

**MINUTES OF THE MEETING OF THE LEICESTERSHIRE COUNTY COUNCIL
HELD AT COUNTY HALL, GLENFIELD ON WEDNESDAY, 8 JULY 2009**

PRESENT

Mr. R. M. Wilson CC (in the Chair)

Mr. A. D. Bailey CC, Mr. D. C. Bill 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. R. K. A Feltham CC, Mrs. J. Fox CC, Mr. R. Fraser CC, Mr. S. J. Galton CC, Mr. D. A. Gamble CC, Mr. B. Garner CC, Mr. T. Gillard CC, Mr. M. Griffiths CC, Mr. P. S. Harley CC, Mr. G. A. Hart CC, Dr. S. Hill CC, Mr. D. W. Houseman CC, Mr. Max Hunt CC, Mr. D. Jennings CC, Mr. G. Jones CC, Mr. A. M. Kershaw CC, Mr. P. G. Lewis CC, Mr. W. Liquorish JP CC, Mrs. H. E. Loydall CC, Mr. K. W. P. Lynch CC, Mr. J. Miah CC, Ms. Betty Newton CC, Mr. J. T. Orson JP CC, Mr. P. C. Osborne CC, Mr. I. D. Ould CC, Mr. M. B. Page CC, Mrs. R. Page CC, Mr. B. L. Pain CC, Mr. D. R. Parsons CBE CC, Mr. G. Partner CC, Mrs. L. A. S. Pendleton CC, Mrs. P. Posnett CC, Prof. M. E. Preston CC, Mrs. C. M. Radford CC, Mr. J. B. Rhodes CC, Mrs. J. Richards CC, Mr. P. A. Roffey DL, CC, Mr. N. J. Rushton CC, Mr. R. J. Shepherd CC, Mr. D. Slater CC, Mr. E. D. Snartt CC, Mr. D. A. Sprason CC, Mr. E. F. White CC, Mr. D. O. Wright CC and Mr. M. B. Wyatt CC

11. CHAIRMAN'S ANNOUNCEMENTS.

Visitors

The Chairman welcomed to the meeting all visitors and guests of members.

He was particularly pleased to welcome the Local Government Council Worker of the Year Award winner Andy Hollingshead and his wife Pam, who had joined him earlier for lunch.

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 17 June 2009, 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) MR BRAY asked the following question of the Leader or his nominee:

"During the recent local elections, the former County Councillors for the Burbage Castle Division made the following statement about parking problems in Hinckley town centre:-

"The Highways Authority is now starting the process of putting a residents' parking scheme in place."

Can the Leader confirm this is the case and, if so, give local residents an idea of when they can expect any scheme to be implemented?"

Mrs Pendleton replied as follows:

"Historically, dealing with parking issues in towns such as Hinckley has been undertaken on a tactical basis. Following the more strategic approach of the West Loughborough parking study, we are developing a policy framework for assessing local parking needs in urban areas across the County and this approach will be applied in Hinckley.

The implications of the Hinckley Masterplan and the development of its associated transport and parking strategy must be understood before starting any further work in relation to local parking, lorry routing or other local traffic management issues. This also applies to wider strategic highway modelling work in relation to the long term future development of the town and its infrastructure. As the Masterplanning sites come forward for development, this will necessarily affect the priority in which areas of the town are considered and schemes implemented in order to ensure that streets are properly managed and local residential areas guarded from the effects of development.

In line with this strategy and at the request of the former County Councillors for the Burbage Castle Division, officers have begun the process by starting to identify and prioritise the key areas of the town with known parking problems and developing a strategy for tackling them over the coming few years with a view to establishing a package of local traffic management measures. Such measures may include residents' parking schemes, aimed at addressing the parking problems being experienced by local residents.

Once the policy framework and the initial appraisal have been completed, we will begin a programme of local consultation and detailed parking surveys across the town. It is hoped to start engaging with local councillors in terms of policy and approach towards the end of the year."

(B) MR BRAY asked the following question of the Leader or his nominee:

"A number of residents in Hinckley town centre in congested streets such as Priesthills Road have applied for dropped kerbs to be installed to enable them to park their cars off the road on the front of their properties. This has the advantage to the residents of them being able to park near to their property and also helps reduce the number of parked cars on busy streets. Many of these applications have been refused as they do not meet current Highways guidelines. Does the Leader or his nominee agree with me that some flexibility in this area would help solve this problem, and would he please ask officers to look again at some of the applications that have already been made by residents in Priesthills Road?"

Mrs Pendleton replied as follows:

"Standards for vehicle access have been designed to ensure the safety and amenity of people using a particular street, be they residents, pedestrians or other road users.

The creation of a driveway, although creating a space for that particular householder, restricts the amount of on street parking available for general use. The amount of on-street parking generally available is further restricted where the space is parallel to the highway along the property frontage.

Historically, inconsistency in the standards applied led to the creation of private vehicle parking areas which were of restricted length or where the space was parallel to the highway along the property frontage. Many of these have subsequently become a hazard to pedestrians with parked vehicles obstructing footways and cars manoeuvring across the footway.

Whilst little can be done in the case of these historic driveways and parking spaces, the current standards have evolved over many years in the light of experience and are consistently applied to the creation of new vehicle accesses to ensure the safety of highway users and pedestrians in particular.

It is not believed that compromising the current highway standards for vehicle accesses is in the best overall interests of residents and road users and therefore I am unable to agree to Mr Bray's request."

(C) MR GRIFFITHS asked the following question of the Leader or his nominee:

"Does the Leader now accept that the best way to fulfil the needs of different community and religious groups is by cross party co-operation and County and District Council joint working?"

Mr Parsons replied as follows:

"I have always accepted that co-operation and cross-party working are important and desirable in this and other areas. However the co-operation must be effective – the parties have to have an equal desire to ensure that the necessary improvements actually happen. For example the Muslim community in Oadby had been waiting years for some practical assistance to realise their very reasonable ambition to have a meeting place. In such circumstances I will continue to ensure that the County Council gives practical assistance whenever possible."

(D) MR WRIGHT asked the following question of the Leader or his nominee:

"Following Ofsted's heavy criticism of the secondary section of the Pupil Referral Unit in its report of November 2008, could the Leader please summarise the key measures already taken to improve the performance of this service and indicate other steps that may be taken in the near future?"

Mr Ould replied as follows:

"The following action has been taken since the inspection:-

- A Local Authority statement of action and commentary on the school's post Ofsted Action Plan has been completed and was submitted to Ofsted in December 2008. This was accepted without change.
- A task group has been established led by a School Development Adviser, SEN/Inclusion. This group includes key personnel from different services within the Authority, who are co-ordinating actions. Other groups have been drawn together as necessary to facilitate some actions. This work is undertaken with the Head of Behaviour and Attendance, who reports to the Assistant Director, Targeted Services.
- A new School Improvement Partner (SIP) has been appointed to the Secondary Provision, who has experience of Special School provision.
- The Local Authority has commissioned support from a consortium of three secondary schools that are providing the role of Executive Headteachers and are taking over the leadership of the Secondary Provision for a period of at least one year. The consortium will work in conjunction with School Improvement and Targeted Services officers to implement the action plan at KS3 and KS4. The consortium will lead on all key priorities and will access specialist support from mainstream schools as necessary.

- The work of the consortium of Headteachers is facilitated by the Head of Service for Behaviour and Attendance and a School Development Adviser, SEN/Inclusion. A timetable showing which Headteachers from the consortium are taking charge of the KS3 and KS4 provision has been established.
- The Local Authority has brokered the services of a National Leader in Education from a Special School who is supporting the consortium in developing personalised learning strategies, implementing tighter behavioural recording systems and to coach the leadership of KS3 to develop monitoring and evaluation of pupils and staff.
- Local Authority services (Educational Psychology and Learning Support Team) have been commissioned to assist with the assessment of students at the KS3 and KS4 provision and with the training of staff.
- Consultants from School Improvement are involved in the training and coaching of teachers, implementation of the action plan and the further development of the curriculum in all three Key Stages.
- Initial information has been sent out to parents and carers together with information of how parents and carers will be able to give their views. Parents were also invited to attend a meeting run by the Management Committee and Local Authority.
- Training, support and development have been provided for the PRU Management Committee and champions for Attendance and Safeguarding have now been identified.

The following further action is planned:-

1. During the current Year 11 students are being supported during the Summer to ensure that in September they remain engaged in education or take up employment.
2. Plans are in place for KS4 to access a wider range of alternative provision from September, monitored by the Key Worker. A core offer of qualifications taught by Centre staff will be supplemented through this alternative provision.
3. A fourth Executive Headteacher will join the team in the Autumn Term to oversee the Centre on a daily basis. This will further accelerate the progress that is being made and ensure that the improvements are embedded in practice, building the capacity of the staff to carry out future improvements.

4. The current support given through School Improvement will continue until the Centre has been removed from Special Measures. At this point, an exit strategy will be prepared to ensure that the Centre continues to improve.
5. Plans are in place to build on the Personalised Learning Planning system to further reduce permanent exclusions from Mainstream Secondary Schools. These plans are being developed in partnership with the Area Placement Panels."

(E) MR GALTON asked the following question of the Leader or his nominee:

"Can the Leader give his assurance to all members of the Council that funding for projects and schemes will continue to be allocated on the basis of identified need and recognised priorities in accordance with the agreed plans and policies of this Council and the constraints of the Medium Term Financial Strategy, and will not be influenced by which political party represents the area concerned?"

Mr Parsons replied as follows:

"Yes. I am happy to give that assurance."

(F) MR HUNT asked the following question of the Leader or his nominee:

"Noting that Leicestershire County Council is now committed to "0% council tax increases":

1. In what years does the Leader anticipate these nil increases will occur?
2. When will the Medium Term Financial Strategy be revised to include these 0% rises, and over what planning period?
3. Where does he consider the axe will fall on services in order to meet this commitment, given that the current MTFS states: "Even with efficiency savings of £26 million assumed over the four year planning period, there is still a further savings requirement of £15.5 million by the final year"?
4. How can the people of Leicestershire be assured that the year after (or indeed before) any 0% tax increase, our tax will not rise to compensate for such a freeze?
5. Will he note that Charnwood Borough Council previously achieved a 0% rise, albeit under a Labour/Liberal coalition, without cutting services and undercutting County Council Tax rises year on year during their period of office?"

Mr Parsons replied as follows:

- "1. Based on current projections and information it is proposed to freeze council tax in 2011/12 and 2012/13. This is dependent on a Conservative Government coming to power at the next election as one of our policies is to reward those authorities who contain council tax increases to 2.5% by providing additional grant funding. This will have the impact of freezing council tax for two years.
2. The current MTFS approved by the County Council in February 2009 is based on 2.5% increase in 2011/12 and 2012/13 which would become a standstill under a Conservative Government. The current MTFS will be reviewed over the Autumn of 2009 and a new MTFS will be produced to cover the financial years of 2010/11 to 2013/14, this will include details of proposed Council Tax levels.
3. There is no doubt the recession will impact further on public finances and the level of grant resource provided by central government to councils. The Government expects the public sector borrowing requirement to be £175bn this fiscal year, many commentators believe that it could approach £200bn.

The County Council will take all necessary steps to ensure that we continue to set a budget that protects the most important services provided by the council but also delivers an affordable council tax that takes account of the prevailing rate of inflation. As a result of the central government funding position we do expect that along with the rest of the public sector we will face some difficult decisions. Planning is not proving easy in the absence of a Comprehensive Spending Review, which is not expected until after the next general election. As stated above, a new MTFS will be approved by the County Council in February 2010.

We will continue to maximise efficiency savings. It is worth reminding members we do have an excellent track record that has been recognised by the Audit Commission as we are one of only four county councils that has been assessed as achieving top marks for value for money.

4. The County Council always plans over the medium term and makes sure that financial plans are prudent, affordable and focus on key priorities. This again has been recognised by the Audit Commission as our financial management has been assessed as performing in the highest category of performing strongly. This recognition was not achieved by making short sighted decisions with our finances that could impact on the stability of the County Council.

5. I do not agree that Charnwood's financial management in this period was somehow a model to which the County Council should aspire. In the 2005 the Audit Commission assessed Charnwood's financial management and value for money as operating at minimum standards. Furthermore the 0% rise in 2005/6 was a one-off; the increase in the previous year was 6.3% with 3.5% in the following year. The increase in 2006/7 was only achieved by a substantial contribution from balances – hardly a model for sustainable budgeting.

The County Council's council tax increase has been lower than the average for counties with the same functions in 8 of the last 10 years and the level of council tax is lower than average. This is despite low funding levels with 16% less Formula Grant per head than the average for county councils (without fire services) and the lowest level of Dedicated Schools Grant per pupil (6.2% less than the average for county councils)."

Mr Hunt asked the following supplementary question on the reply to question 4:

"The Leader is not very specific about the ways in which we are going to avoid a huge increase in council tax after two years of freeze. After two years of freeze, with a notional 2.5% increase, are we not going to see an increase of 5% and more in the following years?"

Mr Parsons replied as follows:

"I feel confident that will not be the case. Two things guide us there. Firstly, the fact that we are one of the best councils in monitoring our medium term financial future and secondly, of course, there will be a Conservative Government and that will be the saviour of this County Council."

15. POSITION STATEMENTS UNDER STANDING ORDER 8.

The Leader presented a position statement on the following matters:

Local Government Council Worker of the Year Award
Go Awards
Birstall Park and Ride
'Total Place' Project
The 21st Century Councillor

The Lead Member for Children and Young People's Service presented a position statement on recent achievements.

Copies of the position statements are filed with these minutes.

16. REPORT OF THE CABINET:

(A) ESTABLISHMENT OF MULTI AGENCY TRAVELLERS' UNIT.

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

"That the County Council agrees to accept, pursuant to the Local Government Acts 1972 and 2000, the delegation of functions from Leicester City Council in relation to unauthorised encampments within the area of Leicester City and from Rutland Council in relation to unauthorised encampments in the area of Rutland, such delegation to take effect from the date of completion of the Compact Agreement as referred to in the Appendix to the report to Cabinet."

17. REPORT OF THE SCRUTINY COMMISSION:

(A) ANNUAL REPORT ON BEHALF OF OVERVIEW AND SCRUTINY BODIES.

It was moved by Mr Galton, seconded by Mr Boulter and carried:-

"That the information contained in the report of the Scrutiny Commission, on the activities of Scrutiny, be noted."

18. REPORT OF THE STANDARDS COMMITTEE:

(A) ANNUAL REPORT OF THE STANDARDS COMMITTEE 2008/09.

It was moved by Mr White, seconded by Mr Kershaw and carried:-

"That the information contained in the first Annual Report of the Standards Committee, on the activities of the Committee, be noted."

19. REPORT OF THE CONSTITUTION COMMITTEE:

(A) PROPOSED CHANGES TO THE STRUCTURE OF OVERVIEW AND SCRUTINY BODIES.

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

- "(a) That the proposed amendments to the Council's Constitution, as set out in Appendix B to the report of the Constitution Committee, be approved;
- (b) That the Independent Remuneration Panel be requested to put forward recommended changes to the Members' Allowances Scheme to reflect the proposed new structure and the new political composition of the Council, on the basis that any resultant revisions to the scheme will apply retrospectively from the date on which the new structure is adopted."

Having received an assurance from the majority party that the Liberal Democrat Spokesman on the Children and Young People's Service Overview and Scrutiny Committee would be invited to attend agenda meetings and briefings of that Committee, Mr Bill indicated that he no longer wished to proceed with the amendment set out (on the Order Paper) in his name.

An amendment was moved by Mr Max Hunt and seconded by Ms Betty Newton:-

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

'(a) That this Council recognises

- the important role that non-executive members have in developing and scrutinising policy;
- the importance for non-executive members in consistent and regular team work, advised by officers, as exists in themed scrutiny teams (eg education, social care, transport);
- the value of in depth, well supported and open scrutiny panels on topics of the day;
- the critical role of scrutiny to monitor performance, risk, tax, income and spending;
- the central position of stakeholder consultation in the development and ownership of policy;

(b) That, accordingly, it be agreed that:-

1. there be a fixed period of consultation on the proposed scrutiny arrangements with a firm timetable for final implementation reporting back through Constitution Committee to Council on 23 September 2009;
2. such consultation should commence with a presentation of fully developed proposals including clear job descriptions, support arrangements, costs etc;
3. regard should be had to experience elsewhere;

thereby giving all members of Council a chance to participate in determining the new scrutiny system for the County Council.' "

The amendment was put and not carried.

The original motion was put and carried.

20. TO MAKE APPOINTMENTS IN ACCORDANCE WITH ITEMS 11 AND 12 OF STANDING ORDER 4.

A. TO APPOINT MEMBERS OF SCRUTINY BODIES

It was moved by Prof Preston, seconded by Mr Charlesworth and carried:-

"That the membership of the Scrutiny Commission and Committees, as set out in List 'A' (attached to these minutes), be approved."

B. SPOKESMEN OF SCRUTINY BODIES

PROF PRESTON named the members shown in the second column of List 'S' as Conservative Spokesmen of the bodies as shown.

MRS FOX named the members shown in the third column of List 'S' as Labour Spokespersons of the bodies as shown.

MR CHARLESWORTH named the members shown in the fourth column of List 'S' as Liberal Democrat Spokesmen of the bodies as shown.

A copy of List 'S' is filed with these minutes.

2.30 pm – 4.59 pm
08 July 2009

CHAIRMAN