

LINCOLNSHIRE COUNTY COUNCIL

ANNUAL MEETING

20 MAY 2016

ORDER OF PROCEEDINGS

Prayers will be led by the Chairman's Chaplain, Reverend Rosemary Goddard 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 W S Webb 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.

A G E N D A

1. **ELECTION OF CHAIRMAN OF THE COUNTY COUNCIL**

Councillor W S Webb to invite nominations for the election of Chairman

Proposer of nomination – Councillor M J Hill OBE

Seconder of nomination – Councillor D McNally

Nomination to be put to the Council.

Newly elected Chairman to indicate acceptance of office and sign declaration of acceptance of office.

New Chairman takes the Chair

Speech of thanks by the Chairman.

(The new Chairman will present the past Chairman's badge to Councillor W S Webb and there will be an opportunity for Members of the Council to speak)

Speech of thanks by Councillor W S Webb.

2. ELECTION OF VICE CHAIRMAN OF THE COUNTY COUNCIL

The Chairman will invite nominations for the election of Vice-Chairman.

Proposer of nomination – Councillor Mrs P A Bradwell

Seconder of nomination – Councillor M Brookes

Nomination to be put to the Council.

Newly appointed Vice-Chairman to indicate acceptance of office and sign declaration of acceptance of office.

Speech of thanks by the Vice-Chairman.

3. APOLOGIES FOR ABSENCE

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

4. 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).

5. MINUTES OF THE MEETING OF THE COUNTY COUNCIL HELD ON 19 FEBRUARY 2016

The Chairman to state:-

That the minutes of the meeting of the County Council held on 19 February 2016 be approved as a correct record and signed by the Chairman.

6. SUBMISSION OF PETITIONS

The Chairman to state:

(a) The Council has received a petition to 'Save Lincoln South Fire Station'

(Mr Dan Taylor to speak for no longer than five minutes and then present the petition to the Chairman)

The Chairman to state: -

The Chief Executive has determined that the petition to 'Save Lincoln South Fire Station' should be referred to the Executive Councillor for Fire & Rescue, Emergency Planning, Trading Standards, Equality and Diversity.

(b) The Council has received a petition to 'Reinstate Whisby Waste Facility'

(Councillor R Kirk to speak for no longer than five minutes and then present the petition to the Chairman)

The Chairman to state:-

The Chief Executive has determined that the petition to 'Reinstate Whisby Waste Facility' should be referred to the Executive Councillor for Waste and Recycling.

7. CHAIRMAN TO SIGNIFY THE APPOINTMENT OF CHAIRMAN'S CHAPLAIN

The Chairman to state:

Mr Martin Brember has kindly agreed to act as my Chaplain during my term of office.

8. CHAIRMAN'S ANNOUNCEMENTS

The Chairman to state:-

132nd Lincolnshire Show

Will members of the Council please note that this year's Lincolnshire Show will be held at the Lincolnshire Showground on Wednesday 22nd and Thursday 23rd June 2016. It is hoped that as many members of the Council as possible will be able to attend what is always an enjoyable event. All Members will have received an email from the Civic Officer inviting them to take part in "Meet Your Councillor" which gives members of the public the opportunity to meet and talk to their local Councillor. The Marquee for this will be located at the front of the County Council stand. May I remind members

that entrance tickets for the Lincolnshire Show will only be issued to those members taking part.

County Civic Service

The County Service of Dedication will this year be held at Saint Michael and All Angels Church, Uffington, Stamford, starting at 3.30 pm, on Sunday 11th September 2016. Members of the Council will be invited to attend the Service. The previous provisional date of Sunday 10th July 2016 can now be removed from diaries.

Civic Engagements

A list of civic engagements relating to the immediate past Chairman and Vice-Chairman are available from the Civic Officer.

9. **THE LEADER TO REPORT ON EXECUTIVE PORTFOLIOS AND APPOINTMENTS TO THE EXECUTIVE AND APPOINTMENTS OF EXECUTIVE SUPPORT COUNCILLORS**

In accordance with Article 5.02, the Leader notifies the Council of the appointments to the Executive and for the purposes of Part 3 (Responsibilities for Functions) the responsibilities of each Portfolio Holder. The Leader also notifies the Council of the Executive Support Councillors he has appointed in accordance with Article 5.07.

10. **STATEMENTS/ANNOUNCEMENTS BY THE LEADER AND MEMBERS OF THE EXECUTIVE**

The Chairman to state:

Statements by the Members of the Executive are detailed as report reference 10.0 in the agenda previously circulated. The Leader's Annual Statement will be circulated separately.

11. **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.

12. APPOINTMENT OF PARENT GOVERNOR REPRESENTATIVES

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

Councillor J D Hough to move:

That the appointment of Mrs Patricia Barnett and Dr Emile van der Zee as Parent Governor Representatives be noted.

Councillor R Wootten to second

13. POLITICAL BALANCE ON COMMITTEES AND SUB-COMMITTEES AND ALLOCATION OF PLACES TO POLITICAL GROUPS

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

Councillor M J Hill OBE to move:

1. **That Council notes the change in the number of councillors on the Council since the last review**
2. **That Council adopts Appendix A of the report as the amended political balance of committees, sub-committees and outside bodies**

Councillor C E D Mair to second

(NOTE – Schedule 1, as attached, shows the proposed membership of committees, sub-committees and other bodies)

14. APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN OF COMMITTEES AND SUB-COMMITTEES (EXCEPT THE LINCOLNSHIRE HEALTH AND WELLBEING BOARD, HEALTH SCRUTINY COMMITTEE FOR LINCOLNSHIRE AND THE BOURNE TOWN HALL TRUST MANAGEMENT COMMITTEE)

A report by the Director responsible for Democratic Services has been circulated:

Councillor M J Hill OBE to move:

That the appointment of Chairmen and Vice-Chairmen of Committees and Sub-Committees be considered and approved.

Councillor Mrs J Brockway to second

(NOTE – Schedule 2, as attached, details the proposed appointments of Chairmen and Vice-Chairmen to Committees and Sub-Committees)

15. CALENDAR OF MEETINGS 2016/17

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

Councillor Mrs J Brockway to move:

That the calendar of meeting dates 2016/17, as shown in Appendix A of the report, be approved subject to the following addition:

- **Community and Public Safety Scrutiny Committee – 14 December 2016 at 10.00am**

Councillor R A Shore to second.

16. APPOINTMENT TO OUTSIDE BODIES

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

Councillor M J Hill OBE to move

That the appointments to outside bodies, as circulated with this Order of Proceedings, be approved.

Councillor Mrs P A Bradwell to second

(NOTE – Schedule 3, as attached, details the proposed appointments to Outside Bodies)

17. EXECUTIVE DECISION – RULE 17 (SPECIAL URGENCY)

A report by the Leader of the Council has been circulated.

Councillor C E H Marfleet to move:

That Council note the report.

Councillor Mrs P A Bradwell to second

18. OVERVIEW AND SCRUTINY ANNUAL REPORT 2015-16

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

Councillor Mrs A M Newton to move:

That the Overview and Scrutiny Annual Report for 2015-16 be approved.

Councillor C E D Mair to second

19. DEVOLUTION – GOVERNANCE REVIEW AND DRAFT SCHEME

A report by the Chief Executive has been circulated.

Councillor M J Hill OBE to move

1. That Council endorses the signing of the Greater Lincolnshire Devolution Document Agreement by the Leader of the Council and delegates authority to the Chief Executive to engage in negotiations with Government regarding the potential devolution of further powers, with responsibilities and resources.
2. That the contents of the Greater Lincolnshire Governance Review, attached at Appendix A of the report are noted.
3. That, on the basis of the Governance Review, the Council concludes that the establishment of a Mayoral Combined Authority for the Greater Lincolnshire Area would improve the exercise of statutory functions in that area.
4. That, accordingly, the Council supports the preparation and publication of a Scheme for the establishment of a Mayoral Combined Authority for the Greater Lincolnshire Area under Section 109 of the Local Democracy, Economic Development and Construction Act 2009.
5. That the Council support the publication of the draft Scheme for a Greater Lincolnshire Mayoral Combined Authority as attached at Appendix B to the report for consultation purposes, subject to such final revisions as may be approved by the Chief Executive, in consultation with the Leader, and prior to the commencement of the formal consultation exercise.
6. That the outcome of the consultation exercise is submitted to the Secretary of the State by the Chief Executive in consultation with the Leader.
7. That Council meets not later than 20 October 2016 to consider giving consent to an Order establishing a Mayoral Combined Authority for Greater Lincolnshire.
8. That insofar as any of the matters referred to in this report concern the discharge of non-executive functions, authority is delegated to the Chief Executive, in consultation with the Leader, to take all necessary steps and actions to progress the recommendations detailed in the report.
9. That further reports are presented to Council and the Executive as appropriate as the devolution process develops.

Councillor B Adams to second

20. MONITORING OFFICER'S ANNUAL REPORT 2015-16

A report by the Monitoring Officer has been circulated.

Councillor Mrs J Brockway to move

That Council receive the report.

Councillor Mrs S Rawlins to second

21. LINCOLNSHIRE MINERALS AND WASTE LOCAL PLAN: CORE STRATEGY AND DEVELOPMENT MANAGEMENT POLICIES

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

Councillor C J Davie to move

That the County Council resolves that the Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies document incorporating the Main Modifications recommended by the Inspector and the Additional Modifications proposed by officers (as set out in Appendix B to the report) be adopted on 1 June 2016 under Section 23 of the Planning and Compulsory Purchase Act 2004.

Councillor I G Fleetwood to second

22. FUTURE USE OF BOURNE TOWN HALL

A report by the Chief Property Officer has been circulated.

Councillor D Brailsford to move

That the Council, in its role as trustee of Bourne Town Hall, approves that:

- 1. A preferred option be pursued of transferring ownership of Bourne Town Hall to a new or existing charity to be held on charitable trust consistent with the spirit of the original gift, in order for the Town Hall to be used for the benefit of the people of Bourne, as intended by the original donor.**
- 2. Should the preferred option not prove to be viable then Bourne Town Hall should be disposed of with sale proceeds used for the benefit of the residents of Bourne.**
- 3. The Terms of Reference of the Bourne Town Hall Trust Management Committee be revised as set out in Appendix A of the report and authority be delegated to the Committee to**

exercise the Delegated Activities as defined in the revised Terms of Reference.

Councillor G J Ellis to second

23. ELECTORAL REVIEW OF LINCOLNSHIRE – UPDATE

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

Councillor M J Hill OBE to move

1. **That Council notes the launch of a further period of limited consultation in North Kesteven, South Holland, South Kesteven and West Lindsey.**
2. **That Council delegates to the Chief Executive, in consultation with Group Leaders, any Council response to the further period of limited consultation in these four district areas.**

Councillor R A Shore to second

24. CHANGES TO THE CONSTITUTION

A report by the Monitoring Officer has been circulated.

Councillor Mrs J Brockway to move

That Council approve the changes to the Constitution attached as Appendix A to the report.

Councillor M J Hill OBE to second

25. 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.

The Chairman to State:-

Before we move into the debate on the motion may I remind members that the debate relates to an ongoing contractual relationship of the Council some of which remains confidential. It also relates to actions the Council may take in response to well-documented performance issues under the contract.

Detailed discussion of such issues in public may potentially undermine the Council's future position. The following issues in particular should not be discussed in open session:-

- **Detail of any consideration by the Council of the merits or otherwise of termination of the contract**
- **Any legal advice received in relation to the Council's position under the contract**
- **Any consideration of the possible size of damages that might flow from breaches of contract**
- **Any consideration of costs provided for in the liability provision in the contract**

I therefore ask Councillors to bear this in mind during the debate.

(1) Motion by Councillor R B Parker

Councillor R B Parker to move:

This council notes in relation to the Serco contract for the delivery of back office services that

- since 1st April 2015 because of the failure of Serco to deliver services as specified in the contract there have been serious operational difficulties which have caused problems for the citizens of Lincolnshire, our Local

Authority schools, organisations we trade with and which supply us with vital services, and our staff

- as a consequence the reputation of the County Council has suffered severely because we as the local authority and as a fair trader and as a good employer have to take responsibility for the failures of our contractors
- at the end of February 2016 when the last report was received by the Value for Money Committee, 9 of the 43 Key Performance Indicators which measure the delivery of services under the contract were still not being met by Serco
- as a consequence of Serco's failure to meet the terms of the contract, service credits amounting to just under £1.2m have been repaid by Serco since April 2015
- at the present date there is no clear indication when all Key Performance Indicators and other projects not being met, will be met.

Accordingly this council expresses its serious dissatisfaction with the delivery of the back office services contract by Serco and resolves

- to ask the Chief Executive to begin at once a review using independent specialists to examine all aspects of the drawing up and implementation of the contract between Serco and the County Council. Three particular areas to include
 - 1) whether it was reasonable to expect there to be a smooth transfer of responsibilities from Mouchel to Serco and a shift from one IT system, SAP to Agresso, at the same time – 1 April 2015 - and
 - 2) whether the contract as drawn up was too large for the County Council to exit from without very serious ongoing difficulties thereby restricting the council's freedom of movement and
 - 3) whether Serco and the County Council had sufficient specialist staff in place in the right numbers to handle their respective responsibilities during the run-up to and from 1 April 2015
- to ask the Chief Executive to explore all options available to the County Council to bring an end to the contractual relationship between Serco and the County Council within the terms of the contract
- to bring a report back to the next full council meeting in September to enable the council to make recommendations to the Executive.

Councillor P M Dilks to second

(2) Motion by Councillor C Pain

Councillor C Pain to move that:

In the latest government austerity cuts in the next financial year, Lincolnshire County Council will have to cut in the region of another 34.8 million pounds from their budget. This will be on top of the 150 million pounds that the Lincolnshire County Council has already cut. We will also have to cut more council jobs.

I strongly feel that the latest austerity cuts are an inappropriate move against Lincolnshire County Council and its services. As I stand here in the council chamber our officers cannot even implement the extra 34.8 million pounds worth of savings in year two. This will mean that the County Council will become bankrupt and have to close its doors and hand the keys back to the government.

I believe that the country would be far better stopping paying the EU 355 million a week and also stopping millions of pounds of aid that we give to corrupt third world countries. This money is desperately needed here in the UK.

We cannot afford to lose more staff as this will put pressure on the remaining staff and the services we deliver. The staff should be consulted to give them a choice of losing fellow officers and workers, or the entire council staff taking a pay reduction equal to the proposed savings. This will keep the expertise and staff on hand to maintain Lincolnshire County Council services that the Lincolnshire public deserve. At the same time it will give hard working staff members job security, where they have mortgages, families and cars to run etc. I am sure they would like the security of knowing their jobs were safe. Any savings through staff leaving or retiring should be taken into account in the overall equation. This means that the salaries can be reviewed at a later date, but more importantly this assures the continuity of Lincolnshire County Council.

The false economy of these job reductions means that any proposed savings will be offset by redundancy payments and means that no short term savings will be made. Some councils have done this previously and had to replace these people afterwards, often with the same people that were made redundant in the first place.

I propose the following motion:-

Lincolnshire County Council Staff are consulted on the future savings to be made out of the LCC staff budget, and are given the option of taking a pay cut across every employee, rather than losing staff from the workforce. The findings of this consultation should be taken into account by the Head of Paid Service in determining the future structure of the workforce.

Councillor A J Jesson 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)

SCHEDULE 1 SHOWS PROPOSED MEMBERSHIP OF COMMITTEES,
SUB-COMMITTEES AND OUTSIDE BODIES

SCHEDULE 2 SHOWS APPOINTMENT OF CHAIRMEN AND VICE-
CHAIRMEN OF COMMITTEES AND SUB-COMMITTEES

SCHEDULE 3 SHOWS APPOINTMENTS TO OUTSIDE BODIES

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.

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