

## LINCOLNSHIRE COUNTY COUNCIL

16 SEPTEMBER 2016

### ORDER OF PROCEEDINGS

Prayers will be led by Richard Wills, Executive Director for Environment and Economy in the Council Chamber at 10.25 a.m., prior to the start of formal proceedings at 10.30 a.m.

The agenda previously circulated and published will be followed

Councillor T M Trollope-Bellew in the Chair

(Please note: There is no fire or terror alarm test planned for today, in the event of an alarm sounding, please leave by the nearest fire exit and follow the instructions of our Fire Marshalls)

Councillors are reminded that the meeting is being recorded for live broadcast via the internet. Any Councillors wishing to tweet during the Council meeting are reminded to include #LCCLive within their tweet.

### **AGENDA**

1. **APOLOGIES FOR ABSENCE**

List of apologies for absence to be read by the Chief Executive.

2. **DECLARATIONS OF MEMBERS' INTERESTS**

Councillors to announce any interests

**(NOTE - Councillors are reminded that there is no need to declare an interest if it has already been recorded on the register of disclosable pecuniary interests in accordance with the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 or if the councillor**

**has received a dispensation from the Monitoring Officer for the purpose of this meeting).**

3. MINUTES OF THE MEETING OF THE COUNTY COUNCIL HELD ON 20 MAY 2016

The Chairman to state:-

**That the minutes of the meeting of the County Council held on 20 May 2016 be approved as a correct record.**

4. CHAIRMAN'S ANNOUNCEMENTS

The Chairman to state:-

I hope you have all enjoyed the summer break and have returned refreshed.

My civic engagements since the last Council meeting have been varied and have given me the opportunity to continue visiting places throughout Lincolnshire.

I thank Rosemary for supporting me on these engagements and also the Vice-Chairman and Lady, Councillor Andrew and Lucille Hagues, for representing us at civic functions when we have been unable to attend due to other council commitments.

Thanks to all of you who attended the annual County Council Service of Dedication in the Parish Church St Michael and All Angels, Uffington. It was a most pleasurable day for me and Rosemary and from the feedback I have had I can say my decision to hold the service in my Electoral Division has been well received.

This is the last full Council meeting before the retirement of Dr Tony Hill, Executive Director of Public Health Lincolnshire. I would like to take this opportunity, on behalf of the Council to thank him for his work over the past three and a half years.

I would also like to congratulate all the Team GB Olympians and Paralympians for their successes in Rio, particularly those from Lincolnshire. It is hoped that there will be an event to celebrate their achievements, not only the medal winners but those who qualified as well.

I am pleased to report that this year's Lincolnshire Show was a huge success particularly with the County Council stand winning the Ransom Cup for Best Non-Agricultural Stand. I would particularly like to thank Mark Stoneham, the Council's Events Manager, and the Communications Team, for all their hard work with this year's Show.

On a sadder note I have to report the death of former County Councillor Larry Wells who represented the Lincoln Boultham electoral division from May 1981 to May 1993.

I will now invite Councillors and Officers to stand in silent memory

(Councillors will be given an opportunity to pay tribute).

A complete itinerary of civic engagements, since the last meeting of this Council, are available from the Civic Officer on request.

5. STATEMENTS/ANNOUNCEMENTS BY THE LEADER AND MEMBERS OF THE EXECUTIVE

The Chairman to state:

**Statements by the Leader and Members of the Executive are detailed as report reference 5.0 in the agenda previously circulated.**

Further to his Statement, Councillor B Young to refer members to the following:

Council's Pay Policy Statement – Update regarding Draft Government Regulations

The Pay Policy Committee considered a report at its meeting in July 2016, regarding the changes to be made to the Pay Policy Statement, as a result of the draft Repayment of Public Sector Exit Payments Regulations 2016, for recommendation to this meeting.

Due to delays in finalising the Regulations, the revised Pay Policy Statement cannot be presented to this meeting.

An update will be provided at a future meeting once the position is clarified.

Furthermore, it is anticipated that the Public Sector Exit Cap Regulations, due to be implemented on or around 1st October 2016 will be delayed. Again, a future update will be provided to the Council once full details are known, including how this will impact on the Council's Pay Policy.

6. QUESTIONS TO THE CHAIRMAN, THE LEADER, EXECUTIVE COUNCILLORS, CHAIRMEN OF COMMITTEES AND SUB-COMMITTEES

The Chairman to state:

**I am anxious to allow a good spread of questions across the Chamber within the time allocated. I intend to allow 45 minutes for questions. I am expecting Councillors to be disciplined because of the time available.**

**Would Councillors wishing to ask questions please indicate by pressing their button to join the queue and may I remind Councillors that once**

**you have joined the queue you do not need to press your button when I invite you to speak, or when you sit down.**

**7. REVIEW OF FINANCIAL PERFORMANCE 2016/17**

A report by the Executive Director Finance and Public Protection has been circulated.

Councillor M J Hill OBE to move:

**The County Council is recommended to:**

- 1. Note the carry forwards set out in paragraph 1.2 and 1.3 of the report, which are made in line with the Council's Financial Regulations, and approve the Information and Commissioning underspend up to 1% not being carried forward as part of the Information and Commissioning budgets but instead added to the underspends above 1% for the purposes of recommendation 2 below;**
- 2. Approve the proposed use of carry forwards of over and under spending in excess of 1% as set out in paragraph 1.4 of the report;**
- 3. Note the transfers to and from reserves summarised in Table A of this report and the position of earmarked reserves as at 31 March 2016 summarised in Table B of the report;**
- 4. Note the position in relation to general reserves set out in paragraph 1.8 and Table C of this report; and**
- 5. Note performance against the Prudential Indicators for 2015/16 as set out in paragraphs 1.10 to 1.11 and Table D of the report.**

Councillor M A Whittington to second

An amendment by the Labour Group has been received as follows:

Councillor R B Parker to move

Summary: To amend the amount recommended to be transferred to the Financial Volatility Reserve by £3.5 million and instead to use that funding to create a

- a Household Waste Recycling Centres reserve - £0.5m
- a Adult Care Services Cost Pressures Reserve - £1.5m
- a Children's Services Cost Pressures Reserve - £1.5m

Page 96 – Recommendation 3 – add the words 'as amended' after both Table A and Table B.

Page 71 – 1.4 – first bullet point, first sentence - amend year end transfer to £9.675m from £13.175m.

Page 71 – 1.4 – fourth bullet point – add three new reserves as follows:

Household Waste Recycling Centres reserve - £0.5m

Adult Care Services Cost Pressures Reserve - £1.5m

Children's Services Cost Pressures Reserve - £1.5m

Page 72 – Table A – Other Earmarked Reserves block – add the three new reserves as follows:

Household Waste Recycling Centres reserve - £500,000

Adult Care Services Cost Pressures Reserve - £1,500,000

Children's Services Cost Pressures Reserve - £1,500,000

Page 72 – Table A – amend the figure in the Financial Volatility Reserve line from £8,011,183 to £4,511,183.

Page 73 – Table B – Earmarked Reserves block – add the three new reserves as follows:

Household Waste Recycling Centres reserve - £500,000

Adult Care Services Cost Pressures Reserve - £1,500,000

Children's Services Cost Pressures Reserve - £1,500,000

Page 73 – Table B – amend the Financial Volatility Reserve line from £23.623m to £20.123m.

Councillor J D Hough to second

8. BUDGET UPDATE – EFFICIENCY STRATEGY AND PLAN PLUS FLEXIBLE USE OF CAPITAL RECEIPTS

A report by the Executive Director Finance and Public Protection has been circulated.

Councillor M J Hill OBE to move:

**It is recommended that the Council:**

- 1. Approves adoption and publication of the Efficiency Plan attached at Appendix A of the report as the Council's Efficiency Plan for the purposes of applying for a four year settlement and the Council's Flexible Use of Capital Receipts Strategy for 2016/17;**
- 2. Notes the effect of the above Flexible Use of Capital Receipts Strategy on the Council's Prudential Indicators for the period 2016/17 to 2019/20 as set out in Appendix A of the report; and**

**3. Approves acceptance of the offer of a four year funding settlement from government (for the period 2016/17 to 2019/20).**

Councillor M A Whittington to second

**9. CHANGES TO THE CONSTITUTION**

A report by the Monitoring Officer has been circulated:

Councillor Mrs J Brockway to move:

**The Council approves the changes to Part 2 and Part 3 of the Council's Constitution set out in Appendix A and B of the report respectively to take effect from 17 October 2016.**

Councillor Mrs P A Bradwell to second

**10. MOTIONS ON NOTICE SUBMITTED IN ACCORDANCE WITH THE COUNCIL'S CONSTITUTION**

The Chairman to state:

**Members are reminded of the Rules of Debate. These are set out below:**

**(i) Rule 13.5 (When a Councillor may speak again)**

A Councillor who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) In exercise of a right of reply;
- (b) on a point of order or information; and
- (c) by way of personal explanation.

**(ii) Rule 13.9 (Right of reply)**

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote;
- (b) if an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it; and
- (c) the mover of the amendment has no right of reply to the debate on his or her amendment.

The motions are listed in the order in which they were received. The Chairman may determine the order of debate in consultation with Group Leaders.

(1) Motion by Councillor R Wootten

Councillor R Wootten to move:

**That this Council understands the staffing shortages throughout health and care services in Lincolnshire and the decision to temporarily close emergency services at Grantham Hospital if patient safety is at risk. However, this Council urges United Lincolnshire Hospital Trust to re-instate those services at the hospital at the earliest opportunity.**

Councillor R G Davies to second

Notice of an amendment to the above motion to be moved by Councillor C Morgan has been received as follows (original wording of the motion highlighted in bold):

**That this Council** condemns the closure of Grantham Hospital A&E at only one week's notice, without full and proper consultation. **This Council recognises there are staffing shortages throughout health and care services** nationally putting undue pressure on Hospital Trusts. However, **the decision to temporarily close emergency services at Grantham Hospital** has increased the risk to patient safety for the 120,000 people in the Grantham Hospital catchment area, especially those requiring immediate resuscitation or stabilisation. **This Council therefore urges United Lincolnshire Hospital Trust to** reduce the recruitment target for restoration of 24hr A&E services at Grantham Hospital, which are considered unachievable by the Grantham Hospital Medical Advisory Committee, **and re-instate 24hr A&E services at the hospital** forthwith

Councillor R C Kirk to second

(2) Motion by Councillor P M Dilks

Councillor P M Dilks to move that:

This Council pays tribute to the dedication and achievements of staff and pupils at our existing secondary schools across Lincolnshire, whether Comprehensive, Grammar or Secondary Modern.

GCSE results at all levels across Lincolnshire clearly demonstrate that the most academic students can excel whether they are selected at age 11 as academically elite and destined for a grammar education or whether they are educated in a true all-ability comprehensive.

We welcome new Prime Minister Theresa May's ambition to improve social mobility but agree with her predecessor David Cameron's statements in May 2007 when he said history shows that establishing Grammar Schools was

*"extremely difficult and... often leads to them being very unpopular and they are then got rid of".*

Mr Cameron dismissed the Grammar School debate as pointless adding:

*"...Parents fundamentally don't want their children divided into sheep and goats at the age of 11."*

Dividing and separating children from their peers only serves to reinforce the deep divisions in our society, rather than challenge them.

Evidence from Lincolnshire and across the country shows that where there is selection there is a bigger attainment gap between disadvantaged children and their peers. The achievement gap last year in the numbers achieving 5+ A\*-C GCSE's in selective areas was 37 but in England as whole was only 28.

Almost 12% of students in Lincolnshire's Secondary Modern Schools are on free school meals, compared to only 3% at Grammar Schools.

So much for the claim that Grammar Schools improve social mobility. The fact is, today, here in Lincolnshire, and elsewhere, selection acts as a glass ceiling to young people from the most socially deprived sections of the communities.

Real school improvement and equality of opportunity comes not from selection but through schools collaborating, and being properly supported along with relentless focus on the quality of teaching and leadership.

We believe that the Prime Minister's offer of allowing every school to become selective is as flawed as the previous Government's plan announced just a few months ago for mandatory Academisation of every school.

This Council understands why many parents support the notion of a Grammar School in every town - until their own child fails the entrance examination and is consigned to what is seen by many as a lifetime of rejection.

Where a local secondary school chooses to go selective and refuses places to local children on academic ability, there will be no choice for 11-plus failures but to be bussed out of their community for secondary education.

The existing network of partial selection across Lincolnshire already results in this Council paying one of the highest home-to-school transport bills in the country which we have spent years struggling to reduce by removing free transport for many who needed it.



Expansion of selection can only increase the number of school buses criss-crossing our county road network every day, taking children past the gates of their local school to be educated miles away from their local community.

**It is therefore proposed that:**

- 1. This Council pays tribute to the dedication and achievements of staff and pupils at our existing secondary schools across Lincolnshire, whether Comprehensive, Grammar or Secondary Modern.**
- 2. This Council welcomes new Prime Minister Theresa May's ambition to improve social mobility; but agrees with her predecessor, David Cameron's statements in May 2007 when he said history shows that establishing Grammar Schools was "*extremely difficult and... often leads to them being very unpopular and they are then got rid of*".**
- 3. This Council, in light of the clear evidence, calls on the Government to withdraw its plans for more selection, and to concentrate instead on helping every child to reach their full potential.**

Councillor J D Hough to second.

**(3) Motion by Councillor Mrs M J Overton MBE**

Councillor M J Overton MBE to move:

Plans for the transformation of our Health and Care Services are underway, submitted from Lincolnshire to NHS England by the end of June. The Lincolnshire Sustainability and Transformation Plan (STP) includes the Lincolnshire Health and Care Programme.

The NHS has been given the mandate to develop STP's for both health and social care, but with very limited input from local authorities. It is important that Councils get involved and have a say on how their local health services are to be provided.

Major changes to the service will need consultation, which is expected to start in December in order to complete by the electoral purdah period in mid-March. However, if the NHS and budget are already set, it will be too late for elected members to have a proper influence.

Lincolnshire's Health Scrutiny, and Health and Wellbeing Board have had briefings on the process, but the content remains unknown. Without Council engagement the outcomes of the STP's are weakened.

The last Spending Review committed the government to full integration of health and care by 2020, although the detailed policy framework is still awaited. The STP's are expected to contain such plans. Health and Wellbeing Boards are well placed with

board membership including health and social care representatives and doctors representing the clinical care commissioning groups.

Although the STP's and Health and Wellbeing Boards are intended as overarching umbrella bodies setting priorities, neither have to be politically representative, which is normally an important tenet in local government. Some have taken an inclusive approach to good effect.

As well as implementing the Better Care Fund, many local areas are developing more ambitious integrated health and care provision. This is through joint commissioning, integrated provider models or devolved accountabilities. The STP guidance requires STPs to be aligned with these local integration programmes and ambitions.

These plans from Lincolnshire were submitted to NHS England, but not published. The Council and the public need to be included at an early stage to get the best outcomes.

**It is proposed that:**

- 1. This Council calls on NHS England to allow inclusion of the Council and the public in shaping and reviewing the Sustainability and Transformation Plan for Health and Social Care in Lincolnshire. This Council seeks to review their impact on our Residents and our Council's resources.**
- 2. We call on the government for fairer support for the people of rural Lincolnshire.**

Councillor S L W Palmer to second

#### AT THE CONCLUSION OF THE MEETING

The Chairman to state:

**Members are reminded to collect their post from their pigeon holes after the meeting.**

(At the conclusion of the meeting will all Members please be upstanding in their places until the Chairman has left the Chamber)

## FOR THE INFORMATION OF COUNCILLORS

### COUNCIL MEETINGS – INTERVENTION IN DEBATE

1. (a) Points of Order are just that. They must relate to the Council Procedure Rules or conduct of the meeting and generally will be drawing attention to a perceived breach, e.g.
  - (i) absence of a quorum;
  - (ii) order of speeches;
  - (iii) irrelevance;
  - (iv) time limit for speech exceeded;
  - (v) misconduct;
  - (vi) motion not seconded.
- (b) Examples of common intervention which are NOT points of order:-
  - (i) Points of information or Personal Explanation (as to which see below);
  - (ii) Disagreement with a speaker;
  - (iii) Further thoughts or clarification of a previous speech prompted by the speaker (unless amounting to a Personal Explanation);
  - (iv) Correction of a speakers opinion (rather than fact, which is a Point of Information);
  - (v) An attempt to "reply" to another Member's speech or a point made in it;
2. (a) Point of Information – when a Member is speaking and is obviously proceeding on the basis of information which is wrong or of which the member is ignorant, another member may properly seek to intervene to provide the correct or missing information, thereby saving the Council from being misled and saving its time.
- (b) ASKING FOR information is NOT a Point of Information; a member who has spoken may be able to request a colleague who has not yet spoken to ask;
3. (a) A Personal Explanation is a proper intervention only when an earlier speech by the Member is being misquoted or misrepresented;
- (b) It must not be used as a spurious pretext for reiteration of the Member's earlier speech or as a second speech.
4. Practice

Members rising to make one of the Points must specify which one is being used. The Member speaking should give way. The Point should be made briefly. The Chairman will then rule on it promptly, firmly and finally. There will be no debate nor will the ruling of the Chairman be open to discussion.

## FOR THE INFORMATION OF COUNCILLORS

### Recording Notice

Please note – this meeting may be recorded and filmed for subsequent broadcast via the Council's website. At the start of the meeting the Chairman will confirm if all or part of the meeting is being recorded. Data collected during the recording will be retained in accordance with the Council's policy.

Members of the public are also able to film, record, report and commentate on public meetings of local government bodies in England by various methods, including social media. Although there is a general presumption in favour of photography and audio/visual recording of meetings, proceedings must not be disrupted by the use of media tools.

People seated in the public gallery/seating area should not be photographed, filmed or recorded without the consent of the individuals concerned. This also applies to those individuals who may ask a public question, present a petition or make a representation at a Council meeting open to the public and who are not seated in a "public seating area".

If you have any queries regarding this please contact the Democratic Services Manager (01522) 552480.