

**COUNCIL
 26 SEPTEMBER 2014**

PRESENT: COUNCILLOR W J ARON (CHAIRMAN)

Councillors W S Webb (Vice-Chairman), B Adams, A M Austin, Mrs V C Ayling, J W Beaver, Mrs P A Bradwell, D Brailsford, C J T H Brewis, A Bridges, M Brookes, J P Churchill, K J Clarke, C J Davie, R G Davies, P M Dilks, S R Dodds, G J Ellis, R G Fairman, I G Fleetwood, A G Hagues, M J Hill OBE, J D Hough, D C Hoyes MBE, D M Hunter-Clarke, R J Hunter-Clarke, N I Jackson, A J Jesson, M S Jones, B W Keimach, Ms T Keywood-Wainwright, S F Kinch, R C Kirk, C E D Mair, C E H Marfleet, J R Marriott, R A H McAuley, D McNally, D C Morgan, Mrs A M Newton, P J O'Connor, Mrs M J Overton MBE, C R Oxby, C Pain, R B Parker, N H Pepper, R J Phillips, Mrs H N J Powell, Miss F E E Ransome, Mrs S Rawlins, Mrs J M Renshaw, R A Renshaw, Mrs A E Reynolds, P A Robinson, R A Shore, Mrs N J Smith, Mrs E J Sneath, C L Strange, Mrs C A Talbot, T M Trollope-Bellew, A H Turner MBE JP, S M Tweedale, P Wood, Mrs S Woolley, L Wootten, R Wootten, C N Worth, Mrs S M Wray and B Young

21 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M G Allan, Mrs J Brockway, J R Hicks, N M Murray, S L W Palmer, Miss E L Ransome, Mrs S Ransome and Mrs L A Rollings.

22 DECLARATIONS OF COUNCILLORS' INTERESTS

There were no declarations of Councillor interests at this point in the meeting.

23 MINUTES OF THE MEETING OF THE COUNCIL HELD ON 16 MAY 2014

RESOLVED

That the minutes of the meeting held on 16 May 2014 be agreed and signed by the Chairman as a correct record.

It was reported that since the last meeting, Mr Clive Mason had been appointed as the Council's Independent Person, following the delegation to the Monitoring Officer approved at the last meeting of this Council on 16 May 2014 (minute 18 refers).

24 SUBMISSION OF PETITIONS

2

COUNCIL

26 SEPTEMBER 2014

Petition requesting pedestrian crossings at Thurlby and Northorpe Junctions of the A15

In accordance with the Council Petition Scheme, Mr Barry Dobson spoke for not more than five minutes in explanation of the petition requesting pedestrian crossings at Thurlby and Northorpe Junctions of the A15.

As this petition had surpassed the threshold number of signatures required to trigger a debate, a debate lasting 15 minutes took place. Councillors were invited to debate the petition.

It was reported that the Chief Executive had determined that the petition would be referred to the Executive Councillor for Highways, Transport and IT.

25 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Councillors back following the summer recess

The Chairman reported that civic engagements since the last Council meeting had been varied and gave him the opportunity to continue visiting places within Lincolnshire and some further afield.

The Chairman's Lady was thanked for supporting the Chairman on these engagements and also the Vice-Chairman and Lady, Councillor William and Jane Webb, and immediate past Chairman and Lady, Councillors Ray and Linda Wootten, for providing representations at civic functions when the Chairman had been unable to attend.

It had been an honour to welcome Her Royal Highness The Princess Royal to the County in July when she had visited the Gelder Group in Sturton by Stow. Her Royal Highness had also gone on to view the Restoration Project at Boston Stump.

The Chairman was also delighted to represent the County Council at the 130th Lincolnshire Show which had proved very popular and attracted many visitors to the County. The Chairman had also been in attendance at an extremely moving World War 1 Commemoration Service in Lincoln Cathedral.

He was also pleased to host the Annual Lincolnshire County Council Service of Dedication held in Lincoln Cathedral. The Service was followed by a reception in the Chapter House and Cloisters, which the Chairman and Lady had thoroughly enjoyed. It had been an honour to have the Lincolnshire Youth Symphony Orchestra performing at the Service and it had been a day which would be remembered with pride.

The RAF Waddington International Air Show had once again been a huge success drawing thousands of visitors to Lincolnshire.

Last month the Chairman and Lady had attended the official turf cutting ceremony for the International Bomber Command Memorial in Lincoln and had been delighted to

be present at RAF Coningsby where the Crew of the Canadian Lancaster had been welcomed when it touched down after its momentous flight.

The Chairman expressed gratitude to officers in Economic Development for organising a Technology Seminar at Morton's Media in Horncastle for businesses from throughout Lincolnshire to show the capabilities of the Hi-Tec 3D lasers and printers including creating a bust of the Chairman.

The Chairman advised that a complete itinerary of civic engagements, since the last meeting of this Council, was available from the Civic Officer on request.

26 STATEMENTS/ANNOUNCEMENTS BY THE LEADER AND MEMBERS OF THE EXECUTIVE

Statements by the Leader and Members of the Executive had been circulated with the agenda.

27 QUESTIONS TO THE CHAIRMAN, THE LEADER, EXECUTIVE COUNCILLORS, CHAIRMAN OF COMMITTEES AND SUB-COMMITTEES

Questions pursuant to Council Procedure Rule 10.3 were asked and answered as follows:

<u>Question By</u>	<u>Answered By</u>	<u>Subject</u>
(a) M Brookes	R G Davies	Road works in Boston
(b) Mrs J Renshaw	Mrs P A Bradwell	Care provision for blind/deaf residents
(c) Mrs M J Overton MBE	C N Worth	Consideration of alternative library proposals
(d) P M Dilks	C N Worth	Information requested by Greenwich Leisure Ltd
(e) A M Austin	R G Davies	Request for the Executive Councillor to visit Boston to meet with businesses
(f) J D Hough	M J Hill OBE	Budget underspend
(g) J P Churchill	C N Worth	Engagement with library service volunteers

4
COUNCIL
26 SEPTEMBER 2014

(h) S R Dodds	Mrs P A Bradwell	Care provision to a service user
(i) P Wood	C J Davie	Explanation of the services and priorities of economic development teams at County and District level
(j) T M Trollope-Bellew	R G Davies	Clarification regarding the consultation by Network Rail on Tallington Level crossing
(k) Mrs N J Smith	R G Davies	Whisby Road Roadworks
(l) G J Ellis	C N Worth	Sale of Boultham Library
(m) C Pain	C J Davie	Flood prevention work in Great Steeping
(n) W S Webb	R G Davies	Update on roll out of high speed broadband
(o) R B Parker	R G Davies	Temporary park and ride service for Lincoln
(p) R A McAuley	R G Davies	Funding for major road in Boston
(q) K J Clarke	B Young	Clarification regarding reports of Lincolnshire Police not attending all crimes
(r) Ms T Keywood-Wainright	Mrs P A Bradwell	Stamford Endowed School
(s) R Renshaw	M J Hill OBE	Cycling safety
(t) R Wootten	R G Davies	Grantham Relief Road start date
(u) N I Jackson	M J Hill OBE	Legislation regarding the sale of 'legal highs'

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| (v) C Morgan | Mrs P A Bradwell | Follow up care for people leaving hospital |
| (w) R Kirk | Mrs P A Bradwell | Mental Health provision for people over 65 |

28 LINCOLNSHIRE STANDING ADVISORY COUNCIL ON RELIGIOUS EDUCATION - MEMBERSHIP

A report by the Executive Director for Environment and Economy had been circulated.

It was moved, seconded and

RESOLVED

1. That the nomination of Dr Tanweer Ahmed (Islamic Association) to serve on Lincolnshire SACRE under Group A, Christian and other Religious Denominations, of its membership, be approved;
2. That Part 4 (Representative Members), Group C, of the Lincolnshire SACRE Constitution be amended, as set out in Appendix A to the report; and
3. That the nominations of Mrs Sarah Thornton and Mrs Elizabeth Moore to serve on the Lincolnshire SACRE under Group C, The Teachers Panel, of its membership, be approved.

29 ANNUAL REPORT 2013/14

A report by the Chief Information and Commissioning Officer had been circulated.

It was moved, seconded and

RESOLVED

That the Final Draft Annual Report 2013/14 be approved.

30 FINANCIAL UPDATE

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

It was moved, and seconded

That the County Council:

1. Note the carry forwards set out in paragraph 1.2 of the report;

**6
COUNCIL
26 SEPTEMBER 2014**

2. Approve the proposed carry forwards of over and underspending set out in paragraph 1.3 of the report;
3. Note the transfers to and from reserves summarised in Table A of the report and position of earmarked reserves as at 31 March 2014 summarised in Table B of the report;
4. Note the position in relation to general reserves set out in paragraph 1.7 and Table C of the report;
5. Note performance against the Prudential Indicators for 2013/14 as set out in paragraphs 1.8 and 1.9 and Table D of the report; and
6. Approve the proposed in year budget change for 2014/15 set out in paragraphs 1.10 to 1.11 of the report.

Notice of two amendments was received.

An amendment was moved and seconded by the Labour Group as follows:-

"In the High Court on 17th July the decision by the Executive on the 3rd December 2013 was quashed. This means that the decision to cut the libraries is not legally valid. Despite this there has been no move by the Conservative led administration to restore the library service to the position before 3rd December.

To rectify this failure the Labour Group proposes the following amendment to the Financial Update Report.

In paragraph 1.3 bullet point 5, replace "A transfer of £24.738m into the financial volatility reserves." with "A transfer of £24.444m into the financial volatility reserves."

The £294,000 difference will be then be available for additional revenue spending for 2014/2015.

The effect of this change would reduce the financial volatility reserve from the £43.006 million as proposed in the report to £42.712 million.

The policy would be to use the increase in revenue funding to reinstate library access to what it was prior to the decision taken in December 2013. Following that decision there were major cuts to opening hours of virtually all our libraries and in particular there was a reduction of 40% in the opening hours of the 30 libraries threatened with closure and the loss of many mobile library stops.

This additional funding could not only reopen libraries but also provide for the leasing of a large new library vehicle to bring back the mobile library services that have been lost.

By using this money to reopen Libraries the Council would be acting legally while new consultations take place about the future of libraries and consideration is given to the Greenwich Leisure proposal.

The Council therefore resolves to approve the recommendations set out in the Financial Update Report with the following exceptions

- a) to transfer £24.444m into the financial volatility reserves rather than £24.738m.
- b) to recommend to the executive that it uses the £294,000 then available to reinstate the library service to what it was before they took the unlawful decision in December 2013."

An amendment was moved and seconded by the Lincolnshire Independents as follows:-

"Paragraph 1.3 bullet point 5, replace "a transfer of £24.738m into the financial volatility reserves" with "a transfer of £12.738m into the financial volatility reserve"

Upon being put to the vote, the first amendment was lost.

Upon being put to the vote, the second amendment was lost.

RESOLVED

1. That the carry forwards set out in paragraph 1.2 of the report be noted;
2. That the proposed carry forwards of over and underspending set out in paragraph 1.3 of the report be approved;
3. That the transfers to and from reserves summarised in Table A of the report and position of earmarked reserves as at 31 March 2014 summarised in Table B of the report be noted;
4. That the position in relation to general reserves set out in paragraph 1.7 and Table C of the report be noted;
5. That performance against the Prudential Indicators for 2013/14 as set out in paragraphs 1.8 and 1.9 and Table D of the report be noted; and
6. That the proposed in year budget change for 2014/15 set out in paragraphs 1.10 to 1.11 of the report be noted.

A report by the Monitoring Officer had been circulated.

**8
COUNCIL
26 SEPTEMBER 2014**

It was moved, seconded and

RESOLVED

1. That the power of referral to the Secretary of State for Health be delegated to the Health Scrutiny Committee for Lincolnshire so that the amended Terms of Reference of the Health Scrutiny Committee for Lincolnshire reads as set out below:-

"To consider and respond to any consultations by any responsible NHS commissioner which constitute a substantial development or substantial variation in the provision of health services in Lincolnshire, using the powers set out in the relevant health overview and scrutiny regulations and referring to any guidance issued by the Secretary of State for Health. Where there is a disagreement between the Committee and the responsible NHS commissioner which cannot be resolved after reasonable practicable steps and the Committee believe that

- (a) the proposed substantial variation or development would not be in the interests of the health service in Lincolnshire; or
- (b) the arrangements put in place by the responsible NHS commissioner for consultation have not been adequate in relation to content or time allowed; or
- (c) the reasons given for not consulting by the responsible NHS commissioner are not adequate;

the Committee may determine whether to refer the matter to the Secretary of State, in accordance with the relevant health overview and scrutiny regulations and any guidance issued by the Secretary of State for Health, taking account of any protocol agreed between the Committee and the responsible NHS commissioner."

2. That the recommended amendments to the Constitution contained in Appendices A and B of the report be approved and it be noted that a further report would be received by Council on the remaining parts of the Constitution at its meeting on 19 December 2014.

32 MINUTES OF THE COUNCIL'S COMMITTEES:

(a) Audit Committee - 23 June 2014

RESOLVED

That the minutes of the Audit Committee held on 23 June 2014 be received.

(b) Audit Committee - 21 July 2014

RESOLVED

That the minutes of the Audit Committee held on 21 July 2014 be received.

(c) Pensions Committee - 29 May 2014

RESOLVED

That the minutes of the Pensions Committee held on 29 May 2014 be received.

(d) Pensions Committee - 24 July 2014

RESOLVED

That the minutes of the Pensions Committee held on 24 July 2014 be received.

(e) Planning and Regulation - 7 July 2014

RESOLVED

That the minutes of the Planning and Regulation Committee held on 7 July 2014 be received.

(f) Planning and Regulation - 28 July 2014

RESOLVED

That the minutes of the Planning and Regulation Committee held on 28 July 2014 be received.

(g) Planning and Regulation - 8 September 2014

RESOLVED

That the minutes of the Planning and Regulation Committee held on 8 September 2014 be received.

33 MOTIONS FOR DEBATE

Motion by Councillor Mrs V Ayling

It was moved, and seconded that

"It is proposed that.

This Council has no confidence in the leader, Councillor Martin Hill and the executive.

This is due to their poor judgement and for wasting tax payers' money. They have shown that they are incapable of running Lincolnshire County Council if they cannot carry out a simple public consultation over the issue of our library service in Lincolnshire. This motion is put to council by request from the people of Lincolnshire who feel completely let down and deserve better.

10
COUNCIL
26 SEPTEMBER 2014

Cllr Hill before the judicial review began said;
"We took great care over this process and I believe we have done it as well as we could have done and hopefully the judge will agree with us".
The judge evidently disagreed with him on all counts.
As did the Community and Public Safety Scrutiny Committee, which decided that, 'The public consultation is not fit for purpose and should be cancelled'.

Mr Justice Collins said,

"I have decided that the means by which the County Council decided and reached their decision was flawed, in two respects. In respect of the consultation, and of their failure to properly deal with an application by a charitable organisation [Greenwich Leisure Limited] which already ran library services for two London boroughs, Greenwich and Woolwich. I have decided that the decision made in December last year should be quashed."

The judicial review has so far cost the Council an estimated £60,000 to £65,000 which does not include the £100,000 attributable to the consultation itself. In addition there is also the added cost of officer's time and the legal aid given to the challenger, Mr Draper who took this case on. The figure therefore is by no means a small amount and all this expense could have been avoided.

We sincerely hope that Cllr. Hill and his executive will make a public apology, and offer their resignations for the disservice the executive have imposed on the residents of Lincolnshire.

It is proposed that:

This Council has no confidence in the leader, Councillor Martin Hill and the executive"

A recorded vote was successfully requested, and upon being put to the vote, the motion was lost.

Details of recorded vote taken:

Those voting for the motion:

Councillors V C Ayling, R G Fairman, D M Hunter-Clarke, R J Hunter-Clarke, C E D Mair, Mrs A Reynolds and Mrs N J Smith.

Those voting **FOR – 7**

Those voting against the motion:

Councillors B Adams, W J Aron, A M Austin, J W Beaver, Mrs P A Bradwell, D Brailsford, C J T H Brewis, A Bridges, M Brookes, J P Churchill, K J Clarke, C J Davie, R G Davies, P M Dilks, S R Dodds, G J Ellis, I G Fleetwood, A G Hagues, M J Hill OBE, J D Hough, D C Hoyes, N I Jackson, A J Jesson, M S Jones, B W Keimach, Ms T Keywood-Wainright, R C Kirk, C E H Marfleet, J R Marriott, R A

McAuley, C Morgan, Mrs A M Newton, P J O'Connor, C R Oxby, C Pain, N H Pepper, R B Parker, R J Phillips, Mrs S Rawlins, Mrs J Renshaw, R Renshaw, P A Robinson, R A Shore, Mrs E J Sneath, C L Strange, Mrs C A Talbot, T M Trollope-Bellew, A H Turner MBE JP, S M Tweedale, W S Webb, P Wood, Mrs S Woolley, L Wootten, R Wootten, N Worth, Mrs S Wray and B Young.

Those voting **AGAINST – 57**

Those abstaining:

Councillors Mrs M J Overton MBE and Mrs H N J Powell.

Those **ABSTAINING – 2**

Motion by Councillor C Pain

It was moved, and seconded that

"That this council regrets the actions of Cllrs Ayling and Hunter Clarke regarding their motion to Council and

This council requests that Cllr Ayling and Hunter-Clarke consider any action they may wish to take to redress the position."

Upon being put to the vote, the motion was carried.

Motion by Councillor M J Hill OBE

It was moved, and seconded that

"This council welcomes the decision of Scotland to remain part of the United Kingdom last week.

We note commitment of national party leaders toward further devolution for Scotland.

We support the resolution of the "west Lothian" question so that Members of Parliament in Westminster have fair and equal voting powers.

We believe that if Scotland is granted extra devolved powers, it is only right that the existing constituent other parts of the UK should also be treated in a similar fashion.

In England, we believe that devolution should be to the existing cities and counties as they already exist and have been proved to have the capacity and ability to deliver more services.

We do not support the recreation of statutory regional structures or city regions as that would add an extra and unpopular layer of government.

12
COUNCIL
26 SEPTEMBER 2014

Any devolved powers should be accompanied by a corresponding reduction in central taxation so that there is no additional financial burden on the public.

The national funding system for local government should be reformed so that all areas are treated fairly across the UK especially rural areas like Lincolnshire."

An amendment was proposed by the Labour Group and seconded, so the motion would read as follows:

"This Council respects the decision of Scotland last week to remain part of the United Kingdom.

We note the commitment of national party leaders toward further devolution for Scotland.

We call on national party leaders to give serious consideration to devolving more powers to all tiers of local government in England and Wales as part of a UK wide constitutional settlement."

Upon being put to the vote, the amendment was lost. However, it was agreed that the word 'welcomes' in the first paragraph of the original motion, be changed to 'respects'.

Following this change, a vote on the substantive motion took place, when the motion was carried.

Motion by Councillor Mrs M J Overton MBE

It was moved and seconded that

"Following the recent referendum in Scotland, this Council seizes the opportunity to approach the government to ensure that Lincolnshire gets its fair share of funding and devolution of powers at the earliest opportunity.

As we know, this government has drastically cut the amount of funds devolved to local government, hitting local government more than any other part of the public sector. Scotland has been financially favoured, receiving enough to have free home care, free prescriptions and free university fees. If that is to continue, it leaves the rest of us with less. For years, even on the discredited Barnett formula, Lincolnshire has consistently received less than the agreed share.

This country remains one of the most centralised in Europe. Our government signed up to the European Charter in 2009, calling for a separate constitution, a set of rules that sets out our devolved powers and enough money to pay for it. Yet, we have taken a 40% cut in funding and sometimes struggle to fulfil our duties. We call on central government to revisit the funding for each council, drawing on carefully considered, cross-party advice from local government via the LGA Finance Commission.

Now is the right time for our Council to seek for more devolution of power and money, to Lincolnshire and not just to Scotland and the core cities of England.

This Council therefore proposes the Leader writes to Government to urge for,

- a) a greater share of the business rates to be returned, so we can do more to encourage our local businesses.
- b) VAT on sugary drinks to be returned to us, enabling better health for Lincolnshire.
- c) the Skills agenda to be returned to local government, so we can do more to get young people suitably employed. Everyone deserves a useful job to do, a home, health and care when they need it."

Upon being put to the vote, the motion was lost.

Motion by Councillor R B Parker

It was moved and seconded that,

"At the full council meeting on 16 May 2014 the Council resolved:

- a) To note that the provision of an East-West Link and an Eastern By-pass are integral to the successful implementation of a Lincoln Park and Ride. Funding and plans are in place to deliver the road schemes by 2017-18;
- b) To recommend to the Executive that it works with partners to ensure that there will be appropriate parking arrangements for next year's Magna Carta celebrations and the required funding will be made available to provide such facilities; and
- c) To request that the Executive considers further development towards the longer term investment for Park & Ride envisaged in the approved Greater Lincoln Transport Strategy."

This council now takes the view that In the intervening 19 weeks since that motion was passed the Executive has failed in every regard to bring forward proposals for public scrutiny or to make decisions that would ensure that appropriate parking arrangements are in place for next year's Magna Carta celebrations or to ensure that the required funding is made available to provide such facilities. In particular:

1. opportunities were available for proposals to be brought to meetings of the Executive in June, July, August and September after publication of such proposals in the Forward Plan. They were not taken.
2. opportunities were available for action to be taken by the Portfolio Holder for Highways, Transport and IT after publication of such proposals in the Forward Plan. They were not taken
3. opportunities were available in the paper before this council today on the use of the underspend in the 2013/14 financial year to make funding

14
COUNCIL
26 SEPTEMBER 2014

available as recommended in the council motion of 16 May 2014. They were not taken.

4. opportunities were available in the Statements to this council meeting by the Leader of the Council, Executive Councillor for Highways, Transport and IT, Executive Councillor for Libraries, Culture, Registration and Coroners Service and the Executive Councillor for Economic Development, Environment, Planning, Tourism to bring members up to date on what has been done by the Executive, if anything indeed has been done, to meet the recommendations of the full council of 16 May 2014. They were not taken.

This council expresses its serious concern about the coalition administration's failure now and over recent years to grasp that a substantial Park and Ride facility for out-of Lincoln visitors to the Lincoln Castle and the Magna Carta is essential to deliver a quality visitor experience, promote business opportunities and protect local people and recommends that urgent proposals for a sensible park and ride facility are brought before the Executive at its next meeting in October."

Upon being put to the vote, the motion was lost.

The meeting closed at 4.45 pm