

Agenda Item 5

MEETING OF LINCOLNSHIRE COUNTY COUNCIL

27 SEPTEMBER 2022

ORDER OF PROCEEDINGS

MEETING GUIDANCE

The proceedings will be live streamed and recorded.

Please note there is no fire drill or fire alarm test planned, in the event of the fire alarm sounding, please leave by the nearest fire exit and make your way to the car park at the front of County Offices.

Members should be mindful that the new high-performing loop system is sensitive to any type of noise in the Chamber. Ambient sound from the Chamber immediately prior to meetings, and during open session may be picked up by the loop, and therefore Councillors should conduct private conversations outside of the Chamber. The loop will be muted at the close of the meeting.

If a member would like to speak, they should raise their hand so it can be clearly seen.

Requests to speak will be monitored by Democratic Services, and managed by the Chairman, with the assistance of the Chief Executive.

When the Chairman invites you to speak, you should press the button on your microphone unit to make it live. Please speak directly into the microphone and press the button again to switch it off once you have finished speaking.

Prayers will be led by Reverend Sudharshan Sarvananthan in the Council Chamber at 9.50 a.m., prior to the start of formal proceedings at 10.00 a.m.

The agenda previously circulated and published will be followed

Councillor A M Austin in the Chair

ORDER OF PROCEEDINGS – 27 SEPTEMBER 2022

1. APOLOGIES FOR ABSENCE

List of apologies to be read by Chief Executive, Debbie Barnes.

2. DECLARATIONS OF COUNCILLORS' INTERESTS

Councillors to indicate if they have any interests they wish to declare.

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 (DPIs) or notified to the Monitoring Officer in accordance with the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. Where councillors do declare an interest they must state what the interest is. Councillors must not speak or vote on the item.

Should you have any queries about declarations please seek advice from officers in advance of the meeting.

3. MINUTES OF THE MEETING OF THE COUNTY COUNCIL HELD ON 20 MAY 2022

The Chairman to state:-

That the minutes of the meeting of the County Council held on 20 May 2022 be approved as a correct record and signed by the Chairman.

4. TRIBUTES TO HER MAJESTY QUEEN ELIZABETH II

The Chairman to invite members observe a 2-minute silence after which there will be an opportunity to pay tribute to Her Majesty Queen Elizabeth II

5. CHAIRMAN'S ANNOUNCEMENTS

Chairman to state:

Since the last meeting of the Full Council, we have seen momentous changes in our Country. It was with immense sadness that we mourned the death of Her Majesty Queen Elizabeth II. We also witnessed the historic proclamation of our new Monarch, King Charles III. Following the County proclamation read by the High Sheriff of Lincolnshire at Lincoln Cathedral, districts, towns and parishes brought communities together to witness proclamations being read at local sites across Lincolnshire. The outpouring of grief was immeasurable and throughout this

difficult time, services have been maintained and that is a credit to local government staff.

It is with great sadness that I also have to report the death of Councillor Angela Newton MBE. Angela served Lincolnshire from 1981 through to 1993, returning in 2013 for a further nine years. She was an active Member on the current Planning and Regulatory Committee, Pensions Committee and Definitive Map and Statement of Public Rights of Way Sub-Committee. A keen scrutineer, Cllr Newton was a former Vice-Chairman of the Overview and Scrutiny Management Board, and chaired various scrutiny reviews in the late 2010's. She was also a long serving Member for South Holland District Council. I have been advised that the funeral for Councillor Mrs Newton will be held on Tuesday, 18 October 2022 at 10.30am at St John's Church, Hawthorn Bank, Spalding. I now invite you all to stand for a minute's silence as a mark of respect.

(Chairman to give members an opportunity to pay tribute)

Could you please note that the Customer Digital Delivery project are hosting a pop up stall outside the Chamber following this meeting today. The aim of the pop up is to showcase the work of the Customer Digital Delivery project to members. The work includes improvements to some of the services supported by the Customer Service Centre such as Highways Fault reporting via Fix My Street, how customers can book appointments in registration services and the Waste service looking at the Household Waste Recycling Centres and how they get information to customers. Please do take the time to visit the stall when you leave the Chamber today.

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

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

Statements by the Members of the Executive have been circulated

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

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.

When invited to ask their question, councillors should press the button on their microphone to make it live and press it again once they have finished speaking.

8. REVIEW OF FINANCIAL PERFORMANCE 2021/22

A report by the Executive Director – Resources has been circulated.

An amendment has been submitted by the Shadow Executive.

The Chairman of the Council proposes to deal with this item in the following way:

Temporary Suspension of Council Procedure Rules

The Chairman to move:

That there be one debate on the motion and the Shadow Executive amendment, and therefore the following Council Procedure Rules be temporarily suspended for the duration of the debate – 13.6 (b), 13.6 (c), 13.6 (d), 13.6 (e) and 13.10 (b) and that:

- (1) Councillor M J Hill OBE Leader of the Council in introducing and moving the motion be allowed to speak for 6 minutes (at A and F in this Order of Proceedings)**
- (2) That the proposer of the amendment be allowed to speak for 6 minutes (at C on the Order of Proceedings)**
- (3) That Councillors seconding the motions, each be allowed to speak for 3 minutes (at B and D on the Order of Proceedings or at E on the Order of Proceedings if they reserve their speech until later in the debate)**
- (4) That other speakers each be allowed to speak for 3 minutes (at E on the Order of Proceedings)**
- (5) That no further amendments be moved.**

Councillor M J Hill OBE to second.

Vote on the Temporary Suspension of Council Procedure Rules

Rules of debate

The Chairman will state:

I wish to remind members about the Rules of Debate as set out in rules 13.5 and 13.9 of the Council Procedure Rules which have not been suspended. These are set out in paragraphs (i) and (ii) below:

Except as set out in rules 13.5 and 13.9 below, councillors are only allowed to speak once during the debate. Therefore, the motion and any amendment(s) will proceed as one debate.

(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 otherwise not speak on it; and
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.

(A) Councillor M J Hill OBE to move:

The County Council is recommended to:

- 1. Note the carry forward of underspends set out in paragraphs 1.16 and 1.17 of the report, which are made in line with Financial Regulations.**
- 2. Note the transfer to reserves of underspends described in paragraphs 1.18 to 1.20 which are made in line with Financial Regulations.**
- 3. Approve the use of underspend in excess of 1% referred to in paragraph 1.22 as follows:**
 - a. The transfer of £5.000m to the Development Fund earmarked reserve for local Highways works.**
 - b. The carry forward of £2.392m of the underspend to be allocated to the Council's corporate revenue contingency budget 2022/23, to help deal with inflationary pressures.**
- 4. Note the performance against the Prudential Indicators as shown in Table D**

5. Note the transfers to and from reserves carried out in 2021/22 and note the position of Earmarked Reserves as at 31 March 2022 as shown in Table F of this report.
6. Note the position of the General Reserves as set out in paragraph 1.26 and Table G.
7. Note the key financial performance measures in 2021/22 as set out in Table H.

(B) Councillor M A Whittington to second.

Amendment by the Shadow Executive

(C) Councillor P M Dilks to move:

Amend the existing Recommendation 3 to read:

Approve the use of underspend in excess of 1% referred to in paragraph 1.22 as follows:

- a. The transfer of ~~£5.000m~~ £4.000m to the Development Fund earmarked reserve for local Highways works
- b. The carry forward of ~~£2.392m~~ £1.892m of the underspend to be allocated to the Council's corporate revenue contingency budget 2022/23, to help deal with inflationary pressures
- c. The transfer of £1.5m to create an immediate 'Cost of Living Emergency Fund' for the purpose of co-ordinating urgently with the County's seven district councils and other relevant public sector bodies and organisations within the voluntary and charitable sectors to organise and:
 - o Promote a programme to serve local communities so vulnerable residents' needs for social contact, warmth, and nourishment are met
 - o Promote an online and telephone information resource offering financial advice and money saving tips to help our residents access this easily
 - o Create an immediate 'Cost of Living Emergency Fund' to support these initiatives using up to £1.5 million from the Council's Budget underspends from the last financial year

Executive Director – Resources/s.151 Officer Commentary

The amendment put forward is viable and presents three items of expenditure that are all one-off in nature.

Two items are adjustments to the Executive's proposals.

The adjustment to the Highways item will result in £1m less investment in local highways projects than the Executive's proposal.

The adjustment to the Inflation contingency item will result in £500k less than the Executive's proposal. Members should note there is already £6.5m contingency allocated in the 2022/23 budget and any item agreed by this Council meeting would be in addition to this. The council reported a modest projected overspend of c.£700k at Q1 (6th September 2022 Executive), however Members at that meeting were also advised of the highly volatile inflationary factors that had started to materialise over the summer, which were not included in that report, relating to national pay bargaining, rising energy costs and contract inflation with more accurate forecasts expected at Q2 (6th December 2022 Executive). There is an increased risk therefore that in reducing the Executive's contingency proposal, there may be insufficient funding in the budget to meet costs that are not yet known.

Andrew Crookham
Deputy Chief Executive and Executive Director of Resources (s151 Officer)

(D) Councillor R B Parker to second

Debate to take place

(E) Other Councillors

(F) Response by Councillor M J Hill OBE, mover of the motion.

9. COUNCIL CONSTITUTION – CHANGES TO THE LINCOLNSHIRE HEALTH AND WELLBEING BOARD TERMS OF REFERENCE

A report by the Monitoring Officer has been circulated.

Councillor Mrs S Woolley to move:

That the Council:

1. **Approves the proposal put forward by the Lincolnshire Health and Wellbeing Board to change the terms of reference of the Health and Wellbeing Board:**
 - a. **to remove reference to the functions of the Integrated Care System Partnership**
 - b. **to remove reference to the Lincolnshire NHS Clinical Commissioning Group, replacing it with reference to the Integrated Care Board**
 - c. **to take account of the Board's role as a consultee in a number of the statutory processes associated with the operations of the Lincolnshire NHS Integrated Care Board**

2. **Approves the amendments to the Constitution set out in Appendix B**

Councillor C Matthews to second.

10. HUMBER AND LINCOLNSHIRE JOINT HEALTH OVERVIEW AND SCRUTINY COMMITTEE

A report by the Executive Director – Resources has been circulated.

Councillor Mrs S Woolley to move:

That the County Council:-

- (1) approves the establishment of and the participation of the County Council in a Humber and Lincolnshire Joint Health Overview and Scrutiny Committee, established for the purposes of responding to joint consultation on any proposed substantial reconfiguration of NHS services in the Humber area arising out of the Humber Acute Services Programme to be constituted pursuant to Regulation 30(5) of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013.**
- (2) approves the appointment of Councillors S Bunney, C S Macey and T J N Smith to such Joint Health Overview and Scrutiny Committee in accordance with section 15 of the Local Government and Housing Act 1989 (duty to allocate seats to political groups).**
- (3) That authority be delegated to the Chief Executive, in consultation with the Leader of the Council and the Chairman of Health Scrutiny Committee for Lincolnshire, to approve the detailed terms of reference for the joint health overview and scrutiny committee.**

Councillor T V Young to second.

AT THE CONCLUSION OF THE MEETING

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

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

FOR THE INFORMATION OF COUNCILLORS

COUNCIL MEETINGS – RULES OF DEBATE

(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 debate on the amendments, but may otherwise not speak on it; and
- c) The mover of the amendment has no right of reply to the debate on his or her amendment.

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 making 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.