

# Agenda Item 6

## LINCOLNSHIRE COUNTY COUNCIL

16 DECEMBER 2016

### ORDER OF PROCEEDINGS

Prayers will be led by the Rev. Martin Brebner OBE 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 16 SEPTEMBER 2016

The Chairman to state:-

**That the minutes of the meeting of the County Council held on 16 September 2016 be approved as a correct record.**

4. MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD ON 20 OCTOBER 2016

The Chairman to state:-

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

5. CHAIRMAN'S ANNOUNCEMENTS

The Chairman to state:-

Since the last meeting of the County Council I have continued to carry out my civic engagements with pride, representing the Council by visiting places and meeting people and organisations from all around the County.

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

It was an honour to be involved in the Remembrance Day commemorations at Stamford. The Vice-Chairman also attended the Day Service in Lincoln Cathedral, which I understand was well supported and attended by hundreds of people.

We were delighted to welcome HRH The Duke of Gloucester when he came to see developments at Londonthorpe Woods and the Belton House estate. I also welcomed HRH The Princess Royal to the County when she visited Boston Stump to open the new Boiler House yesterday

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

On a sadder note I have to report the death of former County Councillor Mrs Pat Metcalfe. Former Chairman of the Education Committee, Mrs Metcalfe represented the Lincoln Minster electoral division from January 1984 until May 2001. I intend to represent the Council at her funeral at Lincoln Crematorium on 22 December.

I now invite members to stand in silent tribute.

(Councillors are given an opportunity to pay tribute to former Cllr Mrs Pat Metcalfe)

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

6. SUBMISSION OF PETITIONS

The Chairman to state:

**(a) The Council has received a petition requesting that the Council "Replace all the lights that will be switched out at night with energy efficient LED lamps so that they may be kept lit"**

(Mr Paul Key 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 requesting that the Council "Replace all the lights that will be switched out at night with energy efficient LED lamps so that they may be kept lit" should be referred to the Executive Councillor for Highways, Transport and IT.**

7. 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 7.0 in the agenda previously circulated.**

8. 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.**

9. REVIEW OF SCRUTINY

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

Councillor R B Parker to move:

**That the Council:**

1. **Note the work undertaken by the Overview and Scrutiny Management Committee and the Review of Scrutiny Working Group.**
2. **Adopt with immediate effect the Scrutiny-Executive protocol, 'Developing Effective Relationships Between the Executive and Scrutiny' as set out in Appendix A of the report.**
3. **Approve the proposals for the restructure of scrutiny arrangements at Lincolnshire County Council set out in recommendations A – N in Section 3 of this report to be implemented with effect from 1 May 2017.**
4. **Receive a report at its meeting on 24 February 2017 on the amendments to the County Council's Constitution arising out of the changes agreed.**
5. **Review the new arrangements 12 months after implementation.**

Councillor Mrs M J Overton MBE to second

10. KPMG'S REVIEW OF AGRESSO AND SERCO CONTRACT

A report by the Monitoring Officer has been circulated.

Councillor Mrs S Rawlins to move:

1. **That the report be noted.**
2. **That the Audit Committee continue to monitor the response to KPMG's recommendations**

Councillor Mrs E Sneath to second

Amendment to be moved by Councillor R B Parker

Amend recommendation 2 to read:

2. **Given the scale of the problems, the impact on the Lincolnshire community, and the damage done to the Council's reputation, we ask that the Chief Executive's response to KPMG's recommendations be presented to a future meeting of the County Council in addition to any monitoring work that the Audit Committee may undertake.**

Explanatory note:

In its review KPMG states that Serco were required to deliver services to a specific standard but “Serco have not achieved that standard and have been in breach of contract since April 1<sup>st</sup> 2015”.

Secondly KPMG suggests that the structure of the procurement was not a cause of the implementation issues encountered “excepting the possible inclusion of a 12 month timetable for implementation”.

Thirdly it states that that the Council failed to provide enough resources to monitor the Agresso project and the transition to Serco service delivery. It states

“If more project assurance resource had been available to monitor the Agresso project and the wider transition to Serco service delivery were being appropriately managed by Serco, then issues would have been identified at an earlier stage and more effective pressure may have been applied to Serco earlier in the process”.

Fourth it questions whether the Council governance of the programme was sufficient.

Fifth while there was some risk transfer to Serco the “project carried with it significant reputational risk and risk to the Council’s own operations”.

Sixth their review “identified a number of weaknesses in system implementation and resourcing. The Council and Serco did not have sufficient capable or knowledgeable resource in relation to the Agresso product”. It then goes on to say “that demand for resources was greater than set out in the contract due to lack of customer side resources be that Serco or the Council”.

Seventh “The Agresso system went live with a number of key issues not being fully addressed”. These included:

- the resourcing limitations of Serco
- ensuring there was workable contingency arrangement in place
- ensuring sufficient and successful running of payroll and testing of the system took place
- there was a lack of formal sign off of the data to Agresso
- monitoring of Serco performance against their overall project plan and the failure to meet project milestones.

Eighth the decision to go live without proper contingency planning was something that KPMG would have expected the Council to have insisted on. Serco stated to KPMG that there could have been a contingency arrangement but “the Council had made it clear that not to deliver the services from 1<sup>st</sup> April 2015... was not an option”.

The report concludes that despite extensive discussions between the Council and Serco there is still “no agreed timeline between the Council and Serco as to when the ongoing Agresso ERP issues will be fully resolved”.

This is a highly critical report of the failure of a major contract of the Council which has not only caused huge problems for the council but also for a wide range of individuals, contractors and schools who have suffered from this failure.

All this could have been prevented if proper consideration had been given at the beginning as to whether Serco was a proper and fit organisation to deliver the contract. There were clearly nationally known major concerns about Serco at the time including Serco's issues with the Ministry of Justice regarding electronic tagging contracts for example. The failure of the Council to robustly consider the suitability of Serco, instead of taking the view that "no new concerns have arisen" directly led to the devastating outcome for all concerned.

As the award of the contract was being discussed Labour members on the Value for Money scrutiny committee presented a catalogue of evidence showing why Serco could not be trusted and should be rejected as a bidder. This included the facts that Serco was under investigation for alleged fraud by the Serious Fraud Office and the Metropolitan Police, that a parliamentary select committee chairman Margaret Hodge had stated that Serco were excellent at winning contracts but hopeless on delivering on their contracts and that they were only being allowed to bid for Government contracts after paying back millions of pounds claimed unlawfully.

It is also clear that that the implementation of the Serco contract was the responsibility of the Council's Executive and the relevant Portfolio Holder. Having been advised of the potential problems of sticking to an implementation date of 1 April 2015 it was they who should have taken whatever action was necessary to ensure the continued effective delivery of council services.

This council recognises that the implementation of the Serco contract has been a catalogue of failures and lessons must be learnt. This council takes the view that the absence of a contingency plan demonstrates a lack of foresight and is a further example of the less than effective political leadership of this project. This resolution following on from the KPMG review provides the opportunity for leading members of the Executive to explain and account for their actions in a public debate for the first time.

Councillor P M Dilks to second

## 11. APPOINTMENT OF EXTERNAL AUDITORS

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

Councillor M A Whittington to move:

**That the Council:**

- 1. Appoints external auditors for an appointment commencing 1 April 2018 by means of opting in to the national scheme operated by Public Sector Appointments Limited a sector led procurement exercise undertaken by the Local Government Association; and**

2. **Authorises the Executive Director for Finance and Public Protection, in consultation with the Leader of the Council, to take all decisions and approve all documentation necessary to give effect to the opt in and support the national procurement process.**

Councillor M J Hill OBE to second

12. AUDIT COMMITTEE ANNUAL REPORT 2016

A report by the Chairman of the Audit Committee has been circulated.

Councillor Mrs S Rawlins to move

**That the Council receive the Audit Committee Annual Report 2016.**

Councillor Mrs E Sneath to second

13. 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 has determined that the motions will be debated concurrently, but there will be two separate votes.

(1) Motion by Councillor M Whittington

Councillor M A Whittington to move:

In response to the recently released NHS document the Lincolnshire Sustainability and Transformation Plan (STP) the Council is asked to support the following motion.

We welcome some of the positive proposals for future healthcare contained in the STP such as the development of Neighbourhood Teams, measures to improve preventative healthcare and public health and closer working between local NHS organisations and this Council in areas such as adult social care and mental health provision provided that they are properly funded and resourced. However, we believe that the proposal for the downgrading of A&E service provision at Grantham Hospital is completely unacceptable and will have a serious and detrimental effect on the health and wellbeing of the residents within the Grantham Hospital catchment area. We also believe that the proposal for the creation of a single maternity unit for the whole county at Lincoln County Hospital with the ending of provision at Boston Pilgrim Hospital is also completely unacceptable and will have a serious and detrimental effect on the health and wellbeing of the residents within the Boston Pilgrim Hospital catchment area. We are also concerned that the plans contained within the STP are not financially viable dependent as they are on £200m to £250m of capital expenditure which may not be available.

We believe that the views of the residents of Lincolnshire are of paramount importance in deciding the future direction of healthcare provision in the county and call on all the NHS organisations within the county to conduct a full, meaningful and proper public consultation on the STP proposals which must actively engage with all of the county's residents.

**This Council therefore:**

- 1) cannot support the Lincolnshire STP in its current form.**
- 2) confirms that we are prepared to work with all local NHS organisations to encourage them to adhere to and act upon the views which emerge from the public consultation.**

Councillor D C Morgan to second.

(2) Motion by Councillor J D Hough

Councillor J D Hough to move:

This council has major reservations about the proposals for the future delivery of health and social care services set out in the recently published Lincolnshire Sustainability and Transformation Plan (LSTP).

Amongst our concerns are

- the downgrading of Accident and Emergency services at Lincoln, Grantham and Boston Hospitals,
- the ending of maternity services at Boston Pilgrim Hospital and the proposal to centralise maternity services at Lincoln County Hospital,
- the failure in the report to make the case for adequate government funding to deliver quality health care services in a rural county which has difficulties in recruiting and retaining medical and nursing staff.

This council takes the view that if implemented these proposals will adversely affect the quality of life of people in Lincolnshire. It is of concern that these proposals will also have the potential to put a greater strain on the council's own finances particularly in relation to the delivery of Adult Social Care services.

- 1. Accordingly this council agrees that the Health Scrutiny Committee for Lincolnshire should scrutinise the likely impact of the proposals in the LSTP on the different medical services in all parts of the county.**
- 2. In addition the Council agrees to set up a cross-party working group to consider the likely financial and other impacts on county council services. The cross party working group, the membership of which is delegated to the Chairman and Vice-Chairman of the Overview and Scrutiny Management Committee, should make its recommendations to the Executive.**

Councillor S R Dodds 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.**

**I would like to take this opportunity to wish you all a very Merry Christmas and a healthy and prosperous new year**

(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 speaker's 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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