

**MEETING OF THE LEICESTERSHIRE COUNTY COUNCIL**

**WEDNESDAY, 6 JULY 2022 AT 2.00 P.M.**

**ORDER PAPER**

**EVACUATION PROCEDURE**

In the event of having to evacuate officers will be able to advise and be on hand to assist any people with disabilities.

**AGENDA ITEM NO. 1 – CHAIRMAN’S ANNOUNCEMENTS**

The CHAIRMAN will make his announcements.

**AGENDA ITEM NO. 2 – MINUTES**

(Pages 3 to 20)

The CHAIRMAN will move and the VICE-CHAIRMAN will second:

‘That the minutes of the meeting of the Council held on 18 May 2022, copies of which have been circulated to members, be taken as read, confirmed and signed.

**AGENDA ITEM NO. 3 – DECLARATIONS OF INTEREST**

The CHAIRMAN will invite members who wish to do so to make declarations of interest in respect of items on the agenda for this meeting.

**AGENDA ITEM NO. 4**

**QUESTIONS ASKED UNDER STANDING ORDER 7(1) (2) & (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
<b>HINCKLEY AND BOSWORTH</b>	
Markfield, Desford & Thornton	1
Market Bosworth	2
<b>NORTH WEST LEICESTERSHIRE</b>	
Ashby De La Zouch	7
Coalville South	1
Forest & Measham	2
<b>HARBOROUGH</b>	
Gartree	1
Launde	2
Lutterworth	1
Broughton Astley	3
Bruntingthorpe	1
Lutterworth	1
<b>BLABY</b>	
Stoney Stanton & Croft	2
Narborough	1
<b>OADBY AND WIGSTON</b>	
Oadby	1
Wigston East	2
<b>CHARNWOOD</b>	
Hathern	1
Thurmaston	1
Anstey	1
<b>Total</b>	<b>31</b>

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 13<sup>th</sup> 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](#)."

**(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 26<sup>th</sup> 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.”

**AGENDA ITEM NO. 5 – TO RECEIVE POSITION STATEMENTS  
FROM MEMBERS OF THE CABINET**

(Note: Standing Order 8 provides as follows: -

- (a) A position statement may give rise to an informal discussion by the Council.
- (b) At the conclusion of the discussion a formal motion may be moved to the effect that a particular issue relevant to the statement be referred to the Cabinet, the Commission, a Board or a Committee for consideration. This shall be moved and seconded formally and put without discussion. No other motion or amendment may be moved.
- (c) The discussion of any position statement shall not exceed 20 minutes but the Chairman may permit an extension to this period.)

**LEADER**

The Leader will make his statement.



**TO CONSIDER REPORTS OF THE  
CABINET, SCRUTINY COMMISSION, SCRUTINY COMMITTEES,  
AND OTHER BODIES**

**AGENDA ITEM NO. 6  
REPORT OF THE SCRUTINY COMMISSION**  
(Pages 21 to 54)

Principal Speakers: -  
Leader of the Opposition (Mr M T Mullaney)  
Leader of the Council (Mr N J Rushton)

(A) Overview and Scrutiny Annual Report 2021/22

MR MULLANEY will move and MRS PAGE will second: -

“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.”

**AGENDA ITEM NO. 7 - NOTICE OF MOTION**

(a) Smoking – Mr M. Mullaney CC

MR MULLANEY will move and MRS RICHARDSON will second: -

“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.