



**COUNCIL  
18 DECEMBER 2015**

**PRESENT: COUNCILLOR W S WEBB (CHAIRMAN)**

Councillors T M Trollope-Bellew (Vice-Chairman), B Adams, W J Aron, A M Austin, Mrs V C Ayling, J W Beaver, Mrs P A Bradwell, D Brailsford, C J T H Brewis, A Bridges, Mrs J Brockway, M Brookes, K J Clarke, C J Davie, R G Davies, P M Dilks, G J Ellis, R G Fairman, I G Fleetwood, R L Foulkes, A G Hague, M J Hill OBE, J D Hough, D C Hoyes MBE, 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, N M Murray, Mrs A M Newton, P J O'Connor, Mrs M J Overton MBE, C R Oxby, C Pain, S L W Palmer, R B Parker, N H Pepper, R J Phillips, Mrs H N J Powell, Miss F E E Ransome, Mrs S Ransome, Mrs S Rawlins, Mrs J M Renshaw, R A Renshaw, P A Robinson, Mrs L A Rollings, R A Shore, Mrs N J Smith, Mrs E J Sleath, Mrs C A Talbot, A H Turner MBE JP, S M Tweedale, M A Whittington, P Wood, Mrs S Woolley, L Wootten, R Wootten, C N Worth, Mrs S M Wray and B Young

**36      APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors M Allan, S R Dodds, D M Hunter-Clarke, D McNally, D C Morgan, Miss E L Ransome, Mrs A E Reynolds and C L Strange.

**37      DECLARATIONS OF COUNCILLORS' INTERESTS**

Councillor A M Austin requested that it be noted that Alan Pickering, one of the people proposed for appointment as an Independent Person, was a resident in her ward and was well known to her, but had not spoken to her about this position.

**38      MINUTES OF THE MEETING OF THE COUNCIL HELD ON 18 SEPTEMBER 2015**

**RESOLVED**

That the minutes of the meeting of the County Council held on 18 September 2015 be approved as a correct record and signed by the Chairman, subject to it being amended that when the Council reconvened after lunch, the Vice-Chairman Councillor T M Trollope-Bellew was in the Chair.

**39      SUBMISSION OF PETITIONS**

(a) Petition requesting a zebra crossing in Long Bennington.

**2  
COUNCIL  
18 DECEMBER 2015**

In accordance with the Council's petition Scheme, Mrs Allison Zachowicz spoke for not more than five minutes in explanation of the petition requesting a zebra crossing in Long Bennington.

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

(b) Petition requesting a designated crossing along the main road of Stickney

In accordance with the Council's Petition Scheme, Councillor Mrs V C Ayling, spoke on behalf of the residents of Stickney for not more than five minutes in explanation of the petition requesting a designated crossing along the main road of Stickney.

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

(c) Petition requesting road safety improvements to the B1188 junction at Dunston.

In accordance with the Council's Petition Scheme, Mrs Yvonne Bayliss spoke for not longer than five minutes in explanation of the petition requesting road safety improvements to the B1188 junction at Dunston.

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

(d) Petition in relation to the closure of Mablethorpe's High School

In accordance with the Council's Petition Scheme, Miss Michala Davies-Kearsley spoke for not longer than five minutes in explanation of the petition in relation to the closure of Mablethorpe's High School.

It was reported that the Chief Executive had determined that the petition be referred to the Executive Councillor for Adult Care and Health Services, Children's Services.

**40      CHAIRMAN'S ANNOUNCEMENTS**

The Chairman reported that he had continued to carry out his civic engagements with pride and represent this Council by meeting people and visiting places around the County.

The Chairman's Lady was thanked for supporting the Chairman on these engagements and also the Vice-Chairman and Lady, Councillor Martin Trollope-Bellew and Rosemary Woolley, and also the Past Chairman and Lady, Councillors Ray and Linda Wootten, and Councillor Bill Aron and Amanda Job for providing representations at civic functions when the Chairman had been unable to attend.

Each year the poppy appeal went from strength to strength and this year was no exception. The Chairman reported it was an honour to be involved in the Royal British Legion's official launch at the Lincolnshire Aviation Heritage Centre. The Remembrance Day Service in Lincoln Cathedral was extremely moving and was attended by hundreds of people. The Chairman also attended a service to remember the Lincolnshire men killed during the Battle of Loos 100 years ago.

He was delighted to attend the Lincolnshire Fire & Rescue Long Service and Good Conduct Award Ceremony where there was the opportunity to meet and talk with the recipients of this prestigious and well deserved award.

It was with regret that the Chairman reported the death of former County Councillor Chris Farrar, who represented the Hough electoral division from May 2005 until May 2013.

Councillors stood in silent memory and afterwards paid tribute to the late former County Councillor Chris Farrar.

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

**41      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.

Councillor M J Hill OBE, Leader of the Council, made an additional statement, advising Council that on Monday, 14 December 2015, the final recommendations from the Local Government Boundary Commission for England, following a review of divisional boundaries in Lincolnshire, had been received. There was a need, either as a Council, as individuals or as groups to make arrangements to respond to the consultation on these final recommendations. This would be discussed by Group Leaders prior to the 8 February 2016 deadline for responses.

**42      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) P M Dilks	Mrs P A Bradwell	Assistance for people leaving hospital
(b) Mrs M J Overton M J Hill OBE MBE		Future of local government finance

**4**  
**COUNCIL**  
**18 DECEMBER 2015**

(c) R Wootten	M S Jones	Update on financial settlement
(d) R L Foulkes	R G Davies	Potential for devolution of highways functions to town/parish councils.
(e) J D Hough	M J Hill OBE	Finance settlement
(f) P Wood	R G Davies	Need for robust comments on district council planning applications.
(g) Mrs S Ransome	R G Davies	Reporting of anti-social behaviour by Civil Parking Officers
(h) Mrs S Rawlins	C J Davie	Government announcement regarding the granting of fracking licenses.
(i) C Pain	C J Davie	Maintenance on the River Steeping for flood prevention
(j) R B Parker	M J Hill OBE	Finance settlement
(k) A M Austin	R G Davies	Need for enforcement around schools
(l) C J T H Brewis	M J Hill OBE	Update on libraries
(m) N I Jackson	C J Davie	Training for housebuilding skills
(n) R G Fairman	R G Davies	Street lights on roundabouts
(o) S L W Palmer	M J Hill OBE	Service reductions
(p) K J Clarke	C N Worth	Savings made through changes to libraries
(q) Mrs H N J Powell	M J Hill OBE	Changes to the Council's Petition

Scheme		
(r) Mrs V C Ayling	M S Jones	Cost to the Council of being part of the LGA
(s) J R Marriott	C N Worth	100 <sup>th</sup> anniversary of the first battle of the Somme in 2016.
(u) R C Kirk	Mrs S Woolley	Assurance that LCAS service would continue

43      **GREATER LINCOLNSHIRE DEVOLUTION - INTERIM GOVERNANCE PROPOSALS**

A report by the Chief Executive had been circulated.

It was moved, seconded and

**RESOLVED**

That the Council:

1. Support continued formal engagement by the Leader of the Council and the Chief Executive with Government with a view to the Greater Lincolnshire Devolution expression of Interest, submitted to the government on 4 September 2015, being developed into a fit for purpose devolution document.
2. Subject to confirmation from Government that the Greater Lincolnshire submission was to be negotiated to detailed deal stage support in principle the carrying out of a governance review, as described in the report, to commence no sooner than January 2016 such review to be conducted, to the fullest extent envisaged by the Act, as a formal governance review under section 108 of the Local Democracy, Economic Development and Construction Act 2009.
3. Subject to the outcome of any governance review, supports in principle the establishment of a combined authority for the Greater Lincolnshire geography if that was the most effective and efficient means of securing strategic economic (and related) growth.
4. Endorse the principles set out in Appendix C of the report as those that should underpin and inform the establishment of any formal governance arrangements between the ten Councils.
5. Support in principle the appointment in any event of a joint committee under section 102 (1(b)) of the Local Government Act 1972, to exercise the functions and responsibilities referred to in this report and operating as the Greater Lincolnshire Leadership Board.
6. Delegate to the Chief executive, in consultation with the Leader of the Council, authority to approve the final scope and form and commencement of the governance review referred to in recommendation 2 and the appointment and

**6**  
**COUNCIL**  
**18 DECEMBER 2015**

detailed arrangements (including membership, terms of office and area of authority) of the joint committee referred to in recommendation 5.

7. Resolves that further reports be presented to Council and executive as appropriate as the Devolution process develops.

**44      REVIEW OF SCRUTINY**

A report by the Chief Executive had been circulated.

It was moved, seconded and

**RESOLVED**

1. That the Council welcomes the independent report following a review of scrutiny arrangements at Lincolnshire County Council.
2. That the Council endorses the recommendations contained within the report and invites the Overview and Scrutiny Management Committee to oversee the implementation of Recommendations 1 – 15 with immediate effect.
3. That in relation to Recommendation 15 in the independent report, the Council transfers responsibility for the scrutiny of the Council's budget and performance from the Value for Money Scrutiny Committee to the Overview and Scrutiny Management Committee and amends the Council's constitution accordingly.
4. The Council support a revision of the governance structure for scrutiny, along the lines of the 5 + 1 model put forward by Dr Young and invites the Overview and Scrutiny Management Committee to consider the detail of such an arrangement for implementation after the County Council election in 2017.

**45      REVIEW OF AUDIT COMMITTEE TERMS OF REFERENCE**

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

It was moved, seconded and

**RESOLVED**

1. That Council consider the new terms of reference attached at Appendix B to the report.
2. That the council approve the new terms of reference and approve amendments to the Council's Constitution to replace the wording in Article 7 of the Constitution relating to the Audit Committee with the wording at Appendix B to the report.

**46      APPOINTMENT OF INDEPENDENT PERSONS**

A report by the Head of Democratic Services and Statutory Scrutiny Officer had been circulated.

It was moved, seconded and

RESOLVED

That Mr Alan Pickering and Dr Christopher Riley be appointed as Independent Persons.

47      APPOINTMENT TO EASTERN SHIRES PURCHASING ORGANISATION (ESPO) - MANAGEMENT COMMITTEE

A report by the Executive Director responsible for Democratic Services had been circulated.

It was moved, seconded and

RESOLVED

That Councillor R L Foulkes be appointed to the Eastern Shires Purchasing Organisation (ESPO) Management Committee.

48      MOTIONS ON NOTICE SUBMITTED IN ACCORDANCE WITH THE COUNCIL'S CONSTITUTION

(1) Motion by Councillor J D Hough

It was moved, and seconded that

This council is seriously dismayed about the problems that have occurred and continue to happen with the new back office outsourcing being delivered – or not delivered - by Serco.

Since April 1<sup>st</sup> when the new contract began there have been thousands of delays, errors and mistakes in wages paid or not paid to employees, in unpaid bills to suppliers and in the provision of information and new systems.

This disastrous performance has

- affected the ability of the County Council to carry out its own functions
- had a major impact on the county's schools trying to use the Agresso system
- failed to deliver new IT systems for front line services.

The council notes that a great deal of work has been done both by the council and by the supplier to try and sort out the shambles that has been created and Serco has made a commitment that the problems will be sorted in the next few months.

However there have been numerous reports of teachers still not being paid properly and schools having problems with non – payment of bills.

Schools have been unable to access reliable information about their spending for this year and at a time of financial strain this means they can't plan for next year either. Their reputation in their own communities as a good employer and purchaser of local goods and services will take years to regain.

The failures of the new system are also preventing the implementation of improvements in the front line for social workers who instead of having an IT system fit for purpose from 1<sup>st</sup> April this year will have to wait at least a year before having it up and running.

Overall, the handling of the new contract has been a disaster for both schools and the council. The combination of a new contractor together with a new IT system that Serco had no experience of setting up was always going to be high risk, it could be argued foolhardy.

This is another failure of proper scrutiny of a major new contract and a dash for outsourcing at the cheapest price regardless of quality and the likely impact on the council, its services and on schools. The council notes that what happened could have been prevented if those councillors on scrutiny who expressed concerns had been listened to.

The Council therefore calls on the executive to:

1. Issue a public apology to all the schools, to all the employees, and to all the suppliers who have been affected by this,
2. Ensure that a full investigation is carried out into
  - a) what went wrong with the awarding of the contract and
  - b) why eight and a half months after Serco was supposed to take over these functions the contract as agreed is still not being properly implemented as expected,
3. Set up a task force to work with all the local authority schools to support them in their dealings with Serco,
4. Ensure that schools and staff are properly and fully compensated for stress suffered and for the additional work that they have had to do. While waiting for the level of compensation for schools to be agreed by Serco, the first call on the money the Council has already received from Serco due to contract failures should be to provide funds to schools to ensure none of them or their staff are out of pocket due to this disaster.

An amendment by Councillor M J Hill OBE was moved and seconded as follows:

This council is seriously concerned about problems which have occurred and continue to happen with the new back office outsourcing being delivered by Serco.

The council notes that a great deal of work has been done both by the Council and by the supplier to rectify the situation and Serco has made a commitment that the problems will be sorted out in the next months.

We also note the progress made and the fact that Serco have invested considerably to resolve the issue and the progress made so far. The council does expect costs to be recovered from Serco which has received a positive response.

It is the intention of the Executive to undertake a review once Serco have ensured that the new systems are working correctly which will review lessons learnt from the award of the contract and its commencement.

In the interim a cross-party Recovery Board has already been set up which will monitor progress and advise the executive and management.

There is now considerable support and communication to schools to help them deal with local issues and an enhanced help desk arrangement for them and suppliers with particular problems.

The contract was awarded following a rigorous tendering process which was fully compliant with EU legislation and will engender around £14million of savings for the council for its duration. This will be in addition to the 20% savings achieved when back office services were first outsourced in 2000.

It is proposed that the Motion relating to Serco is amended to read as follows:

This Council:

- (1) notes that Serco have issued an apology relating to the performance of new systems;
- (2) notes that the Executive intends to commission a full investigation once systems are working correctly, which will include:
  - a) any lessons that may be learnt about the award of the contract; and
  - b) why eight and a half months after Serco was supposed to take over various functions, the contract as agreed is still not being properly implemented
- (3) notes that the Executive has already established a Recovery Group to monitor the implementation of Serco's contract;
- (4) notes that schools and staff have had additional work and pressures as a result of system; and requests the Executive to seek recovery of additional costs from Serco.

A vote was taken on the amendment, and upon being put to the vote, was carried. This then became the substantive motion.

The motion, on being put to the vote was carried. Therefore it was

**RESOLVED**

**10  
COUNCIL  
18 DECEMBER 2015**

This Council:

- (1) notes that Serco have issued an apology relating to the performance of new systems;
- (2) notes that the Executive intends to commission a full investigation once systems are working correctly, which will include:
  - a) any lessons that may be learnt about the award of the contract; and
  - b) why eight and a half months after Serco was supposed to take over various functions, the contract as agreed is still not being properly implemented
- (3) notes that the Executive has already established a Recovery Group to monitor the implementation of Serco's contract;
- (4) notes that schools and staff have had additional work and pressures as a result of system; and requests the Executive to seek recovery of additional costs from Serco.

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

It was moved and seconded that

Europe was set up originally as a trade partnership, so European companies bid for our services on an equal basis. Now our government's representatives in Europe are promoting a Trans Atlantic Trade Investment Partnership (TTIP) which will widen it to include the USA, so companies based from the USA are equal bidders for English contracts, as well as companies from the EU. Conflicting figures have been mentioned regarding the financial gain or loss to our country. There is no clarity, the government describing it as "impossible to model".

TTIP itself does not open our services to competitive tender from the USA, but we have the Localism act. As Lincolnshire found to our cost in the courts, the "Community right to bid" to take over the running of Council services, is wider than the "local community". It includes any company in the UK. With TTIP, it would have to include any American company as well. Opening it up to companies operating from America would be an added unwanted step to further globalization, possibly without payment of some British taxes. This could give them an unfair advantage over British businesses. Worse, if our government wanted to make changes in legislation that affected their business, they could demand compensation for loss of profits from a confidential tribunal.

This Council calls on the Minister for Trade and Commerce and our Prime Minister to ensure

- a) That the TTIP proposals in detail are published this year, to give a chance of better public involvement
- b) That all public services will be excluded
- c) That standards in food safety are raised not lowered
- d) That disputes are taken through judicial courts held in public, not a tribunal in secret
- e) That any final agreements come back through our own parliament before any agreement is made

Upon being put to the vote, the motion was lost

The meeting closed at 4.15 pm