about what we buy, producing less waste and reusing and recycling more.

4. Town and Parish Councils are an important stakeholder in Net Zero Leicestershire and Net Zero will form one of the key workshops at the next Parish Council Liaison Event, taking place on 4th July. The workshop aims to address how Parish Councils can support Leicestershire's net zero ambition and work in partnership.

Some areas where Town and Parish Councils can support net zero include:

- Consider the climate change impact of decisions and within Neighbourhood Plans (including renewable energy generation, tree planting, nature recovery, active travel routes and new development considerations).
- Lead by example by using low carbon transport, using renewable energy, minimising waste going to landfill, managing land and improving the energy efficiency of buildings within their own operations.

- Support the local area in becoming a climate friendly community and encourage residents to take practical action to reduce their own emissions.

The National Association of Local Councils (NALC) provide additional guidance to Town and Parish Councils on their role in supporting Net Zero. See NALC's [What Can Local Councils do on Climate Change webpages](#) and publication.

5. The draft Strategy and Action Plan identifies over 150 actions which can support the transition to a Net Zero Leicestershire. Following a more climate friendly diet by increasing plant-based foods and sourcing local produce is just one of the ways we can tackle carbon emissions.

In Leicestershire, the biggest proportion of emissions come from transport at 46% and domestic energy consumption at 24%, so it is important that we look at the ways we travel and use energy as well as other climate friendly behaviours.

Advice to help you travel more sustainably and use more low carbon transport options can be found through the [Energy Saving Trust here](#).

Advice for lowering your energy bills, reducing emissions and improving the energy efficiency of your home can be found through the [Energy Saving Trust here](#)."

Mr Hunt asked the following supplementary question on the response to part 1:

"My first supplementary question is about priority as for any Strategy being clear on its priorities is essential. I ask for clarification of what is meant, as I found it difficult to understand. I have been given five paragraphs, when I was hoping for simplification. The first paragraph states the priority is to 'prevent' emissions directly at their source, but in the final paragraph it says the priority should be those actions which have the 'greatest impact' on carbon emissions. These are two completely different prioritisations. Can the Lead Member clarify this as this is not understandable?"

Mr Pain replied as follows:

"I am not quite sure what point Max is raising and so I will ask officers to contact Mr Hunt to address the nuance that he raises in respect of the response to his question 1."

[Subsequent to the meeting a response was provided to Mr Hunt as follows: "The response to Mr Hunt's question 1 described the mitigation hierarchy – first eliminating emissions where possible, before seeking efficiencies, then switching fuel sources and finally absorbing more or offsetting any remaining emissions. The response went on to describe that, in addition to this hierarchy, we will seek to prioritise actions that have the biggest carbon reduction. Thus, actions which eliminate a large proportion of emissions will be prioritised initially (for example, promoting active travel), followed by actions which improve efficiency of a large proportion of emissions (for example, domestic insulation projects) and so on.]

Mr Hunt asked the following supplementary question on the response to part 3:

“This is a question asking what he, the Lead Member, and other members might do to set a good example and I was referred to page 61 [of the draft Strategy]. I was disappointed that the Lead Member didn’t have an example to give us. If you go to page 61 the examples would be suitable for a child. But for a member, let alone a Lead Member, we really wanted some strong examples and I wondered if he could perhaps give further thought to this that would help to tell people how important this Strategy is going to be.”

Mr Pain replied as follows:

“I am very happy to tell the Council of the types of things I’m personally doing to contribute to a reduction in climate change. I have been on Facebook live and done numerous interviews on this and so feel I have put myself out there and am trying to lead. The Strategy is clear about measures people can take. On a personal level I walk more and use my car less, I am conscious of my energy consumption at home, I turn the temperature down and I wash my clothes at a suitable temperature. I consider one of the best things people can do is plant a tree because they sequester carbon.”

(D) Question by MR GALTON

“Would the Leader please inform the Council of the response received from each of the Leicestershire MPs to his letter of 26th May about the Council’s worsening financial situation. Please include the date a response was received and an outline of what each MP said.

Given the urgency of the situation and that the prospect of any changes to the funding formula appear very unlikely what further action is the Leader proposing to persuade the Government that something needs to be done to address the chronic underfunding of local services in Leicestershire.”

Reply by MR RUSHTON

“The responses, mostly verbal, have led to a meeting between the Deputy Leader and I with all the Leicestershire MPs before the Parliamentary recess later this month.”

Mr Galton asked the following supplementary question:

“Thank the Leader for his answer and note he’s going to have a meeting with MP’s. Given the seriousness of the situation, what is the key message he’s going to be giving the MP’s and again, given its seriousness, would he agree to report back to members on the outcome of that meeting either by way of an information item to members or perhaps through the Scrutiny Commission?”

Mr Rushton replied as follows:

“We are meeting the MP’s, two are scheduled for 14th and 15th July, I think. The key message will be the frightening financial predicament we are in and I refer to this in my Position Statement where I emphasise and Mr Breckon will tell you, that in the 25

years I've been a member here I've never seen the finances look so poor and having to instruct officers to start thinking of ideas for substantial cuts for savings which are going to have to be introduced after summer. These are the sorts of messages I'm going to have to tell them. We are not joking, things are dire here. As you know, 85% of our budget is statutory and it's a worry for me that 15% that is not statutory is where we will have to make the savings. I will certainly be telling them that, Mrs Taylor will be joining me as well, and of course I will report back to both opposition leaders."

15. POSITION STATEMENTS UNDER STANDING ORDER 8.

The Leader gave a position statement on the following matters:

- Medium Term Financial Strategy
- Cost of Living
- Ukrainian Guests
- Electric Vehicle Charging Points
- Quorn Solar Farm
- Pride Week
- Queens Award for Voluntary Service
- Census 2021

A copy of the Position Statement is attached.

16. REPORT OF THE SCRUTINY COMMISSION

(a) Overview and Scrutiny Annual Report 2021/22

It was moved by Mr Mullaney, seconded by Mrs Page and carried:

"That the information contained in the Overview and Scrutiny Annual Report 2021/22, attached as Appendix A to this report, on its activities, be noted."

17. TO CONSIDER THE FOLLOWING NOTICE OF MOTION:

(a) Smoking

It was moved by Mr Mullaney, seconded by Mrs Richardson, and carried:

"1. That this Council notes that:

- a) preventable disease continues to have a massive impact on the public's health, the NHS and the economy;
- b) tobacco is the biggest preventable cause of cancer and death in the UK;
- c) decades of comprehensive policy action have meant adult smoking prevalence in the UK in 2019 was at a record low at 14.1%, but this masks significant inequality;
- d) the smoking rates in Leicestershire at 12.0% are slightly below

average but still constitute a significant proportion of the local population;

- e) differences in smoking rates make it one of the leading drivers of health inequality, responsible for half the difference in life expectancy between the lowest and highest income groups in England;
- f) through their public health duties, local authorities are responsible for improving the health of their population and do this through services such as stop smoking services and wider tobacco control activities.

2. That this Council:

- a) Believes that local government must be adequately resourced to fulfil their public health duties;
- b) Supports Cancer Research UK's calls for a Smokefree Fund (a fixed annual charge on the tobacco industry, making the tobacco industry pay for the damage their products cause) to fund local tobacco control work, and urges the UK Government to consider implementing a Smokefree Fund as part of its efforts to tackle health disparities."

2.00 pm – 3.33 pm
06 July 2022

CHAIRMAN