

**MINUTES OF THE MEETING OF THE LEICESTERSHIRE COUNTY COUNCIL
HELD AT COUNTY HALL, GLENFIELD ON WEDNESDAY, 22 FEBRUARY
2017**

PRESENT

Mr. W. Liquorish JP CC (in the Chair)

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, Mrs. R. Camamile CC, Mr. M. H. Charlesworth CC, Mr. J. G. Coxon CC, Mrs. J. A. Dickinson CC, Dr. T. Eynon CC, Dr. R. K. A. Feltham CC, Mrs. J. Fox CC, Mr. S. J. Galton CC, Mr. D. A. Gamble CC, Mr. S. J. Hampson CC, Mr. G. A. Hart CC, Dr. S. Hill CC, Mr. Dave Houseman MBE, CC, Mr. Max Hunt CC, Mr. D. Jennings CC, Mr. J. Kaufman CC, Mr. A. M. Kershaw CC, Ms. K. J. Knaggs CC, Mr. P. G. Lewis CC, Mrs. H. E. Loydall CC, Mr. K. W. P. Lynch CC, Mr. J. Miah CC, 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. A. E. Pearson CC, Mr. T. J. Pendleton CC, Mrs. P. Posnett CC, Mrs. C. M. Radford CC, Mr. J. B. Rhodes CC, Mr. T. J. Richardson CC, Mrs. J. Richards CC, Mr. N. J. Rushton CC, Mr. R. Sharp CC, Mr. S. D. Sheahan CC, Mr. R. J. Shepherd CC, Mr. E. D. Snartt CC, Mr. L. Spence CC, Mr. D. A. Sprason CC, Mr. G. Welsh CC, Mr. E. F. White CC, Miss. H. Worman CC, Mr. M. B. Wyatt CC and Mr. L. E. Yates CC

43. CHAIRMAN'S ANNOUNCEMENTS.

Mrs Dorothy Pickering

The Chairman was delighted to announce that Mrs Dorothy Pickering, Head Dinner Lady at Mercenfield Primary School had been awarded a British Empire Medal (BEM) as part of the New Year Honours List.

Members joined the Chairman in offering congratulations to Mrs Pickering for this well-deserved national recognition of her work in the community of Markfield.

Visitors

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

44. MINUTES.

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

“That the minutes of the meeting of the Council held on 7th December 2016, revised copies of which have been circulated to members, be taken as read, confirmed and signed.”

45. 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 who were members of District and Borough Councils and/or School Governors declared a personal interest in relation to the Medium Term Financial Strategy 2017/18 – 2020/21.

Dr Eynon declared a person interest in those parts of the MTFs which affected the NHS as she was a salaried GP (minute 47 refers).

There were no other declarations.

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

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

- "1. How much did the failure of the TLC Help to Live at Home contract cost this Council in staff overtime and time off in lieu?
2. What lessons has this Authority learned from this experience regarding its contracting and commissioning processes?"

Mr Houseman replied as follows:-

- "1. The Council will be calculating the cost to it in officer time in managing the failure of TLC to deliver care. As the Council is currently in legal dispute with TLC, information about such costs is considered commercially sensitive and cannot therefore be disclosed at this time.
2. Similarly, the Council will conduct a "lessons learned" exercise following resolution of the current ongoing dispute with TLC."

Dr Eynon asked the following supplementary question:-

"I understand the issues in the answer but I'm aware learning lessons from significant events ideally take place whilst matters are still fresh in people's minds and I would like the Lead Member to assure this Council that timely review exercises are in fact taking place and that the learning from these will be available for Scrutiny and dissemination as soon as the legal dispute referred to is resolved."

Mr Houseman replied as follows:-

"Thank you very much for the question Dr Eynon. I agree with the points you are making. Of course the matter hasn't been resolved yet that we were referring to in the reply but we did hold a Help to Live at Home Learning and Recognition event at Beaumanor Hall on the 20th January 2017. I took the opportunity to thank the staff for the work that they had done before, during and after Christmas because of the problems with Help to Live at Home, which are in some cases still ongoing, and there will be a report from that

event as to what the staff themselves thought. I found it very useful, I got a far better understanding of the problems from their view point and we would be very pleased to share that information with you in due course.”

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

"As this Council implements its Workplace Wellbeing strategy with the aim to reducing absenteeism, how much investment has gone into procuring external sickness-absence management solutions for the next financial year?"

Mr Rhodes replied as follows:-

“As reported to Employment Committee, the Council is contracting with an external company who will from April 2017 provide an absence triage service.

The pilot is based on just over 1430 people, and a monthly charge per person of £3.10, the contract value is approximately £53,000.

Based on experience, the company is confident that sickness levels in the pilot areas will reduce, and the predicted savings for year 2 are in excess of the cost”.

Dr Eynon asked the following supplementary question:-

“I would like to ask how will the effectiveness of this investment be evaluated beyond that mentioned. Will this include measures of staff morale, productivity and turnover?”

Mr Rhodes replied as follows:-

“I think I’ve got to look into that in a little bit more detail. We’ve made the contract with this company and they will find what they find and we will look into everything that we need to in order to bring about a situation where we start to reduce the level of absenteeism.”

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

“Would the Leader tell Council:

1. For each financial year since 2011/12:-
 - (a) What funds have been applied to meet demands for road safety projects (e.g. to address speeding, increase safety for pedestrians and cyclists, or reduce risk of collisions) on the county's road network, excluding safety provisions within capital road projects?
 - (b) How many dedicated road safety projects were these funds applied to?
 - (c) How many road safety project assessments were made and

how many resulted in action being taken?

2. When did the Road Safety Partnership become active in determining which projects went forward and which did not?"

Mr Osborne replied as follows:-

"1(a) The majority of physical road safety engineering schemes are funded as capital road projects within the Council's capital programme. The investment in these schemes totals in excess of £20 million over the past 5 years. In addition, the Council has been successful in securing in excess of £5m Local Sustainable Transport Fund which also encourages safe walking and cycling throughout Leicestershire.

Revenue funding for road safety projects is limited to minor traffic engineering schemes (such as changes to speed limits, signing or lining schemes), road safety education, community speed watch and school crossing patrols.

£4,465,046 has been spent on revenue funded road safety activity between 2011/12 and 2015/16 as detailed below:

	2011/12	2012/13	2013/14	2014/15	2015/16
Road Safety Education, covering more than 20 projects each year including Bikeability cyclist training, pedestrian training, pre-driver days, motorcyclist safety and the older driver programme SAGE.	175,000	148,000	176,000	158,000	136,000
Community Speed Watch, typically 30 schemes run each year helping communities to tackle speeding concerns.	47,319	52,894	53,906	52,000	38,000
School Crossing Patrol Service, over 100 sites helping thousands of children and parents on the school journey each day.	351,000	345,000	370,000	355,000	311,000

Minor Traffic Management Programme - Traffic management budget. Average 25 schemes per year	259,000	335,000	500,927	336,000	265,000
Total	832,319	880,894	1,100,833	901,000	750,000

1(b) On average these funds were applied on the following per year:

- Road Safety projects: 25 per annum
- Road safety Education projects: 20 per annum
- Community Speed Watch: 30 per annum
- School Crossing patrols: Over 100 sites

1(c) During the period 2011/12 to 2015/16, 176 road safety investigations were undertaken resulting in a total of 52 projects being taken forward into capital programmes.

Year	Road safety assessments	Schemes that have resulted from those investigations
2011/12	47	14
2012/13	34	12
2013/14	35	13
2014/15	37	8
2015/16	23	5
Total	176	52

2. The Leicester, Leicestershire and Rutland Road Safety Partnership is not active in determining which projects are taken forward by the County Council. The Partnership operates and maintains Safety Cameras throughout Leicester, Leicestershire and Rutland area and reinvests any surpluses from the associated driver education workshops in road safety activity across the LLR partnership area.”

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

“The Leader will no doubt be aware of the recent appalling case of a horse being dumped on the roadside near Skeffington and left to die in freezing

conditions. Sadly this is not the first time a horse has been dumped either dead or alive in my Division and other members may be aware of similar callous acts in their areas.

Could the Leader please clarify:

1. The County Council's responsibilities with regard to dead or abandoned horses found on:
 - the public highway?
 - private land?
2. Could the Leader also advise on the duties and responsibilities of other agencies such as district councils, Defra etc. in relation to dealing with such incidents?"

Mr Osborne replied as follows:-

- "1. The County Council has powers under the Control of Horses Act 2015 to seize and remove horses on the public highway. We would usually try to identify the owner and encourage them to remove the animal in the first instance as using our formal powers is likely to lead to the seizure and disposal of the animal and the recovery of all costs from the individual.

In terms of dead horses or other animals on the highway, the County Council's responsibility is to ensure that the location is made safe whilst the removal of the animal is arranged by the relevant District Council under their statutory duties.

On private land the Animal By-Products (Enforcement) (England) Regulations 2013 regulate the disposal of animal by-products. A person who fails to dispose of a dead horse without undue delay and by an approved method commits an offence.

The County Council's Trading Standards Service is the appropriate enforcement authority. However, an investigation often fails to identify the perpetrator and the landowner, in some cases the local authority, will inevitably incur the cost of an appropriate disposal.

2. The Horse Passport Regulations 2009 require a foal to be microchipped before it is six months old. This is done through a passport issuing organisation (PIO). There are around 80 PIOs, but no central register, making it extremely difficult for an enforcement agency to identify current registered owner details. The accuracy of the system relies on details being kept up to date as a horse changes ownership. The County Council does not bear a statutory responsibility to carry out spot checks to ensure horses are microchipped. It is often the case that a dead horse found in these circumstances will have no identifying microchip. Whilst these regulations fall within the trading standards remit, new EU regulations aimed at revising horse identification controls were introduced

recently, rendering the existing regulations unenforceable. Parliament has yet to introduce domestic legislation to implement the new EU regulations.

The County Council's Trading Standards Service Animal Health Team investigate and when appropriate, institute proceedings for breaches of animal welfare legislation, but this enforcement role is primarily concerned with farmed animals within the food chain. However, when officers are made aware of non-farm welfare issues, matters will be referred to Leicestershire Police, RSPCA, and World Horse Welfare as appropriate."

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

"Is the Leader aware of the frustration and annoyance felt by local residents in my division and in many other divisions at the inadequate enforcement of weight restrictions on local roads, due to a lack of police resources?"

Is he also aware of the LGA call for councils to be given the ability to enforce weight restrictions where there are hotspots of abuse in communities by issuing fines, and will he commit the County Council to back this call and urge the Government to enact the necessary secondary legislation to bring the relevant powers contained in the Traffic Management Act 2004 (part 6) into force in England?"

Mr Osborne replied as follows:-

"I am aware of the concerns regarding enforcement of weight restrictions in many other divisions across the County. I share the frustration that as a Council whilst we may be able to make many restrictions to benefit our residents we are unable to enforce them.

I am aware and fully support the LGA's call for the Government to enact fully the powers contained in the Traffic Management Act 2004 (part 6) so that Councils have the necessary powers to take enforcement action where necessary.

I also fully endorse the LGA in its drive to ensure lorry drivers use commercial Sat Navs. Commercial Sat Navs include weight restrictions, low bridge heights, width restrictions and roads unsuitable for HGV traffic and will route the HGV traffic on the most appropriate road. This would help alleviate the level of infringement of restrictions on the road network currently being experienced not only in Leicestershire but across the country."

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

"From April 2017, employers with a payroll in excess of £3million will be affected by the national Apprenticeship Levy which will amount to 0.5% of the total payroll.

(a) Is the Leader aware that for Community and Voluntary Controlled

Schools, where the County Council is the employer, the payroll costs are aggregated and therefore these schools will be affected, whereas Voluntary Aided Schools, Stand Alone Academies and smaller Multi Academy Trusts (MATs) would be exempt as their payroll is likely to be below the £3m threshold and that this will result in them being treated differently compared to other schools?

- (b) Could the Leader please advise me as to what measures the County Council could take to ensure that our Community and Voluntary Controlled Schools are not unfairly disadvantaged?"

Mr Rhodes replied as follows:-

"I am aware of the forthcoming Apprenticeship Levy. Officers have been working on what it means for the Council and for schools, and looking at opportunities to increase the number of Apprenticeships across a range of vocations and professional areas.

- (a) In summary, the position related to schools and academies, who have received a briefing note on the arrangements, is as follows:

Community schools (including voluntary controlled schools) - local authorities will typically be responsible for paying the levy in community schools they maintain, where the local authority employs the staff. We expect the cost of the levy to be passed on to schools. Where the local authority is the employer, schools will have access to funding for apprenticeship training.

Foundation and voluntary aided schools - typically employ their own staff so they will be responsible for paying the levy.

Standalone academies - The Trusts of standalone academies will typically be responsible for paying the levy where they are the employer. Academies that are part of multi-academy trusts - generally employ the staff in their academies, and will be responsible for paying the levy.

In relation to small employers, including small academies and multi academy trusts, the government will pay 90% of the cost of apprenticeship training and assessment for employers that have a pay bill of less than £3m and who have used all the funds in their digital account. The employer will be required to pay the remaining 10%.

- (b) To ensure that that Community and Voluntary Aided schools are not disadvantaged following the implementation of the Levy and their financial contribution to it, they will be able to access funding from the levy where they identify feasible apprenticeship opportunities.

The County Council is currently a provider of apprenticeships to some of our Community and Voluntary Aided schools with the cost incurred, coming from the school's budget. Following the levy, the funding will come from the County Council's Levy account.

Officers will be running briefings for maintained schools in March to identify where apprenticeships can add value to them and to discuss the increased vocational range of apprenticeships which will be available to them. These include new apprenticeships for both teaching assistants and teachers.

The Government wants local authorities and schools to work together, using the levy to meet skills gaps and plan future workforce needs, this is an approach that the Council is committed to, following the implementation of the levy.”

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

“I have been informed a Blaby District service user who states that carers were brought in from as far as Southampton and Warwick to deal with the problems experienced at the launch of the Help to Live at Home (HTLAH) Scheme. Can the Leader:-

1. Provide a full list of those providers who were commissioned by Help to Live at Home to meet the needs of service users and who experienced difficulties in delivering to the service they were contracted for?
2. Confirm whether it's true that carers have had to be drafted in from all over the UK to care for service users in Leicestershire as a result of this?
3. Reveal how much Leicestershire County Council had to pay in travel and accommodation costs for these carers?”

Mr Houseman replied as follows:-

- “1. The appointed providers were identified on the map showing the lots covered by each provider, which was issued along with the HTLAH stakeholder bulletins circulated to all members during November 2016. The stakeholder bulletins and answers provided to the question raised at the last County Council meeting refer to the operational difficulties experienced during the mobilisation period. A further copy can be provided to Mr Charlesworth if required.

We are aware operational difficulties affected a number of locations during the mobilisation period, including the Blaby area. These were due to problems with recruitment in specific locations, and the impact of the contingency plan we needed to enact for the lots that were vacated by the provider, TLC. This meant all available staff resources across Leicestershire were stretched to capacity during the first few weeks of the service.

2. It is a matter for each provider as to how they resource the services they have been contracted to provide. We are aware that in the early stages of the contract, due to the reasons noted above, some providers brought staff in from other parts of their business to support the mobilisation of the new contract in Leicestershire.

3. The Council has not been asked to pay for these costs, nor would it be appropriate for providers to make this request. Again it is a matter for the providers themselves should they need to cover such costs in delivering the service.”

47. TO CONSIDER A BUDGET REPORT OF THE CABINET AS FOLLOWS:-

(a) Medium Term Financial Strategy 2017/18 - 2020/21.

Mr Rhodes, with the consent of the seconder of the motion, sought and obtained the agreement of the Council to move the following altered motion:-

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

- “(a) That, subject to the items below, the MTFs which incorporates the recommended revenue budget for 2017/18 totalling £348m as set out in Appendices A, B and E of this report and including the growth and savings for that year as set out in Appendix C, subject to the removal of saving ET11, Public Bus Services – Revised Policy on Subsidised Transport, be approved;
- (b) That the projected provisional revenue budgets for 2018/19, 2019/20 and 2020/21, set out in Appendix B to the report, be approved including the growth and savings for those years as set out in Appendix C as amended by (a) above, allowing the undertaking of preliminary work, including business case development, consultation and equality impact assessments, as may be necessary towards achieving the savings specified for those years including savings under development, set out in Appendix D;
- (c) That it be noted that the expected savings from the outcome of the Review of Council Tax and Business Rates Collection, set out in Appendix D, will total at least £1.3m;
- (d) That further work be undertaken into the cost effectiveness of the Council’s policy on Subsidised Transport;
- (e) That the early achievement of savings that are included in the MTFs, as may be necessary, along with associated investment costs, be approved subject to the Director of Finance agreeing to funding being available;
- (f) That the level of earmarked funds as set out in Appendix J be noted and the use of earmarked funds be approved;
- (g) That the amounts of the County Council’s Council Tax for each band of dwelling and the precept payable by each billing authority for 2017/18 be as set out in Appendix K (including the adult social care precept of 2%);
- (h) That the Chief Executive be authorised to issue the necessary precepts to billing authorities in accordance with the budget requirement above and the tax base notified by the District Councils, and to take any other action which may be necessary to give effect to the precepts;

- (i) That the Director of Finance be authorised to approve changes to the Business Rates Pooling agreement, which might occur as a result of the creation of a Leicester and Leicestershire Combined Authority;
- (j) That the transfer of £2.85m from the Schools Block to the High Needs Block of Dedicated Schools Grant be approved;
- (k) That the 2017/18 to 2020/21 capital programme as set out in Appendix F be approved;
- (l) That the Director of Finance following consultation with the Lead Member for Corporate Resources be authorised to approve new capital schemes including revenue costs associated with their delivery;
- (m) That it be noted that new capital schemes, referred to in (l), are shown as future developments in the capital programme, to be funded from capital funding available;
- (n) That the financial indicators required under the Prudential Code included in Appendix L, Annex 2 be noted and that the following limits be approved:

	2017/18 £m	2018/19 £m	2019/20 £m	2020/21 £m
Operational boundary for external debt				
i) Borrowing	274.6	264.6	264.1	263.6
ii) Other long term liabilities	1.3	1.3	1.2	1.2
TOTAL	275.9	265.9	265.3	264.8
Authorised limit for external debt				
i) Borrowing	284.6	274.6	274.1	273.6
ii) Other long term liabilities	1.3	1.3	1.2	1.2
TOTAL	285.9	275.9	275.3	274.8

- (o) That the Director of Finance be authorised to effect movement within the authorised limit for external debt between borrowing and other long term liabilities;
- (p) That the following borrowing limits be approved for the period 2017/18 to 2020/21:
 - (i) Upper limit on fixed interest exposures 100%
 - (ii) Upper limit on variable rate exposures 50%
 - (iii) Maturity of borrowing:-

	<u>Upper Limit</u>	<u>Lower Limit</u>
	<u>%</u>	<u>%</u>
Under 12 months	30	0
12 months and within 24 months	30	0
24 months and within 5 years	50	0
5 years and within 10 years	70	0
10 years and above	100	25

- (q) That the Director of Finance be authorised to enter into such loans or undertake such arrangements as necessary to finance capital payments in 2017/18, subject to the prudential limits in Appendix L;
- (r) That the Treasury Management Strategy Statement and the Annual Investment Strategy for 2017/18, as set out in Appendix L, be approved including:
- (i) The Treasury Management Policy Statement, Appendix L; Annex 4
 - (ii) The Annual Statement of the Annual Minimum Revenue Provision as set out in Appendix L, Annex 1;
- (s) That the Risk Management Policy and Strategy (Appendix H) be approved;
- (t) That the Capital Strategy (Appendix G) and Earmarked Funds Policy (Appendix I) to the report be approved.
- (u) That the Director of Finance, following consultation with the Leader and Deputy Leader, be authorised to update the budget proposals to take into account new information in the Final Local Government Financial Settlement on the basis that such changes will be reported to the Cabinet and Scrutiny Commission.”

The Chairman indicated that a named vote would be recorded, as required by Government Regulations.

The vote was recorded as follows:-

For the motion

Mr Bentley, Mr Blunt, Mrs Camamile, Mr Coxon, Mrs Dickinson, Dr Feltham, Mr Hampson, Mr Hart, Mr Houseman, Mr Jennings, Mr Kershaw, Mr Lewis, Mr Liquorish, Mr Orson, Mr Osborne, Mr O’Shea, Mr Ould, Mrs Page, Mr Pain, Mr Pearson, Mr Pendleton, Mrs Posnett, Mrs Radford, Mr Rhodes, Mrs Richards, Mr Richardson, Mr Rushton, Mr Shepherd, Mr Snartt, Mr Spence, Mr White.

Against the motion

Mr Bill, Mr Boulter, Mr Bray, Mr Charlesworth, Dr Eynon, Mrs Fox, Mr Galton, Mr Gamble, Dr Hill, Mr Hunt, Mr Kaufman, Ms Knaggs, Mrs Loydall, Mr Lynch, Mr Miah, Mr Mullaney, Ms Newton, Mr Sharp, Mr Sheahan, Mr Sprason, Mr Welsh, Miss Worman, Mr Wyatt, Mr Yates.

The motion was put and carried, 31 members voting for the motion and 24 against.

2.30 pm – 4.13 pm
22 February 2017

CHAIRMAN

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