

Full Council

Thursday, 14th December, 2017, Council Chamber, County Hall, Preston

Question time begins at 1.30 pm.

Full Council begins at 2pm or at the end of Question Time, whichever is earlier.

Agenda

Index

1. **Apologies and Announcements**
2. **Disclosure of Pecuniary and Non-Pecuniary Interests**
- A. Matters for Decision**
 3. **Confirmation of the Minutes from the Meetings held on 15 September 2017 and 26 October 2017** (Pages 1 - 20)
 4. **Transport for the North: Establishment of Statutory Sub-national Transport Body** (Pages 21 - 36)
 5. **Finding of the Local Government Ombudsman - 1 November 2017** (Pages 37 - 50)
- B. Matters for Information**
 6. **Report of the Cabinet (Part B)** (Pages 51 - 56)
 7. **Report of County Council Committees**
 - To receive reports from:
 - (a) **The Overview and Scrutiny Committees** (Pages 57 - 64)

(b) The Pension Fund Committee (Pages 65 - 74)

NOTICES OF MOTION

C. Notice of Motion

To consider any Notices of Motion submitted under Standing Order No. 14.2.1.

Jo Turton
Chief Executive

County Hall
Preston

12 December 2017

Agenda Item 3

Minutes

At a meeting of the Full Council held at Council Chamber, County Hall, Preston, on Friday, 15th September, 2017

Present:

County Councillor Terry Aldridge (Chairman)

County Councillors

| | | |
|---------------|--------------|--------------|
| A Ali | J Fillis | J Parr |
| T Ashton | A Gardiner | M Pattison |
| A Atkinson | J Gibson | M Perks |
| M Barron | G Gooch | E Pope |
| L Beavers | M Green | J Potter |
| J Berry | P V Greenall | J Purcell |
| P Britcliffe | P Hayhurst | J Rear |
| I Brown | N Hennessy | P Rigby |
| P Buckley | S Holgate | A Riggott |
| T Burns | A Hosker | A Schofield |
| J Burrows | D Howarth | J Shedwick |
| Mrs S Charles | K Iddon | D T Smith |
| A Cheetham | M Iqbal | K Snape |
| S Clarke | A Jones | A Snowden |
| A Clempson | A Kay | D Stansfield |
| Ms L Collinge | H Khan | P Steen |
| J Cooney | E Lewis | J Sumner |
| L Cox | Ms S Malik | V Taylor |
| C Crompton | J Marsh | M Tomlinson |
| M Dad | T Martin | C Towneley |
| B Dawson | J Mein | S Turner |
| F De Molfetta | J Molineux | A Vincent |
| G Dowding | Y Motala | C Wakeford |
| G Driver | E Nash | D Whipp |
| J Eaton | D O'Toole | G Wilkins |
| C Edwards | Mrs L Oades | P Williamson |
| K Ellard | G Oliver | B Yates |
| D Foxcroft | M Parkinson | |

1. Apologies and Announcements

There were no apologies received.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

None declared.

3. Motion Submitted by County Councillor John Fillis

It was moved by County Councillor John Fillis, and seconded by County Councillor Azhar Ali, that:

- (a) The Full Council should fully debate the proposed restructure and its implications for the service delivery in a transparent way by giving the powers for implementation of the restructure to Full Council.
- (b) This Council is concerned that the serious financial situation will have a devastating effect on services unless it is considered in an open, transparent and constructive manner.
- (c) This Council lacks confidence in the current Leader of the Council, CC Driver CBE, and calls on him to resign with immediate effect.

During the debate, the meeting was adjourned following the sudden illness of a Councillor. The meeting was re-convened at 1.30pm on 26 October 2017.

After a further period of debate, the motion was put to the vote. Six County Councillors requested a recorded vote in accordance with procedural Standing Order 15.2 (9.4). The names of the County Councillors who voted for or against the Motion and those who abstained are set out below:

For (34)

| | | | | |
|------------|---------------|------------|-------------|-------------|
| A Ali | M Dad | P Hayhurst | T Martin | J Parr |
| L Beavers | B Dawson | N Hennessy | J Mein | M Pattison |
| J Berry | F De Molfetta | S Holgate | J Molineux | J Potter |
| T Burns | G Dowding | D Howarth | Y Motala | K Snape |
| L Collinge | K Ellard | M Iqbal | E Oades | M Tomlinson |
| L Cox | J Fillis | H Khan | G Oliver | D Whipp |
| C Crompton | P Greenall | S Malik | M Parkinson | |

Against (45)

| | | | | |
|--------------|------------|----------|-------------|------------|
| T Ashton | S Clarke | M Green | J Purcell | P Steen |
| A Atkinson | A Clempson | A Hosker | J Rear | J Sumner |
| M Barron | J Cooney | K Iddon | P Rigby | C Towneley |
| P Britcliffe | G Driver | A Kay | A Riggott | S Turner |
| I Brown | J Eaton | J Marsh | A Schofield | A Vincent |
| P Buckley | C Edwards | E Nash | J Shedwick | C Wakeford |

| | | | | |
|------------|------------|-----------|--------------|--------------|
| J Burrows | D Foxcroft | D O'Toole | D Smith | G Wilkins |
| S Charles | A Gardiner | M Perks | A Snowden | P Williamson |
| A Cheetham | G Gooch | E Pope | D Stansfield | B Yates |

Abstain (1)

T Aldridge

The motion was therefore lost.

Jo Turton
Chief Executive

County Hall
Preston

Minutes

At a meeting of the Full Council held at Council Chamber, County Hall, Preston,
on Thursday, 26th October, 2017

Present:

County Councillor Terry Aldridge (Chairman)

County Councillors

| | | |
|---------------|--------------|--------------|
| A Ali | D Foxcroft | M Parkinson |
| T Ashton | J Fillis | J Parr |
| A Atkinson | A Gardiner | M Pattison |
| M Barron | J Gibson | M Perks |
| L Beavers | G Gooch | E Pope |
| J Berry | M Green | J Potter |
| P Britcliffe | P V Greenall | J Purcell |
| I Brown | P Hayhurst | J Rear |
| P Buckley | N Hennessy | P Rigby |
| T Burns | S Holgate | A Riggott |
| J Burrows | A Hosker | A Schofield |
| Mrs S Charles | D Howarth | J Shedwick |
| A Cheetham | K Iddon | D T Smith |
| S Clarke | M Iqbal | K Snape |
| A Clempson | A Kay | A Snowden |
| Ms L Collinge | H Khan | D Stansfield |
| J Cooney | E Lewis | P Steen |
| L Cox | Ms S Malik | J Sumner |
| C Crompton | J Marsh | M Tomlinson |
| M Dad | T Martin | C Towneley |
| B Dawson | J Mein | S Turner |
| F De Molfetta | J Molineux | A Vincent |
| G Dowding | Y Motala | C Wakeford |
| G Driver | E Nash | D Whipp |
| J Eaton | D O'Toole | G Wilkins |
| C Edwards | Mrs L Oades | P Williamson |
| K Ellard | G Oliver | B Yates |

1. Apologies and Announcements

There were no apologies presented.

Announcements

Deaths

The Chair reported the following sad deaths:

- Former County Councillor William Challis who passed away on 24 July 2017;
- Former County Councillor Gordon Payne who passed away on 6 August 2017;
- County Councillor Viv Taylor who passed away on 27 September 2017.

A number of Councillors paid tribute to the late former County Councillors and County Councillor Taylor.

The Council stood in silent tribute.

Former County Councillor Tony Jones

The Chair conveyed the best wishes of the Council to former County Councillor Tony Jones and wished him a full and speedy recovery. The Chair thanked all those who had come to the assistance of former County Councillor Tony Jones during the Extraordinary General Meeting of the Full Council on 15 September 2017 and, in particular, County Councillor John Fillis.

Retirement of the Vicar of Preston

Full Council was notified of the forthcoming retirement of Fr Timothy Lipscomb as Vicar of Preston on 31 October 2017. The Chair invited the Deputy Chair to pay tribute to Fr Timothy, who was present in the Chamber, and to convey the thanks and appreciation of the Council to Fr Timothy for all he had done, and the best wishes of the Council for the future. A number of Councillors also paid tribute to Fr Timothy.

British Construction Industry (BCI) Awards 2017

The Chair reported that the County Council had won a BCI national award for the recently opened Heysham/M6 Link Road. The award was for the industry's national Economic Infrastructure project of the year. The Chairman invited County Councillor Keith Iddon, Cabinet Member for Highways and Transport, to present the award to Phil Whalley, NEC Project Supervisor, and Steven Halsall, Senior Engineer, who were present in the Chamber, and who were congratulated by the Full Council.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

The Full Council was notified that Members had been invited to make declarations of Pecuniary and Non-pecuniary interests in matters on the agenda

in accordance with the County Council's Code of Conduct for Members. The following interests were declared:

| Name of Councillor | Agenda item number | Nature of interest (non-pecuniary unless stated) |
|--------------------|--------------------|--------------------------------------------------|
| P Rigby | Question 2 | Paid in Past (Pecuniary) |
| D Howarth | 6 | Member - Humanists UK |

3. Confirmation of the minutes from the meeting held on 20 July 2017

Resolved: - That the minutes of the meeting of Full Council held on 20 July 2017 be confirmed and signed by the Chair.

4. Report of the Cabinet (Part A)

The Leader presented the report of the Cabinet from its meeting on 14 September 2017.

Resolved: - That:

- (i) The revised Library Strategy, as set out in the report, now presented, be approved;
- (ii) The submission of the revised Library byelaws to the Department for Digital, Culture, Media and Sport for confirmation by the Secretary of State be approved, and agreement be given that, subject to the confirmation being received, the byelaws be formally adopted and sealed by the County Council in accordance with the Public Libraries and Museums Act 1964.

The Chair indicated that Item 5 (Report of the Employment Committee - Senior Management Restructure) would be considered after the Notices of Motion at the end of the agenda.

6. Review of the County Council's Policy relating to the Supply of Halal Meat to Schools

The Leader moved a report, seconded by the Deputy Leader, setting out details of a review of the County Council's policy relating to the supply of halal meat.

In moving the report, the Leader presented the following draft resolution for Full Council's consideration:

Council recognises and respects the Muslim community's requirements for their food to comply with their religious beliefs.

However, Council is concerned that slaughtering animals without stunning them beforehand causes them unnecessary stress and suffering.

Council therefore resolves:

- (i) Not to provide meat (other than poultry) to LCC establishments unless the animals were stunned before they were slaughtered.
- (ii) To consult with the Lancashire Council of Mosques and others on how the County Council can implement this whilst continuing to provide meals which comply with the Muslim community's religious beliefs.
- (iii) To undertake further investigations with the Lancashire Council of Mosques into the stunning of poultry before slaughter.

County Councillor Azhar Ali proposed the following amendment which was seconded by County Councillor John Fillis.

- (i) To consult with the Lancashire Council of Mosques, the Jewish Board of Deputies and others on how the County Council can implement this whilst continuing to provide meals which comply with the Muslim community's religious beliefs.
- (ii) To undertake further investigations with the Lancashire Council of Mosques and the Jewish Board of Deputies into the stunning of poultry before slaughter.

In accordance with the requirements of procedural Standing Order 15.9.7, a recorded vote was taken. The names of the County Councillors who voted for or against the Amendment and those who abstained are set out below:

For (36)

| | | | | |
|------------|---------------|------------|-------------|-------------|
| A Ali | M Dad | P Hayhurst | J Mein | K Snape |
| L Beavers | B Dawson | N Hennessy | J Molineux | M Tomlinson |
| J Berry | F De Molfetta | S Holgate | Y Motala | C Wakeford |
| T Burns | G Dowding | M Iqbal | E Oades | D Whipp |
| L Collinge | K Ellard | H Khan | G Oliver | |
| J Cooney | J Fillis | E Lewis | M Parkinson | |
| L Cox | J Gibson | S Malik | J Parr | |
| C Crompton | P Greenall | T Martin | M Pattison | |

Against (42)

| | | | | |
|--------------|------------|-----------|--------------|--------------|
| T Ashton | S Clarke | A Hosker | P Rigby | C Towneley |
| A Atkinson | A Clempson | K Iddon | A Riggott | S Turner |
| M Barron | G Driver | A Kay | A Schofield | A Vincent |
| P Britcliffe | J Eaton | J Marsh | J Shedwick | G Wilkins |
| I Brown | C Edwards | E Nash | D Smith | P Williamson |
| P Buckley | D Foxcroft | D O'Toole | A Snowden | B Yates |
| J Burrows | A Gardiner | M Perks | D Stansfield | |
| S Charles | G Gooch | E Pope | P Steen | |
| A Cheetham | M Green | J Rear | J Sumner | |

Abstain (4)

| | | | | |
|------------|-----------|----------|-----------|--|
| T Aldridge | D Howarth | J Potter | J Purcell | |
|------------|-----------|----------|-----------|--|

The amendment was therefore LOST.

Following an adjournment, the Vice Chairman assumed the Chair.

County Councillor Mohammed Iqbal proposed the following amendment which was seconded by County Councillor John Fillis:

- (i) Not to provide meat (other than poultry) to LCC establishments unless the animals were stunned before they were slaughtered.
- (ii) To consult with the Lancashire Council of Mosques and others on how the County Council can implement this whilst continuing to provide meals which comply with the Muslim community's religious beliefs.
- (iii) To undertake further investigations with the Lancashire Council of Mosques into the stunning of poultry before slaughter.
- (iv) Subject to a full public consultation with a report to May 2018 Council meeting.

Following a further period of debate, the amendment was put to the vote and was LOST.

Following a further period of debate, County Councillor Gina Dowding proposed the following amendment which was seconded by County Councillor Liz Oades:

This Council agrees to explore ways of increasing animal welfare standards in both meat and dairy procurement; and the percentage of vegetarian and plant based meals provided and taken up in all our institutions.

The amendment was ruled out of order by the Chair.

After a further period of debate, the substantive motion was put to the vote. In accordance with the requirements of procedural Standing Order 15.9.7, a recorded vote was taken. The names of the County Councillors who voted for or against the Motion and those who abstained are set out below:

For (41)

| | | | | |
|--------------|------------|------------|--------------|--------------|
| T Ashton | S Clarke | P Greenall | A Riggott | S Turner |
| A Atkinson | A Clempson | A Hosker | A Schofield | A Vincent |
| M Barron | G Driver | K Iddon | J Shedwick | G Wilkins |
| P Britcliffe | J Eaton | A Kay | D Smith | P Williamson |
| I Brown | C Edwards | J Marsh | A Snowden | B Yates |
| P Buckley | D Foxcroft | E Nash | D Stansfield | |
| J Burrows | A Gardiner | D O'Toole | P Steen | |
| S Charles | G Gooch | E Pope | J Sumner | |

| | | | | |
|------------|---------|--------|------------|--|
| A Cheetham | M Green | J Rear | C Towneley | |
|------------|---------|--------|------------|--|

Against (24)

| | | | | |
|-----------|---------------|----------|-------------|-------------|
| A Ali | M Dad | M Iqbal | J Mein | P Rigby |
| L Beavers | F De Molfetta | H Khan | J Molineux | M Tomlinson |
| J Berry | K Ellard | E Lewis | Y Motala | C Wakeford |
| J Cooney | J Fillis | S Malik | M Parkinson | D Whipp |
| L Cox | J Gibson | T Martin | J Parr | |

Abstain (15)

| | | | | |
|------------|------------|------------|------------|-----------|
| T Burns | B Dawson | N Hennessy | E Oades | J Potter |
| L Collinge | G Dowding | S Holgate | G Oliver | J Purcell |
| C Crompton | P Hayhurst | D Howarth | M Pattison | K Snape |

It was therefore:

Resolved: - That:

Council recognises and respects the Muslim community's requirements for their food to comply with their religious beliefs.

However, Council is concerned that slaughtering animals without stunning them beforehand causes them unnecessary stress and suffering.

Council therefore resolves:

- (i) Not to provide meat (other than poultry) to LCC establishments unless the animals were stunned before they were slaughtered.
- (ii) To consult with the Lancashire Council of Mosques and others on how the County Council can implement this whilst continuing to provide meals which comply with the Muslim community's religious beliefs.
- (iii) To undertake further investigations with the Lancashire Council of Mosques into the stunning of poultry before slaughter.

7. The Audit and Governance Committee - Revised Terms of Reference

County Councillor Alan Schofield moved a report, seconded by County Councillor Edward Nash, setting out details of a proposal to revise the name and Terms of Reference of the Audit and Governance Committee.

Resolved: - That:

- (i) The name of the Audit and Governance Committee be revised to that of Audit, Risk and Governance Committee.
- (ii) The Committee's revised Terms of Reference, as set out at Annex 1 to the report, now presented be approved.

8. Lancashire County Council Timetable of Meetings 2018/19

The Leader moved a report, seconded by County Councillor Azhar Ali, setting out a draft timetable of Full Council, Cabinet and Committee meetings for the period 1 June 2018 - 31 May 2019.

County Councillor Paul Greenall proposed the following amendment which was seconded by County Councillor Erica Lewis:

The Full Council is recommended to defer the timetable of Full Council, Cabinet and Committee meetings for the period 1 June 2018 to 31 May 2019 inclusive as set out at Annex 1, and ask the Chief Executive to consider whether the holding of all Council meetings during daytime hours accords with the current Equality, Cohesion and Integration strategy and our obligations under the Equality Act 2010, and to report her findings back to the next Full Council meeting in December 2017.

The amendment was put to the vote and was LOST. The substantive motion was then put to the vote and was CARRIED. It was therefore:

Resolved: - That the timetable of Full Council, Cabinet and Committee meetings for the period 1 June 2018 to 31 May 2019 inclusive, as set out at Annex 1 to the report, now presented, be approved.

9. Report of the Cabinet (Part B)

The Leader presented the report of the Cabinet from its meetings on 13 July, 10 August, 21 August, 14 September, and 12 October 2017.

Resolved: - That the report of the Cabinet, now presented, be noted.

10(a) The Urgency Committee

The Leader presented the report of the Urgency Committee from its meeting on 14 September 2017. The report also set out details of a decision taken by the Chief Executive under the Council's Urgent Business Procedure on behalf of the Urgency Committee.

Resolved: - That the report of the Urgency Committee, now presented, be noted.

10(b) The Overview and Scrutiny Committees

County Councillor John Shedwick presented the reports of the Overview and Scrutiny Committees from their meetings as follows:

- Children's Services Scrutiny Committee - 26 July and 6 September 2017
- Education Scrutiny Committee - 26 September 2017
- External Scrutiny Committee - 25 July and 10 October 2017
- Health Scrutiny Committee - 24 July and 19 September 2017
- Internal Scrutiny Committee - 21 July and 22 September 2017

Resolved: - That the reports of the Overview and Scrutiny Committees, now presented, be noted.

10(c) The Audit and Governance Committee

County Councillor Alan Schofield presented the report of the Audit and Governance Committee from its meetings on 31 July 2017 and 25 September 2017.

Resolved: - That the report of the Audit and Governance Committee, now presented, be noted.

10(d) The Pension Fund Committee

County Councillor Eddie Pope presented the report of the Pension Fund Committee from its meeting on 15 September 2017.

Resolved: - That the report of the Pension Fund Committee, now presented, be noted.

11. Report of the Lancashire Combined Fire Authority

County Councillor Frank De Molfetta presented the report of the Lancashire Combined Fire Authority from its meeting held on 18 September 2017.

Resolved: - That the report of the Lancashire Combined Fire Authority, now presented, be noted.

12. Notices of Motion submitted under Procedural Standing Order 14.2.1(a) (Part C)

1. British Gas Energy Price Increase

With the consent of the Full Council, this Notice of Motion, to have been proposed by County Councillor Matthew Tomlinson and seconded by County Councillor Jean Parr, was deferred to the next meeting of Full Council on 14 December 2017.

2. It was moved by County Councillor Lizzi Collinge and seconded by County Councillor Margaret Pattison that:

Baby Loss Awareness Week is held annually from 9 to 15 October and is a special opportunity to mark the loss of pregnancies and the brief lives of babies lost at or soon after birth. This year, Baby Loss Awareness Week called for improved bereavement support for families affected by baby and pregnancy loss.

Miscarriage is a common experience - it is estimated that one in six confirmed pregnancies ends in miscarriage - yet can be devastating for the people affected.

As a large employer, Lancashire County Council is in a position to help employees affected by pregnancy loss. As an organisation that exists to serve the people of Lancashire, it is also in a position to deal supportively with residents who have experienced miscarriage and baby loss.

This council therefore instructs the Chief Executive, as Head of the Paid Service, to ensure that:

- Managers have the correct training to help employees who miscarry at work or who have suffered a loss.
- Managers have good quality resources on miscarriage and baby loss in the workplace, such as the Miscarriage Association's 'Miscarriage and the Workplace' leaflet.
- Frontline staff have training and resources to help Lancashire residents affected by miscarriage and baby loss.
- All employees have access to good quality information about miscarriage and baby loss.
- Miscarriage and baby loss is dealt with sensitively and supportively at all times.

On being put to the vote the motion was CARRIED and it was:

Resolved: - That:

Baby Loss Awareness Week is held annually from 9 to 15 October and is a special opportunity to mark the loss of pregnancies and the brief lives of babies lost at or soon after birth. This year, Baby Loss Awareness Week called for improved bereavement support for families affected by baby and pregnancy loss.

Miscarriage is a common experience - it is estimated that one in six confirmed pregnancies ends in miscarriage - yet can be devastating for the people affected.

As a large employer, Lancashire County Council is in a position to help employees affected by pregnancy loss. As an organisation that exists to serve the people of Lancashire, it is also in a position to deal supportively with residents who have experienced miscarriage and baby loss.

This council therefore instructs the Chief Executive, as Head of the Paid Service, to ensure that:

- Managers have the correct training to help employees who miscarry at work or who have suffered a loss.
- Managers have good quality resources on miscarriage and baby loss in the workplace, such as the Miscarriage Association's 'Miscarriage and the Workplace' leaflet.
- Frontline staff have training and resources to help Lancashire residents affected by miscarriage and baby loss.
- All employees have access to good quality information about miscarriage and baby loss.
- Miscarriage and baby loss is dealt with sensitively and supportively at all times.

3. It was moved by County Councillor John Fillis and seconded by County Councillor Azhar Ali that:

This Council supports the ongoing work to engage with all Councils in Lancashire to review the arrangements around joint working and the Shadow Combined Authority, in order to establish a new collective round table approach to working with the government for the benefit of the people of Lancashire.

Council resolves that the following principles guide this work:

- All Lancashire Councils should be involved, including those who have indicated they would not support the previous Combined Authority proposals.
- That there is no elected Mayor for all of Lancashire.
- That the discussions aim to establish a formal partnership.
- That all partners have an equal input and retain their autonomy.

The following amendment was proposed by County Councillor Geoff Driver and seconded by County Councillor Albert Atkinson:

This Council supports the ongoing work to engage with all Councils in Lancashire to review the arrangements around joint working in order to establish a collective approach to working with the government for the benefit of the people of Lancashire.

Council resolves to consider the setting up of a Combined Authority that will be beneficial to the County Council and the people of Lancashire.

County Councillor John Fillis indicated that he would accept the amendment subject to the insertion of "That there is no elected Mayor for all of Lancashire". County Councillor Geoff Driver accepted the insertion and the amendment became the substantive motion.

On being put to the vote the motion was CARRIED and it was:

Resolved: - That:

This Council supports the ongoing work to engage with all Councils in Lancashire to review the arrangements around joint working in order to establish a collective approach to working with the government for the benefit of the people of Lancashire.

Council resolves:

- (i) To consider the setting up of a Combined Authority that will be beneficial to the County Council and the people of Lancashire.
- (ii) That there is no elected mayor for all of Lancashire

4. It was moved by County Councillor Erica Lewis and seconded by County Councillor Lizzi Collinge that:

Following a year-long commission, jointly chaired by Labour's Dame Margaret Hodge MP, and Gillian Keegan, then Councillor and Director of Women2Win, and now Conservative MP, earlier this year the Fawcett Society and the Local Government Information Unit (LGIU) released a report Does Local Government Work for Women?

The report highlights the ongoing under-representation and barriers to women's participation in local government. In particular it noted that progress in increasing the number of women councillors had stalled, increasing by only 5% over the last 20 years, whereas the number of women in Parliament has increased by 10% over that period.

Noting the important issues raised in the report, this Council requests that the Internal Scrutiny Committee establishes a working group to further explore the findings of the report and make recommendations as to good practices which should be adopted by this council.

On being put to the vote the motion was CARRIED and it was:

Resolved: - That:

Following a year-long commission, jointly chaired by Labour's Dame Margaret Hodge MP, and Gillian Keegan, then Councillor and Director of Women2Win, and now Conservative MP, earlier this year the Fawcett Society and the Local Government Information Unit (LGIU) released a report Does Local Government Work for Women?

The report highlights the ongoing under-representation and barriers to women's participation in local government. In particular it noted that progress in increasing the number of women councillors had stalled, increasing by only 5% over the last 20 years, whereas the number of women in Parliament has increased by 10% over that period.

Noting the important issues raised in the report, this Council requests that the Internal Scrutiny Committee establishes a working group to further explore the findings of the report and make recommendations as to good practices which should be adopted by this council.

5. BAE Systems Job Losses

This Notice of Motion, to have been proposed by County Councillor Julie Gibson and seconded by County Councillor Jean Parr, was withdrawn.

6. Neighbourhood Wellbeing Initiatives

With the consent of the Full Council, this Notice of Motion, to have been proposed by County Councillor Geoff Driver, seconder to be confirmed, was deferred to the next meeting of Full Council on 14 December 2017.

7. It was moved by County Councillor Peter Buckley and seconded by County Councillor Geoff Driver that:

Last Thursday (19 October 2017) was designated UNISON's SOS Libraries Day in which the Union were seeking support "to make sure that library services are protected and invested in so that communities can enjoy and benefit from them now and in the future."

This Council concurs with the need to focus on libraries and agrees with the reasons set out in the UNISON literature, that:

- Libraries have huge local value and need to be protected. Using the library is associated with higher life satisfaction, happiness and sense of purpose. Yet 478 libraries have closed since 2010 and over 8,000 library workers have lost their jobs.
- Cuts to libraries affect other public services. It is estimated that library users in England save the NHS 27.5 million each year. Libraries often support people's education about their own health or social care needs, helping to prevent existing issues from escalating.
- Library cuts have an unfair impact on marginalised groups. Women, Black and disabled people are much more likely to use their local library, so they are disproportionately affected by library cuts.

This Council also notes that under the previous Labour-led administration, over a third of the County Council operated libraries were shut, whereas this Conservative administration are actively in the process of reopening them.

This Council therefore resolves to:

- (i) Acknowledge and support the many hard-working library professionals that work in our library service.

- (ii) Acknowledge and thank all the voluntary and community groups who have shown commitment to the library service and its future development.
- (iii) Enforce the commitment in law for local authorities to provide a 'comprehensive and efficient' library service and ring-fence funding for library services in the long-term.
- (iv) Write to the General Secretary of UNISON to advise him that Lancashire County Council supports UNISON's campaign to save public libraries.

The following amendment was proposed by County Councillor Lizzi Collinge and seconded by County Councillor Azhar Ali:

The addition of the following to the substantive motion:

- (v) Write to Philip Hammond MP to request a meeting with all-party delegation from Lancashire County Council to discuss a fair funding formula for Lancashire, after years of large reductions in local government funding, in order to protect the future of our library services.

On being put to the vote the amendment was LOST. The substantive motion was then put to the vote and was CARRIED. It was therefore:

Resolved: - That:

Last Thursday (19 October 2017) was designated UNISON's SOS Libraries Day in which the Union were seeking support "to make sure that library services are protected and invested in so that communities can enjoy and benefit from them now and in the future."

This Council concurs with the need to focus on libraries and agrees with the reasons set out in the UNISON literature, that:

- Libraries have huge local value and need to be protected. Using the library is associated with higher life satisfaction, happiness and sense of purpose. Yet 478 libraries have closed since 2010 and over 8,000 library workers have lost their jobs.
- Cuts to libraries affect other public services. It is estimated that library users in England save the NHS 27.5 million each year. Libraries often support people's education about their own health or social care needs, helping to prevent existing issues from escalating.
- Library cuts have an unfair impact on marginalised groups. Women, Black and disabled people are much more likely to use their local library, so they are disproportionately affected by library cuts.

This Council also notes that under the previous Labour-led administration, over a third of the County Council operated libraries were shut, whereas this Conservative administration are actively in the process of reopening them.

This Council therefore resolves to:

- (i) Acknowledge and support the many hard-working library professionals that work in our library service.
- (ii) Acknowledge and thank all the voluntary and community groups who have shown commitment to the library service and its future development.
- (iii) Enforce the commitment in law for local authorities to provide a 'comprehensive and efficient' library service and ring-fence funding for library services in the long-term.
- (iv) Write to the General Secretary of UNISON to advise him that Lancashire County Council supports UNISON's campaign to save public libraries.

5. Report of the Employment Committee - Senior Management Restructure

The Leader moved a report, seconded by the Deputy Leader, setting out the recommendations of the Employment Committee from its meetings held on 29 September, 9, 19, 20 and 23 October 2017 in respect of the senior management restructure.

In accordance with the requirements of procedural Standing Order 15.9.7, a recorded vote was taken. The names of the County Councillors who voted for or against the Motion and those who abstained are set out below:

For (43)

| | | | | |
|--------------|------------|-----------|--------------|--------------|
| T Ashton | S Clarke | M Green | J Rear | C Towneley |
| A Atkinson | A Clempson | A Hosker | P Rigby | S Turner |
| M Barron | J Cooney | K Iddon | A Riggott | A Vincent |
| P Britcliffe | G Driver | A Kay | A Schofield | C Wakeford |
| I Brown | J Eaton | J Marsh | J Shedwick | G Wilkins |
| P Buckley | C Edwards | E Nash | D Smith | P Williamson |
| J Burrows | D Foxcroft | D O'Toole | A Snowden | B Yates |
| S Charles | A Gardiner | E Pope | D Stansfield | |
| A Cheetham | G Gooch | J Purcell | P Steen | |

Against (30)

| | | | | |
|------------|---------------|------------|------------|-------------|
| A Ali | M Dad | J Gibson | H Khan | G Oliver |
| L Beavers | B Dawson | P Greenall | E Lewis | M Parkinson |
| J Berry | F De Molfetta | P Hayhurst | S Malik | J Parr |
| L Collinge | G Dowding | N Hennessy | J Mein | M Pattison |
| L Cox | K Ellard | S Holgate | J Molineux | J Potter |
| C Crompton | J Fillis | D Howarth | E Oades | K Snape |

Abstain (0)

It was therefore:

Resolved: - That:

1. The dismissal of the Chief Executive, Jo Turton, on the basis of compulsory redundancy with three months' notice be agreed.
2. The dismissal of the Director of Governance, Finance and Public Services, Ian Young, on the basis of voluntary redundancy with three months' notice, as set out in the report, now presented, be agreed.
3. The appointment of Angie Ridgwell as the Council's interim Chief Executive and Director of Resources (Head of the Paid Service and s151 officer) with effect from 3 January 2018 be confirmed.
4. The appointment of the interim Chief Executive and Director of Resources as the Council's Returning Officer with effect from 3 January 2018 be confirmed.
5. The appointment of the Director of Corporate Services, Laura Sales, as the Council's Monitoring Officer and Senior Information Risk Officer, as set out in the report, now presented, be confirmed.
6. The re-designation of all other responsibilities held by the Director of Governance, Finance and Public Services to the new Director of Corporate Services, as set out in the report, now presented, be approved.
7. That the Council's new senior management structure will be effective as from 3 January 2018 be noted.
8. The Head of Legal and Democratic Services be authorised to make all necessary amendments to the Council's Constitution arising from the implementation of the new senior management structure.
9. The establishment of an Employment Appeals Committee to determine appeals against dismissal which may be submitted by senior officers following the recruitment to the Council's new senior management structure be approved.
10. The establishment of the Committee on the basis of 3 members of the Conservative Group and 2 members of the Labour Group with nominations being submitted to Democratic Services by the respective political groups be agreed, and that the Chair be appointed at the first meeting of the Committee.

Jo Turton
Chief Executive

County Hall
Preston

Meeting of the Full Council

Meeting to be held on Thursday, 14 December 2017

Report submitted by: Head of Service, Planning and Environment

Part A

Electoral Division affected:
(All Divisions);

Transport for the North: Establishment of Statutory Sub-national Transport Body

(Appendix 'A' refers)

Contact for further information:

Dave Colbert, Tel: (01772) 534501, Specialist Advisor - Transport Planning

dave.colbert@lancashire.gov.uk

Executive Summary

In July 2017, the County Council agreed 'in principle' support to the making by the Secretary of State of Transport of Regulations under Section 102E of the Local Transport Act 2008 to establish Transport for the North (TfN) as a Sub-national Transport Body. This agreement 'in principle' would be contingent on TfN exercising certain transport powers and functions it would hold concurrently with Lancashire County Council only with the support of the County Council.

The Parliamentary Under Secretary of State for Transport has now informed the County Council that the Department for Transport had placed secondary legislation in Parliament to establish TfN as a statutory Sub-national Transport Body. If Parliament approves the legislation, TfN will become a statutory body on 1 April 2018. The County Council's consent is now required to join TfN and to nominate its representative and substitute member for appointment to the TfN Members' Board. It is considered that sufficient safeguards are in place within the Regulations and TfN's draft constitution to mitigate the Council's earlier concerns with regard to the exercising by TfN of powers and functions held concurrently with local transport and highway authorities.

Recommendation

Full Council is requested to:

- (i) Give formal approval to Lancashire County Council joining Transport for the North as the North's statutory Sub-national Transport Body.
- (ii) Nominate the Leader of the County Council as Lancashire County Council's representative on Transport for the North.

(iii) Nominate the Cabinet Member for Economic Development, Environment and Planning as substitute member.

Background and Advice

In July 2017, Full Council considered a report outlining progress towards the establishment of Transport for the North (TfN) as a statutory sub-national transport body. The report advised that the Secretary of State would require the consent of each constituent authority to the making of Regulations under Section 102E of the Local Transport Act 2008: Sub-national Transport Body (Transport for the North) Regulations 2017. Council resolved that, subject to there being no material changes to the draft Regulations as shared with TfN's constituent authorities on 15 June 2017, the County Council agree 'in principle' support for the making of those Regulations. Agreement 'in principle' would be contingent on TfN exercising certain transport powers and functions it would hold concurrently with Lancashire County Council only with the support of the County Council.

On 16 November 2017, the Parliamentary Under Secretary of State for Transport informed TfN's Partnership Board members, including the County Council, that the Department for Transport had placed secondary legislation in Parliament to establish TfN as England's first statutory Sub-national Transport Body. The Draft Statutory Instrument is attached as Appendix 'A'. If approved by Parliament, the legislation will become law by the end of this year or shortly afterwards, with TfN becoming a statutory body on 1 April 2018.

The general functions of TfN remain largely unchanged between the draft Statutory Instrument shared with the County Council in June and reported to Members in July and the Statutory Instrument now placed before Parliament. These include powers to make capital grants as specified in Section 56(2) of the Transport Act 1968, ticketing schemes under the provisions of the Transport Act 2000 and franchise agreements under Section 13 of the Railways Act 2005. They are all exercisable concurrently with constituent authorities. TfN's latest draft constitution confirms that before exercising any such functions, TfN will consult any local transport authority whose area is affected by a proposal over the exercise of such functions. Where the nature and extent of the proposal make it appropriate, TfN will enter into a protocol to govern the exercise of its functions in relation to that proposal.

The Statutory Instrument placed before Parliament now includes a number of functions under the Highways Act 1980 that will be exercisable by TfN jointly with the Secretary of State for Transport and concurrently with local authorities. The Regulations therein are nevertheless explicit in requiring TfN to secure the approval of the County Council when exercising any such functions held concurrently, including construction of a new highway. This requirement is also included in TfN's draft constitution.

Subsequent to the placing of the Statutory Instrument before Parliament, Transport for the North has written to the County Council requesting the Council nominate its representative for appointment to the TfN Members' Board. In accordance with the Regulations, the person must be:

- a) In the case of a constituent authority that has an elected mayor, the mayor or the elected member with responsibility for transport, or
- b) In any other case, the leader of the constituent authority, the Chair or the elected member with responsibility for transport.

Each constituent authority is also to appoint another of its elected members to act as a substitute member.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

Should the County Council not join Transport for the North, it is likely that the Council would have very little influence over future sub-national transport planning, including priorities for Government investment in the rail network and Strategic Road Network in the North.

Financial

The Regulations allow for constituent authorities to make a contribution in respect of any reasonable costs of TfN, but only if they all agree on the need for a contribution and the amount required.

The amount of any contribution would be apportioned between the constituent authorities in proportion to the total resident population of the area of each authority at the relevant date as estimated by the Statistics Board or on such other basis as may be agreed by all the constituent authorities.

A constituent authority may contribute to the costs of TfN individually if it chooses to do so.

Local Government (Access to Information) Act 1985
List of Background Papers

| Paper | Date | Contact/Tel |
|---------------------------------------------------------------------------------------------------------|--------------|--------------------------------|
| Report to Full Council: Sub-national Transport Body (Transport for the North) Regulations 2017 | 20 July 2017 | Dave Colbert (01772) 534501 |

Reason for inclusion in Part II, if appropriate

N/A

Accordingly, the Secretary of State makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Sub-national Transport Body (Transport for the North) Regulations 2017.

(2) These Regulations come into force on 1st April 2018.

Interpretation

2.—(1) In these Regulations—

“constituent authorities” means the following authorities—

Blackburn with Darwen Borough Council;

Blackpool Borough Council;

Cheshire East Council;

Cheshire West and Chester Council;

The Council of the City of York;

Cumbria County Council;

The Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority;

The East Riding of Yorkshire Council;

Greater Manchester Combined Authority;

Kingston upon Hull City Council;

Lancashire County Council;

Liverpool City Region Combined Authority;

North East Lincolnshire Council;

North Lincolnshire Borough Council;

North Yorkshire County Council;

Sheffield City Region Combined Authority;

Tees Valley Combined Authority;

Warrington Borough Council;

West Yorkshire Combined Authority;

“TfN” has the meaning given by regulation 3.

(2) References in these Regulations to the area of TfN are to the area for which TfN is established (see regulation 3(1)).

Establishment of Transport for the North

3.—(1) A sub-national transport body is established for the area consisting of the areas of the constituent authorities.

(2) The body is to be known as Transport for the North (“TfN”).

(3) TfN is to be a body corporate.

(4) TfN has the functions conferred or imposed upon it, or delegated to it, by these Regulations or by or under any other enactment (whenever passed or made).

Constitution

4. The Schedule makes provision about TfN's constitution.

General Functions

5. TfN has the following general functions—
 - (a) to prepare a transport strategy for its area;
 - (b) to provide advice to the Secretary of State about the exercise of transport functions in relation to its area (whether exercisable by the Secretary of State or others);
 - (c) to co-ordinate the carrying out of transport functions in relation to its area that are exercisable by different constituent authorities, with a view to improving the effectiveness and efficiency in the carrying out of those functions;
 - (d) if TfN considers that a transport function in relation to its area would more effectively and efficiently be carried out by TfN, to make proposals to the Secretary of State for the transfer of that function to TfN;
 - (e) to make other proposals to the Secretary of State about the role and functions of TfN.

Capital grants

6.—(1) The function of the constituent authorities as local authorities specified in section 56(2) of the Transport Act 1968(a) (power to make capital grants) is exercisable by TfN in relation to its area.

- (2) This function is exercisable concurrently with the constituent authorities.

Ticketing schemes

7.—(1) The functions of the constituent authorities as local transport authorities specified in the following provisions of the Transport Act 2000(b) are exercisable by TfN in relation to its area—

- (a) section 134C(1)(c) (power to make advanced ticketing schemes), and
- (b) section 135(1)(d) (power to make other kinds of ticketing schemes).

(2) These functions are exercisable concurrently with the constituent authorities.

(3) For the purposes of this regulation, the following provisions apply to TfN as they apply to a local transport authority—

- (a) section 134C(9) to (11) (duties applicable when carrying out functions in relation to an advanced ticketing scheme);
- (b) sections 134D to 134G(e) (other provisions applicable in connection with advanced ticketing schemes);
- (c) section 135(7) and (8) (duties applicable when carrying out functions in relation to other kinds of ticketing schemes);
- (d) sections 136(f) and 137(g) (other provisions applicable in connection with such ticketing schemes).

(a) 1968 c. 73; section 56 was amended by the Local Transport Act 2008 (c.26), Schedule 4, paragraph 12, and the Local Democracy, Economic Development and Construction Act 2009 (c.20), Schedule 6, paragraph 6.

(b) 2000 c. 38.

(c) Section 134C was inserted by the Bus Services Act 2017 (c.21), section 7.

(d) Section 135 was amended by the Local Transport Act 2008 (c.26), Schedule 1, paragraph 3(2).

(e) Sections 134D to 134G were inserted by the Bus Services Act 2017 (c.21), section 7.

(f) Section 136 was amended by the Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), Schedule 3.

(g) Section 137 was amended by the Railways Act 2005 (c.14), Schedule 12, paragraph 17(2) and the Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), Schedule 3.

Franchise agreements

8.—(1) Section 13 of the Railways Act 2005(**a**) (functions relating to franchising) has effect as if—

- (a) references to a Passenger Transport Executive included references to TfN, and
- (b) references to the area of a Passenger Transport Executive (or the integrated transport area) included references to TfN's area.

(2) The functions of a Passenger Transport Executive specified in that section are exercisable by TfN in relation to its area concurrently with the constituent authorities by which the functions are exercisable in relation to their areas.

Highways

9.—(1) TfN has in relation to its area the functions set out in the Highways Act 1980(**b**) that are mentioned in regulations 10 and 11.

(2) The functions mentioned in regulation 10 are exercisable by TfN in relation to its area jointly with the Secretary of State.

(3) The functions mentioned in regulation 11 are exercisable by TfN in relation to its area—

- (a) concurrently with the local authorities by which the functions are exercisable in relation to areas within TfN's area (whether as highway authorities or in other capacities), and
- (b) subject to regulation 14 (in the case of the function mentioned in regulation 11(b)) and regulation 15 (in the case of any other functions mentioned in regulation 11).

10. The functions exercisable jointly with the Secretary of State are—

- (a) the function in section 6(5)(**c**) (power to enter agreement with local authority for works relating to trunk road),
- (b) the functions in sections 105A to 105C(**d**) (functions relating to environmental impact assessments),
- (c) the functions in section 239(1)(**e**) and (2)(**f**) (powers to acquire land in connection with highways), in relation to trunk roads,
- (d) the functions in section 239(3), (4) and (5) (powers to acquire land for improvement of a highway), insofar as those functions are exercisable by the Secretary of State,
- (e) the functions in section 240(1), (2)(a) and (6) (acquisition of land in connection with highways: further general powers), insofar as those functions are exercisable by the Secretary of State,

(a) 2005 c. 14; section 13 was amended by the Local Transport Act 2008 (c.26), Schedule 4, paragraph 66(2) and the Deregulation Act 2015 (c.20), Schedule 8, paragraph 7.

(b) 1980 c. 66.

(c) Section 6(5) was amended by the Local Government Act 1985 (c.51), Schedule 4, paragraph 4(c) and the Infrastructure Act 2015 (c.7), Schedule 1, paragraphs 7(8)(a) and 7(8)(b).

(d) Section 105A was inserted by the Highways (Assessment of Environmental Effects) Regulations 1988 (S.I. 1988/1241), regulation 2 and amended by the Highways (Assessment of Environmental Effects) Regulations 1999 (S.I. 1999/369), regulation 2, the Countryside and Rights of Way Act 2000 (c.37), Schedule 10, paragraph 5, Schedule 15, paragraph 5 and Schedule 16, Part 3, the Highways (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1062), regulation 2, the Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490), Schedule 6, paragraph 3 and the Infrastructure Act 2015 (c.7), Schedule 1, paragraph 30. Section 105B was inserted by the Highways (Assessment of Environmental Effects) Regulations 1999 (S.I. 1999/369), regulation 2 and amended by the Highways (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1062), regulation 3, the Natural Resources Body for Wales (Functions) Order 2013 (S.I. 2013/755), article 4(1) and Schedule 2, paragraph 161 and the Infrastructure Act 2015 (c.7), Schedule 1, paragraph 31. Section 105C was inserted by the Highways (Assessment of Environmental Effects) Regulations 1999 (S.I. 1999/369), regulation 2 and amended by the Highways (Environmental Impact Assessment) Regulations 2007/1062, regulation 4 and the Infrastructure Act 2015 (c.7), Schedule 1, paragraph 32.

(e) Section 239(1) was amended by the Infrastructure Act 2015 (c.7), Schedule 1, paragraph 45(2).

(f) Section 239(2) was amended by the Infrastructure Act 2015 (c.7), Schedule 1, paragraphs 45(3)(a) and 45(3)(b).

- (f) the functions in section 246(1), (2)(a), (2A)(b) and (5) (powers to acquire land to mitigate effects of constructing or improving highway), insofar as those functions are exercisable by the Secretary of State, and
- (g) the functions in section 250(1) and (2) (powers relating to acquisition of rights over land), insofar as those functions are exercisable by the Secretary of State.

11. The functions exercisable by TfN in relation to its area concurrently with local authorities in relation to their areas are—

- (a) the function in section 8(1)(c) (power to enter agreement with local highway authorities etc for doing certain works),
- (b) the function in section 24(2)(d) (power of local highway authority to construct new highways),
- (c) the function in section 25(1)(e) (power to enter into agreement for creation of footpath etc),
- (d) the function in section 26(1)(f) (compulsory powers for creation of footpaths etc),
- (e) the function in section 239(1), in relation to a highway which is to be a highway maintainable at the public expense, other than a trunk road,
- (f) the functions in section 239(3), (4) and (5), insofar as those functions are exercisable by local authorities in relation to areas within TfN’s area,
- (g) the functions in section 240(1), (2)(a) and (6), insofar as those functions are exercisable by local authorities in relation to areas within TfN’s area,
- (h) the functions in section 246(1), (2), (2A) and (5), insofar as those functions are exercisable by local authorities in relation to areas within TfN’s area, and
- (i) the functions in section 250(1) and (2), insofar as those functions are exercisable by local authorities in relation to areas within TfN’s area.

12. For the purposes of regulations 10 and 11, the following references in the Highways Act 1980 have effect as if they included references to TfN—

- (a) the references to the Minister in—
 - (i) section 6(2)(g), (6)(h), and (8)(i),
 - (ii) section 10(2)(a)(i)(j),
- (b) the references to an “other” highway authority in section 8(3),
- (c) the references to a local authority in—

(a) Section 246(2) was amended by the Planning and Compensation Act 1991 (c.34), Schedule 15, paragraph 26.

(b) Section 246(2A) was inserted by the Planning and Compensation Act 1991 (c.34), section 62(2).

(c) Section 8(1) was amended by the Infrastructure Act 2015 (c.7), Schedule 1, paragraphs 8(2)(a) and 8(2)(b).

(d) Section 24(2) was amended by the Local Government Act 1985 (c.51), section 102 and Schedule 17 and the Infrastructure Act 2015 (c.7), Schedule 1, paragraphs 17(4)(a) and 17(4)(b).

(e) Section 25(1) was amended by the Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), regulation 2 and Schedule 1, Part 1.

(f) Section 26(1) was amended by the Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), regulation 2 and Schedule 1, Part 1 and the Infrastructure Act 2015 (c.7), Schedule 1, paragraphs 2(2)(a) to 2(2)(c).

(g) Section 6(2) was amended by the Infrastructure Act 2015 (c.7), Schedule 1, paragraphs 7(5)(a) and 7(5)(b).

(h) Section 6(6) was amended by the Local Government Act 1985 (c.51), Schedule 4, paragraph 4(d) and Schedule 17, the Local Government (Wales) Act (c.19), Schedule 7, paragraphs 2(3)(a) to 2(3)(c) and the Infrastructure Act 2015 (c.7), Schedule 1, paragraph 7(9).

(i) Section 6(8) was amended by the Contracting Out (Highway Functions) Order 1995 (S.I. 1995/1986), article 3 and the Infrastructure Act 2015 (c.7), Schedule 1, paragraphs 7(10)(a) and 7(10)(b).

(j) Section 10(2)(a)(i) was amended by the New Roads and Street Works Act 1991 (c.22), section 22(2)(a) and the Infrastructure Act 2015 (c.7), Schedule 1, paragraph 10(2).

- (i) section 25(3), (5)(a) and (6)(b),
- (ii) section 26(2)(c), (3)(d) and (3A)(e),
- (iii) section 27(1)(f) and (3),
- (d) the reference to “Councils” in section 29(g),
- (e) the reference to the Secretary of State in section 105D(1)(h),
- (f) the reference to a “local highway authority” in section 247(1)(i),
- (g) the references to a highway authority in—
 - (i) section 247(6),
 - (ii) section 249(1),
 - (iii) section 250(1) and (2),
 - (iv) section 251(1), (2) and (4),
 - (v) section 252(1), (2) and (4),
 - (vi) section 260(1),
 - (vii) section 261(1)(j), (3)(k), (4)(l) and (6),
 - (viii) section 272(1)(m),
 - (ix) section 274,
 - (x) section 282(1) and (3),
 - (xi) the definition of “proposed highway” in section 329(1)(n),
- (h) the references to “the authority” in section 252(3), and
- (i) the reference to “the acquiring authority” in section 261(2)(o).

13.—(1) Section 14 of the Highways Act 1980(p) has effect as if the references to “the highway authority” in subsections (1)(a) and (7) included references to TfN.

(2) An order under section 14 of the Highways Act 1980 in relation to TfN is to be made by the Secretary of State.

-
- (a) Section 25(5) was amended by the Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), regulation 2 and Schedule 1, Part 1.
 - (b) Section 25(6) was inserted by the Wildlife and Countryside Act 1981 (c.69), section 64 and amended by the Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), regulation 2 and Schedule 1, Part 1.
 - (c) Section 26(2) was amended by the Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), regulation 2 and Schedule 1, Part 1.
 - (d) Section 26(3) was amended by the Infrastructure Act 2015 (c.7), Schedule 1, paragraph 18(3)(a) and 18(3)(b).
 - (e) Section 26(3A) was inserted by the Countryside and Rights of Way Act 2000 (c.37), Schedule 6, paragraph 1 and amended by the Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), regulation 2 and Schedule 1, Part 1 and the Infrastructure Act 2015 (c.7), Schedule 1, paragraph 18(4).
 - (f) Section 27(1) was amended by the Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), regulation 2 and Schedule 1, Part 1.
 - (g) Section 29 was amended by the Countryside and Rights of Way Act 2000 (c.37), Schedule 6, paragraph 2.
 - (h) Section 105D(1) was inserted by the Highways (Environmental Impact Assessment) Regulations 2007 (S.I. 2007/1062), regulation 5 and amended by the Infrastructure Act 2015 (c.7), Schedule 1, paragraph 33.
 - (i) Section 247(1) was amended by the Infrastructure Act 2015 (c.7), Schedule 1, paragraph 48.
 - (j) Section 261(1) was amended by the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), Schedule 1, paragraph 134.
 - (k) Section 261(3) was amended by the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), Schedule 1, paragraph 134.
 - (l) Section 261(4) was amended by the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), Schedule 1, paragraph 134.
 - (m) Section 272(1) was amended by the Planning (Consequential Provisions) Act 1990 (c.11), Schedule 2, paragraph 45(16).
 - (n) Section 329(1), to which there are amendments not relevant to these Regulations.
 - (o) Section 261(2) was amended by the Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), Schedule 1, paragraph 134.
 - (p) Section 14 was amended by the Water Act 1989 (c.15), section 190 and Schedule 27, Part 1, the Planning Act 2008 (c.29), Schedule 2, paragraph 23 and the Infrastructure Act 2015 (c.7), Schedule 1, paragraphs 12(a) and 12(b).

14. TfN may not exercise the function in section 24(2) of the Highways Act 1980 to construct a new highway unless the manner in which it proposes to exercise the function has been approved by—

- (a) each council, within the meaning of section 329(1) of that Act, through whose area the highway is to pass,
- (b) the person who is proposed to be the highway authority for the highway (if not a council within the meaning of section 329(1)),
- (c) the highway authority for any highway with which the new highway will communicate (if not a council within the meaning of section 329(1)), and
- (d) the Secretary of State.

15. TfN may not exercise any other function mentioned in regulation 11 in relation to the area of a local authority unless the manner in which it proposes to exercise the function has been approved by the local authority.

16. Section 36(2) of the Highways Act 1980(a) has effect as if a highway constructed by TfN were a highway maintainable at the public expense.

17. Section 39 of the Road Traffic Act 1988(b) (functions in relation to road safety etc) has effect as if TfN were a “relevant authority” for the purposes of subsection (3)(c) of that section (duty to take measures when constructing new roads to reduce the possibility of accidents arising out of the use of vehicles).

Finance

18.—(1) The constituent authorities must make a contribution in respect of any reasonably incurred costs of TfN if they all agree on—

- (a) the need for a contribution, and
- (b) the amount required.

(2) The amount of any contribution under paragraph (1) is to be apportioned between the constituent authorities—

- (a) in proportion to the total resident population of the area of each authority at the relevant date as estimated by the Statistics Board(c), or
- (b) on such other basis as may be agreed by all the constituent authorities.

(3) For the purposes of paragraph (2) the relevant date in relation to a payment for a financial year is 30th June in the financial year which commenced two years previously.

(4) Each constituent authority may contribute to the costs of TfN individually if it chooses to do so.

Incidental

19.—(1) Section 9(5) of the Transport Act 1968(d) (power to provide services within passenger transport areas) has effect as if—

-
- (a) Section 36(2) was amended by the Housing (Consequential Provisions) Act 1985 (c.71), Schedule 2, paragraphs 47(a) and 47(b), the Transport and Works Act 1992 (c.42), sections 64(2), 64(3) and Schedule 4, Part 1, the Planning (Consequential Provisions) Act 1990 (c.11), Schedule 2, paragraph 45(3), the Restricted Byways (Application and Consequential Amendment of Provisions) Regulations 2006 (S.I. 2006/1177), regulation 2 and Schedule 1, Part 1 and the Countryside and Rights of Way Act 2000 (c.37), Schedule 6, paragraph 5.
 - (b) 1988 c. 52; relevant amending instruments to section 39 are the New Roads and Street Works Act 1991 (c.22), Schedule 8, paragraph 121(3) and the Greater London Authority Act 1999 (c.29), sections 279(3) and 279(4)(a) to 279(4)(c).
 - (c) Section 25 of the Statistics and Registration Service Act 2007 (c.18) provides that the Statistics Board is responsible for the functions in section 19 of the Registration Service Act 1953 (c.37).
 - (d) 1968 c. 73; section 9(5) was amended by the Transport Act 1985 (c.67), sections 57(1)(b) and 58(2)(c), the Local Transport Act 2008 (c.26), Schedule 4, paragraph 2, the Greater Manchester Combined Authority Order 2011 (S.I. 2011/908), Schedule 2, paragraph 5 and the Combined Authorities (Consequential Amendments) Order 2014 (S.I. 2014/866), Schedule, paragraph 2(5).

- (a) after “combined authority area” there were inserted “or the area of Transport for the North”, and
- (b) after “subsidiary of the Executive,” there were inserted “or Transport for the North (as the case may be)”.

(2) Section 1 of the Local Authorities (Goods and Services) Act 1970(a) has effect as if TfN were a local authority for the purposes of that section.

(3) The following provisions of the Local Government Act 1972 (b) have effect as if TfN were a local authority for the purposes of those provisions—

- (a) section 113 (secondment of staff)(c);
- (b) section 116 (member of TfN not to be appointed as officer)(d);
- (c) section 117 (disclosure by officers of interests in contracts)(e);
- (d) section 135 (standing orders for contracts);
- (e) section 142(2) (provision of information)(f);
- (f) section 222 (power to investigate and defend legal proceedings)(g);
- (g) section 239 (power to promote or oppose a local or personal Bill)(h).

(4) Sections 120, 121 and 123 of that Act (acquisition and disposal of land) have effect as if—

- (a) TfN were a principal council;
- (b) section 120(1)(b) were omitted;
- (c) section 121(2)(a) were omitted.

(5) Section 29 of the Localism Act 2011 (registers of interests) has effect as if—

- (a) TfN were a relevant authority, and
- (b) references to “the monitoring officer” were references to an officer appointed by TfN for the purposes of that section.

(6) In the Local Government Pension Scheme Regulations 2013(i)—

-
- (a) 1970 c. 39; section 1 was amended by the Local Government Act 1972 (c.70), Schedule 30, the Local Government (Scotland) Act 1973 (c.65), Schedule 27, paragraph 195, the Local Government Act 1985 (c.51), sections 1, 102 and 84, Schedule 14, paragraph 47 and Schedule 17, the Education Reform Act 1988 (c.40), sections 231(7), 235(6), 237(2) and Schedule 13, Part 1, the Housing Act 1988 (c.50), section 89(2), the Norfolk and Suffolk Broads Act 1988 (c.4), sections 21, 23(2), 27(2) and Schedule 6, paragraph 8, the Local Government (Wales) Act 1994 (c.19), section 25(8), the Police and Magistrates’ Courts Act 1994 (c.29), Schedule 4, paragraph 5, the Local Government etc. (Scotland) Act 1994 (c.39), Schedule 13, paragraph 84, the Greater London Authority Act 1999 (c.29), section 388, the Criminal Justice and Police Act 2001 (c.16), Schedule 7, part 5, paragraph 1, the Local Government and Public Involvement in Health Act 2007 (c.28), Schedule 13, paragraph 29, the Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), Schedule 1, part 1, paragraph 4(2), the Local Democracy, Economic Development and Construction Act 2009 (c.20), Schedule 6, paragraph 9, the Police Reform and Social Responsibility Act 2011 (c.13), Schedule 16, paragraph 94, the Localism Act 2011 (c.20), Schedule 20, paragraph 1 and Schedule 22, paragraph 2, the Deregulation Act 2015 (c.20), Schedule 13, paragraph 6(6) and the Policing and Crime Act 2017 (c.3), Schedule 1, paragraph 22
 - (b) 1972 c. 70.
 - (c) Section 113 was amended by the National Health Service Reorganisation Act 1973 (c.32), Schedule 4, paragraph 151(1), the National Health Service and Community Care Act 1990 (c.19), Schedule 9, paragraph 13, the Health Act 1999 (Supplementary, Consequential etc. Provisions) Order 2000 (S.I. 2000/90), Schedule 1, paragraph 10(a), the National Health Service Reform and Health Care Professions Act 2002 (Supplementary, Consequential etc. Provisions) Regulations 2002 (S.I. 2002/2469), Schedule 1, paragraph 7, the Health and Social Care (Community Health and Standards) Act 2003 (c.43), Schedule 4, paragraph 18, the National Health Service (Consequential Provisions) Act 2006 (c.43), Schedule 1, paragraph 51(a), the References to Health Authorities Order 2007 (S.I. 2007/961), Schedule, paragraph 8(2), the Health and Social care Act 2012 (c.7), Schedule 5, paragraph 17, Schedule 7, paragraph 3 and Schedule 17, paragraph 3,
 - (d) Section 116 was amended by the Local Government Act 1985 (c.51), section 102 and Schedule 17 and, in relation to England, by the Local Authorities (Executive and Alternative Arrangements) (Modification of Enactments and Other Provisions) (England) Order 2001 (S.I. 2001/2237), article 8.
 - (e) Section 117 was amended by the Criminal Justice Act 1982 (c.48), sections 38 and 46.
 - (f) Section 142(2) was amended by the Local Government Act 1986 (c.10), section 3(1).
 - (g) Section 222 was amended by the Greater London Authority Act 1999 (c.29), Schedule 29, paragraph 20 and the Policing and Crime Act 2017 (c.3), Schedule 1, paragraph 26.
 - (h) Section 239 was amended by the Local Government Act 1985 (c.51), Schedule 14, paragraph 32, the Local Government and Public Involvement in Health Act 2007 (c.28), Schedule 13, paragraph 23, the Local Democracy, Economic Development and Construction Act 2009 (c.20), Schedule 6, paragraph 37, the Local Government (Democracy) (Wales) Act 2013 (anaw 4), Schedule 1, paragraph 1(10) and the Deregulation Act 2015 (c.20), Schedule 13, paragraph 6(7)(u).
 - (i) S.I. 2013/2356.

- (a) in Schedule 2 (scheme employers), in Part 2 (employers able to designate employees to be in scheme), after paragraph 14 insert—

“15. Transport for the North.”;

- (b) in Schedule 3 (administering authorities), in the table in Part 2 (appropriate administering authorities for categories of scheme members), at the end insert—

“An employee of Transport for the North Tameside Metropolitan Borough Council”

Signed by authority of the Secretary of State for Transport

Jesse Norman
Parliamentary Under Secretary of State
Department for Transport

SCHEDULE Constitution

Regulation 4

Membership

1.—(1) Each constituent authority is to appoint one of its elected members to be a voting member of TfN.

(2) The person appointed must be—

- (a) in the case of a constituent authority that has an elected mayor, the mayor or the elected member with responsibility for transport, or
- (b) in any other case, the leader of the constituent authority, the Chair or the elected member with responsibility for transport.

(3) Each constituent authority is to appoint another of its elected members to be a voting member of TfN in the absence of the member appointed under sub-paragraph (1) (the “substitute member”).

(4) A person appointed by a constituent authority to be a member or substitute member of TfN ceases to be a member or substitute member of TfN on ceasing to be a member of the constituent authority that made the appointment.

(5) A person appointed to be a member or substitute member of TfN may resign as a member or substitute member by written notice served on the proper officer of the constituent authority that made the appointment and the resignation takes effect on receipt of the notice by that officer.

(6) Where a person ceases to be a member or substitute member of TfN by virtue of sub-paragraph (4) or (5) the constituent authority that made the appointment must, as soon as practicable—

- (a) give written notice of that fact to TfN, and
- (b) appoint another of its elected members in that person’s place.

(7) A constituent authority may at any time terminate the appointment of a member or substitute member appointed by it to TfN and appoint another of its elected members in that person’s place.

(8) Where a constituent authority exercises its power under sub-paragraph (7), it must give written notice of the new appointment and the termination of the previous appointment to TfN.

(9) The new appointment is to take effect and the previous appointment is to terminate at the end of—

- (a) the period of one week beginning with the day on which notice is given, or
- (b) such longer period not exceeding one month as is specified in the notice.

(10) Sub-paragraph (11) applies in relation to each local transport authority—

- (a) which is a member of Rail North Ltd or, at any time when Rail North Ltd no longer exists, was a member of Rail North Ltd immediately before it ceased to exist, and
- (b) which is not a constituent authority.

(11) Each local transport authority to which this sub-paragraph applies is to appoint one of its elected members to be a co-opted member of TfN.

(12) The chair of the Partnership Board (see paragraph 4) is to be appointed as a co-opted member of TfN.

(13) The voting members of TfN may appoint further co-opted members if they all agree to do so.

(14) Co-opted members of TfN are non-voting (subject to any resolution by the voting members under section 102G(5) of the Local Transport Act 2008(a))

(15) For the purposes of this paragraph, an elected mayor of a constituent authority is to be treated as a member of the constituent authority.

Chair and vice-chair

2.—(1) TfN—

- (a) must in each year appoint a chair, and
- (b) may appoint one or more vice-chairs.

(2) The chair and any vice-chair may be appointed only from among the members of TfN, including the co-opted members.

Proceedings

3.—(1) There are to be at least 4 meetings per year of the members of TfN.

(2) A question to be decided by TfN on the matters in sub-paragraph (3) may be decided only if agreed by both—

- (a) members who together hold at least 75% of the votes in a weighted vote, and
- (b) a simple majority of the members.

(3) The matters are—

- (a) the approval or revision of TfN's transport strategy,
- (b) the approval of TfN's annual budget, and
- (c) the adoption of and any changes to TfN's constitution.

(4) Except as provided in these Regulations, a question to be decided by TfN on any other matter may be decided only if agreed by members who together hold more than 50% of the votes in a weighted vote.

(5) For the purposes of this regulation, a "weighted vote" is—

- (a) in the case of a question about the management of the Northern or TransPennine Express franchises, a vote in which the number of votes to be cast by a member appointed by a constituent authority is determined by multiplying the percentage of passenger miles on the Northern and TransPennine Express franchises that are in the area of the constituent

(a) 2008 c.26; this section was inserted by the Cities and Local Government Devolution Act 2016 (c.1), section 21.

authority by ten, and, if the result is not a whole number, rounding to the nearest whole number, and

- (b) in any other case, a vote in which the number of votes to be cast by a member appointed by a constituent authority is determined by dividing the total resident population of the area of that constituent authority at the relevant date as estimated by the Statistics Board by 200,000, and, if the result is not a whole number, rounding up to the next whole number.

(6) For the purposes of sub-paragraph (5)(b) the relevant date in relation to a vote is 30th June in the financial year which commenced two years before the financial year in which the vote takes place.

(7) If a vote is tied on any matter it is deemed not to have been carried.

(8) In this paragraph, references to “members”—

- (a) are to the members present at a meeting of TfN who are entitled to vote in relation to the question to be decided, and
- (b) include references to “substitute members”.

Partnership Board

4.—(1) TfN is to establish a board (the “Partnership Board”) to advise TfN on matters relating to transport to, from or within the area of TfN.

(2) TfN is to appoint a person to chair the Partnership Board.

Scrutiny committee

5.—(1) TfN must appoint a committee (the “scrutiny committee”) to—

- (a) review or scrutinise decisions made, or other action taken, in connection with the discharge by TfN of its functions,
- (b) make reports or recommendations to TfN with respect to the discharge by TfN of its functions, and
- (c) make reports or recommendations to TfN on matters relating to transport to, from or within TfN’s area.

(2) Each constituent authority is entitled to appoint—

- (a) one member of the authority to be a member of the scrutiny committee, and
- (b) one member of the authority to be a member of the scrutiny committee in the absence of the person appointed under paragraph (a) (a “substitute member”).

(3) In sub-paragraph (2) the references to a “member of the authority” are to—

- (a) in the case of a constituent authority which is a combined authority, an elected member of the combined authority or of any of the constituent councils of the combined authority, and
- (b) in the case of a constituent authority which is not a combined authority, an elected member of that constituent authority.

(4) No person who is a member of TfN (including as a substitute member or a co-opted member) may be appointed to be a member or a substitute member of the scrutiny committee.

Standing orders

6. TfN may make and vary or revoke standing orders for the regulation of—

- (a) its proceedings and business, and
- (b) the proceedings and business of the scrutiny committee.

EXPLANATORY NOTE

(This note is not part of the Regulations)

This Order establishes Transport for the North (TfN) as a sub-national transport body.

Part 5A of the Local Transport Act 2008 (as inserted by section 21 of the Cities and Local Government Devolution Act 2016) (“the 2008 Act”) provides for the establishment of sub-national transport bodies for the whole of the area of two or more relevant authorities. Sub-national transport bodies are bodies corporate which may be given power to exercise specific functions.

Regulations 1 to 4, and the Schedule, set out the name, commencement, interpretation, establishment and constitution of Transport for the North.

Regulations 5 to 8 provide for TfN’s general transport functions, powers to make capital grants and set up ticketing schemes and confer some Passenger Transport Body powers under s13 of the Railways Act 2005 in relation to rail franchising.

Regulations 9 to 12 provide for TfN to exercise various functions under the Highways Act 1980 as regards highways, concurrently with local authorities and jointly with the Secretary of State.

Regulations 12 and 13 provide for various references in the Highways Act 1980 to be treated as if they included references to TfN, so as to enable TfN to undertake various highways related functions.

Regulation 14 provides that prior to exercising the function of constructing new highways, TfN must first obtain the approval of various authorities and the Secretary of State, as to the manner in which it intends to exercise that function.

Regulation 15 provides that TfN may not exercise any other function listed in regulation 11, concurrently with a local authority, unless the manner in which it proposes to exercise such function has been approved by the local authority.

Regulation 16 ensures that a highway constructed by TfN will be maintainable at the public expense.

Regulation 17 places TfN under a duty, when constructing a new highway, to take such measures as appear to it to be appropriate to reduce the possibilities of accidents when that highway comes into use.

Regulation 18 makes provision for the constituent authorities to make a contribution in respect of any reasonably incurred costs of Transport for the North.

Regulation 19 makes some incidental provisions relating to Transport for the North to enable it to carry out its functions effectively.

An Explanatory Memorandum and a Parliamentary Report by the Secretary of State are available with these Regulations on www.legislation.gov.uk. Copies have also been placed in the Libraries of both Houses of Parliament.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of business or the voluntary sector.

Meeting of the Full Council
Meeting to be held on Thursday, 14 December 2017

Report submitted by: Director of Adult Services

Part A

Electoral Division affected:
(None);

Finding of the Local Government Ombudsman - 1 November 2017
(Appendix 'A' refers)

Contact for further information:
Angela Esslinger, Tel: (01772) 533950, Complaints and Appeals Manager
angela.esslinger@lancashire.gov.uk

Executive Summary

Following a finding of fault causing injustice after an investigation by the Local Government Ombudsman into a complaint about adult social care services, Full Council is required to consider what action should be taken.

This report sets out the actions that have already been taken in response to the Ombudsman's recommendations and Full Council is asked to note these and endorse the further actions set out in the report.

Recommendation

Full Council is recommended to:

- (i) Note the recommendations set out in the Local Government Ombudsman's report at Appendix 'A'.
- (ii) Note the actions already taken and endorse the further steps proposed in response to the report's recommendations as set out below.

Background

On 1 November 2017 the Local Government Ombudsman (LGO) published a public report dated 28 September 2017 which found fault causing injustice by Lancashire County Council. A copy of the report is attached at Appendix 'A'.

In brief, the complaint related to the council's failure to meet the assessed equipment needs of the complainant's husband.

The report at paragraph 42 includes four recommendations as to how the County Council could best remedy the injustice caused. The actions already taken in response and further actions proposed are set out below.

1. Apologise to the complainant for the faults identified

A letter of apology was sent to the complainant by the Cabinet Member for Adult Services on 6 November 2017. This fully acknowledged the distress caused and accepted the findings of the LGO report.

2. Pay the complainant £750 for the distress it has caused and the time and trouble it has put her to in pursuing the complaint

A payment of £750 has been made and accepted by the complainant.

3. Take action to ensure officers manage their work effectively and without delay

Focussed work to increase staff capacity and improve performance has been underway for several months in response to the pressures on the County Council's occupational therapy services. This work continues. In summary the key actions are:

- The Director of Adult Social Care Transformation is undertaking an urgent review of policies and working arrangements for the Occupational Therapy (OT) service. This includes an examination of Adaptations & Equipment policies and procedures to ensure they reflect current best practice.
- The Council has appointed a temporary Community Occupational Therapy County Manager who came into post in April 2017 for 12 months. This gives the community Occupational Therapy service a professional lead to concentrate on the transformation needs of the service.
- Business Support Officer (BSO) posts have been established. This means there will be a BSO in each of the 3 Community Occupational Therapy Teams. Two are already in post. These will support Team Managers in the efficient administration of the service.
- There is a review of the appropriate skill mix within teams with a view to optimise the use of other social care staff to undertake more routine community equipment assessments. This would free up the time of our qualified Occupational Therapy workforce for more complex work including Disabled Facility Grant work. This review is currently underway.
- A robust action plan for reducing waiting lists is being developed. This will be overseen by the Director of Adult Social Care Transformation and reported through the Quality of Service Reports on a quarterly basis to the Cabinet Member for Adult Services.

4. Produce a schedule for filling vacancies as soon as possible

The table below shows the progress made on this issue.

| | |
|----------------------------------------------------------------------|-----|
| Overall Number of Occupational Therapist whole time equivalent posts | 40 |
| Number recruited since this complaint commenced with the LGO | 8.6 |
| Current number of Vacancies (as of 24/11/17) | 5.4 |

The number of Occupational Therapy posts was significantly increased from 20 in March 2017 to 40 whole time equivalent. This allowed the establishment of specific occupational therapy teams to focus on re-ablement whilst allowing 30 Occupational Therapists to concentrate on Community Occupational Therapy work.

Further interviews for Occupational Therapists took place on 20 and 21 November 2017. Current vacancies are being advertised as rolling adverts on the internal and external vacancies pages of the Council's website with interviews set up as soon as applications are received.

To advertise these vacancies to a wider audience, a targeted social media campaign has been running with posts regularly appearing on the Instagram, Twitter and Facebook feeds of users within Lancashire. This has generated a large amount of interest through "likes" and "shares" through each platform.

To accompany the social media campaign, a half page advert has been purchased within the latest issue of the national Occupational Therapy Magazine which has also been distributed at the national Occupational Therapy Show at the NEC in Birmingham on 22 November 2017 giving wider exposure to a national audience of professionally qualified Occupational Therapists and those in professional training.

Further improvements are planned to the Adult Services Careers page and additional advertising campaigns as well as further actions relating to the Adult Services Workforce Strategy will aim to help fill the remaining OT vacancies.

In the last quarter (June - September), completed Occupational Therapist assessments have increased by 26% compared to the previous quarter. This equates to about 350 more people having been seen as a result of the measures taken so far, particularly around recruitment.

Advice

It is the requirement of the Local Government Act 1974 as amended that, where there is a finding of fault causing injustice, the report is laid before the Council and, within three months of receipt of the report, the Council notifies the Local Government Ombudsman of the action that it has taken.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

If the Council fails to comply with the legislation, the Local Government Ombudsman has power to require the Council to publish a statement detailing why they have not complied with the recommendations in the report.

Financial

Should the actions not be put in place there may be further claims payable by the County Council if the Local Government Ombudsman decides that their recommendations have not been followed.

List of Background Papers

| Paper | Date | Contact/Directorate/Tel |
|-------------------------------------------------|------|-------------------------|
| N/A | | |
| Reason for inclusion in Part II, if appropriate | | |
| N/A | | |

**Report by the Local Government
and Social Care Ombudsman**

**Investigation into a complaint against
Lancashire County Council
(reference number: 17 000 317)**

28 September 2017

The Ombudsman's role

For 40 years the Ombudsman has independently and impartially investigated complaints. We effectively resolve disputes about councils and other bodies in our jurisdiction by recommending redress which is proportionate, appropriate and reasonable based on all the facts of the complaint. Our service is free of charge.

Each case which comes to the Ombudsman is different and we take the individual needs and circumstances of the person complaining to us into account when we make recommendations to remedy injustice caused by fault.

We have no legal power to force councils to follow our recommendations, but they almost always do. Some of the things we might ask a council to do are:

- > apologise
- > pay a financial remedy
- > improve its procedures so similar problems don't happen again.

Investigation into complaint number 17 000 317 against Lancashire County Council

Contents

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| Legal and administrative background | 2 |
| How we considered this complaint..... | 2 |
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| Conclusions..... | 5 |
| Decision | 6 |
| Recommendations | 6 |

Section 30 of the 1974 Local Government Act says that a report should not normally name or identify any person. The people involved in this complaint are referred to by a letter or job role.

Key to names used

Mrs D – the complainant

Mr D – her deceased husband

Report summary

Adult care services

Mrs D complains the Council failed to provide her husband with a chair to meet his assessed needs before he died in November 2016, despite identifying his need for a chair in February 2016.

Finding

Fault found causing injustice and recommendations made.

Recommendations

The Council has agreed to carry out the following recommendations:

- apologise to Mrs D for the faults we have identified;
- pay her £750 for the distress it has caused her and the time and trouble it has put her to in pursuing her complaint;
- take action to ensure officers manage their work effectively and without delay; and
- produce a schedule for filling Occupational Therapist vacancies as soon as possible.

Introduction

1. Mrs D complains the Council failed to provide her husband with a chair to meet his assessed needs before he died in November 2016, despite identifying his need for a chair in February 2016.

Legal and administrative background

2. We investigate complaints about 'maladministration' and 'service failure'. In this statement, we have used the word fault to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. We refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1), as amended*)

How we considered this complaint

3. We produced this report after examining relevant documents and discussing the complaint with Mrs D.
4. We gave Mrs D and the Council a confidential draft of this report and invited them to comment. We took their comments into account before finalising the report.

Investigation

5. Mr D had Parkinson's disease for 12 years. He lived with his wife at home, which had been adapted for his needs with a stair-lift and level access shower.
6. On 11 February 2016 an NHS Occupational Therapist (OT) visited Mr D. The OT noted he was having problems getting off his riser chair, as it was too low and too soft. She identified the need for an assessment for a new riser/recliner chair and any other support Mr D might need. Although Mrs D said they wanted to manage on their own, she reported back problems and was concerned about having to pull her husband off the chair. The OT sent a referral to the Council.
7. The Council registered the referral on 18 February and called Mrs D. She said she no longer needed an assessment as someone was coming the next day to assess her husband for equipment.
8. The next day Mrs D called the Council. She said they did need an assessment from the Council as she had misunderstood the purpose of a visit from NHS staff that day. The Council took down details of Mr D's circumstances, including problems with the chair. Mrs D explained that because of his condition, Mr D would slide off the chair onto the floor and she would have to help him up again. She said the chair was not comfortable for him. She explained that she looked after all her husband's care needs, including: washing and dressing him; preparing all meals; helping with mobility; and helping with continence.

9. The Council passed the referral for allocation for assessment by a Social Care Support Officer (SCSO) on 19 February.
10. The SCSO queried the referral on 14 March and the Council agreed one of its OTs, who had previously assessed Mr D, should do the assessment.
11. On 11 April Mrs D called the Council and left a message for the OT to call her back.
12. On 12 April an NHS Community Matron sent another referral to the Council identifying the need for an assessment as the recliner chair needed replacing and the narrow front door step posed a falls risk. The referral noted an NHS OT had made a similar referral earlier in the year.
13. The Council's records say its OT tried to call Mrs D on 14 April but could not get through or leave a message. Mrs D disputes this as she says there would always have been someone in with her husband as he could not be left alone.
14. The Council OT called again on 18 April and arranged to visit on 19 April to assess Mr D.
15. On 19 April Mr D received a diagnosis of vascular dementia.
16. The Council OT visited Mr D on 19 April and completed an "*occupational and daily activities assessment*" form. The note of the visit identifies the need to:
 - make changes to the front steps;
 - order an inflatable lifting chair from the Loan Store; and
 - buy a riser/recliner chair with pressure relief on the backrest, seat and leg-rest from a contractor.
17. Mrs D says the Council OT told her to call when the inflatable chair arrived so she could show them how to use it. The inflatable chair arrived quite quickly. Mrs D says she tried calling the Council but never got an answer so she gave up. She says this left her having to pick her husband off the floor whenever he slid out of his chair, sometimes with the help of neighbours. She says they had previously called an ambulance but the paramedics always wanted to take Mr D to hospital for a check over but he did not want this as he never injured himself.
18. According to the Council's case notes, the steps were altered on 25 April.
19. The Council has provided a comprehensive assessment dated 9 May which a Review and Assessment Officer completed. This addresses all Mr D's care needs, including the problems with the chair. Because of the assessment the Council arranged for Mr D to go to a day centre one day a week. The assessment says the Council OT was arranging a new chair. It says Mrs D would continue to meet Mr D's other needs.
20. On 15 August the Council OT sent an e-mail to a contractor asking:

“Have I previously asked you to visit [Mr D]??!! If I haven’t can you please visit him as soon as possible!”

21. The Council OT says this followed several phone calls to the contractor over several weeks. But she made no record of these calls.
22. Mrs D says the Council OT told her she had asked a contractor to provide a quote for a chair but he would not contact her for a couple of weeks as he was away. Mrs D says when the contractor contacted them he proposed visiting on a day when her husband would be at the day centre. She says the contractor agreed to visit the following week. However, Mr D went into hospital on 6 September after falling in the bathroom and banging his head. He was in hospital for five weeks. The contractor visited Mr D on 16 September, while he was in hospital, taking a chair for him to try out. Mrs D says her husband was very happy with the chair and they offered to buy it. However, the contractor said that was not possible as they needed to make one which would meet her husband’s need for pressure relief.
23. On 20 September the Council received a quote to make a chair from the contractor. This was for £1,634.93 and was valid until 19 November 2016.
24. On 3 October the Council OT sent the quote to her Manager and another officer.
25. Mr D came out of hospital on 3 October. An NHS OT told Mrs D her husband should not use his chair as it was not safe for him to do so.
26. On 15 October an NHS OT asked for an urgent call back from the Council’s OT about progress with the referral for a specialist chair. She said Mr D had been in bed most of the time since returning home due to the lack of suitable seating.
27. On 21 October the Manager told the Council OT the quote had been “*overlooked*” as she should have sent it to a dedicated e-mail address for the Council’s Funding Panel. The Manager asked for more information about the funding application before deciding whether to fund it.
28. Mr D died on 12 November.
29. On 30 November the NHS contacted the Council for an update on Mr D’s chair. It noted Mrs D was going to make a complaint. The Council OT told a Manager she had not responded to the request for more information due to the pressures of her other workload.
30. On 28 January Mrs D complained to the Council about the failure to provide her husband with a chair.
31. When the Council responded to Mrs D’s complaint it said the OT accepted she had delayed in communicating with Mrs D and wanted to apologise. It said there had been a “*change between seating companies*” which “*may have added to the delay in getting a visit about the chair*”. But the Council now says this was not correct. It said the OT’s hands had been tied as she had to wait for approval for the chair. It said its OT service was under considerable pressure and had many vacancies. It said it was taking steps to

recruit more OTs as soon as possible. It also identified the need for organisational changes to improve the process of getting equipment.

32. We asked the Council to explain what action it is taking to ensure the delay Mr D experienced does not happen again. It says:
- the funding panel will now meet weekly, rather than fortnightly;
 - it is working with the community equipment service to look at ways of providing a more timely service; and
 - it is undertaking an extensive recruitment campaign to address staff shortages.
33. The Council OT is very sorry about the delay. She says she could not resolve all the issues in a timely manner due to the pressure of work at that particular time.

Conclusions

34. The Council was alerted to the need for an assessment for a new chair in February. It took a month for the officer asked to do this to question whether they were the right person. Mrs D waited another four weeks for someone to contact her before chasing the Council. The Council OT then visited and identified the need for changes to the front steps, an inflatable chair, and a new riser/recliner chair. The Council OT arranged for changes to the front steps which were completed quickly. However, she also delayed before taking any action over the riser/recliner chair. This was fault by the Council. There was no reason why it should have taken any longer to request a quote for a riser/recliner chair than it took to ask for changes to the front steps.
35. The Council OT did not keep any records of telephone calls to the contractor. It seems likely the Council OT did not contact the contractor until August, six months after the NHS referral and four months after her own assessment. That was also fault and was the main cause of the delay.
36. Although Mr D went into hospital in September the contractor was able to fit Mr D for a chair and provide a quote while he was there. According to the Council's records, the Council OT sent a funding application to the wrong e-mail address. However, given that she sent it to two officers, it is difficult to understand why it was "*overlooked*" for over two weeks. The Council OT was asked to provide more information about the application but did not do this. That was also fault. It meant the Council did not approve the application before Mr D died.
37. When the Council responded to Mrs D's complaint it failed to identify the cause of the delay in providing her husband with a new chair. Similarly, when responding to our enquiries it proposed increasing the frequency of the panel meetings, although this had not been the cause of the delay. However, the Council now accepts the problem in getting a chair for Mr D was "*down to human error and pressures of work*".

38. The Council needs to consider what action it can take to ensure human error does not prevent someone from receiving the services they need. It also needs to fill the vacancies for OTs to ease the pressure on those currently employed.

Injustice

39. The Council's faults caused injustice to Mr & Mrs D. They left Mr D without a suitable chair for the last few months of his life. At first this caused him discomfort and indignity through sliding on to the floor. This also caused injustice to Mrs D as she had to help him up again, which was difficult for her because of her bad back. After Mr D came out of hospital he could no longer sit in a chair and spent the last weeks of his life in bed, which should not have been necessary. This caused further injustice to Mrs D in having to witness her husband's distress. Unfortunately it is no longer possible to remedy the injustice to Mr D because he has died.

Decision

40. The Council was at fault because it:
- delayed in taking action to get Mr D a new chair;
 - failed to get a new chair for Mr D before he died; and
 - failed to identify the cause of the problem when responding to Mrs D's complaint.

Recommendations

41. The Council must consider the report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full Council or Cabinet and we will require evidence of this. (*Local Government Act 1974, section 31(2), as amended*)
42. In addition to the requirements set out above, the Council has agreed to take the following actions to remedy the injustice identified in this report and prevent a repetition of its faults:
- apologise to Mrs D for the faults we have identified;
 - pay her £750 for the distress it has caused her and the time and trouble it has put her to in pursuing her complaint;
 - take action to ensure officers manage their work effectively and without delay; and
 - produce a schedule for filling OT vacancies as soon as possible.

Agenda Item 6

Meeting of the Full Council Meeting to be held on Thursday, 14 December 2017

Report submitted by: Head of Legal and Democratic Services

Part B

Electoral Division affected:
(None);

Report of the Cabinet (Part B) (Annex 1 refers)

Contact for further information:
Josh Mynott, Tel: (01772) 534580, Democratic and Member Services Manager,
josh.mynott@lancashire.gov.uk

Executive Summary

The report of the Cabinet from its meeting on 9 November 2017.

Recommendation

That the report of the Cabinet, as now presented, be noted.

Local Government (Access to Information) Act 1985 List of Background Papers

| Paper | Date | Contact/Tel |
|-------------------------------|-----------------|----------------------------|
| Agenda and Minutes of Cabinet | 9 November 2017 | Josh Mynott/(01772) 534580 |

Reason for inclusion in Part II, if appropriate

N/A

Meeting of the Full Council - 14 December 2017

The agenda and minutes of the meeting below may be viewed on the County Council's website [here](#).

Report of the Cabinet meeting on 9 November 2017

- **Money Matters - 2017/18 Financial Position and Medium Term Financial Strategy**

Resolved: That:

- i. the forecast underspend of £7.498m on the 2017/18 revenue budget be noted.
- ii. the revised Medium Term Financial Strategy (MTFS) and funding gap of £161.218m covering the period 2018/19 to 2021/22 be noted.
- iii. the position in respect of the Council's reserves and to agree the transfers outlined in the report be noted.
- iv. the budget proposals CORP 001 – Vacancy factor and CORP 003 – Terms and Conditions as set out at Appendix D be approved for the purposes of consultation, where necessary, with the recognised Trade Unions, the outcome of the consultation to be reported back to Cabinet at a future meeting

- **Procurement Report - Request Approval to Commence Procurement Exercises**

Resolved: That the commencement of the procurement exercises for the following areas be approved:

- i. Consultancy Services for the Assessment and Proposed Improvements to Delayed Transfers of Care (DTCO).
- ii. Early Support Emotional Health & Wellbeing Framework.
- iii. Supply and Delivery of Civil Engineering Materials.
- iv. Provision of Keyholding, Security Patrol and Incident Response Services.
- v. Legionella Control Measures.

- **Local Initiative Fund 2017/18**

Resolved: That

- i. A total of £152,829.34 of grant funding for 47 projects be approved across the districts in Lancashire from the 2017/18 LIF Scheme, having regard to the recommendations detailed in this report.
- ii. In the districts where an underspend of over £5,000 (Chorley and Rossendale) remains, a second round be opened later in the year, totalling £19,227.83.
- iii. The remaining underspend of £5,488.58 across the remaining districts be carried forward into the next financial year 2018/19 and added to the

relevant district's budget for LIF, subject to budget approvals for a future round.

- **(Bay Gateway, Caton Road, Folly Lane, Green Lane, Hadrian Road, Halton Road, Lancaster Road and Powder House Lane, Lancaster, Lancaster District) (Revocation, De-Restricted Road, 20mph, 40mph and 50mph Speed Limit) Order 201* Reference: LSG41894**

Resolved: That The Cabinet is asked to approve the making of a Speed Limit Order as set out in the report on the newly constructed A683 Bay Gateway generally east of A589 Morecambe Road and west of A589 Caton Road, of 30 miles per hour, 40 miles per hour, 50 miles per hour and De-Restricted (National Speed Limit) and associated revocations on the affected side roads comprising; Caton Road, Folly Lane, Green Lane, Hadrian Road, Halton Road, Lancaster Road and Powder House Lane as shown in the report.

- **Lancashire County Council (Various Roads, Burnley, Worthsthorne-with-Hurstwood and Padiham, Burnley Borough)(Revocations and Various Parking Restrictions, May (No.1)) Order 201***

Resolved: That the proposals for parking restrictions on various lengths of road within the Burnley District as detailed in the report be approved

- **Additional Highway Maintenance Funding - Proposed Highway Projects and Resources (Planned Works) Programme**

Resolved: That the proposed process, as outlined in the report be approved, for developing a programme of works to be funded from the Highways Projects and Resources (Planned Works) allocation of £3million approved by Cabinet on 20 July 2017.

- **Prohibition of Waiting Traffic Regulation Order Liverpool Old Road and Smithy Lane, Much Hoole, South Ribble Borough**

Resolved: That the introduction of prohibition of waiting restrictions on Liverpool Old Road and Smithy Lane as detailed within the report be approved.

- **Highways and Transport Capital Programmes - Proposed Amendments**

Resolved: That the proposed amendments to the Highways Capital Programme as outlined in the report be approved

- **Proposed Road Humps, Cottage Lane, Ormskirk**

Resolved: That the installation of the road humps along Cottage Lane and Asmall Lane, Ormskirk, as set out in the report, be approved.

- **Vehicle Crossing Code of Practice**

Resolved: That the Vehicle Crossing Code of Practice be approved as presented.

- **Awarding of Small Grants to Third Sector Groups which are Registered with the Wellbeing, Prevention and Early Help Service, including Grants to individual young people**

Resolved: That the recommendations of the District Youth Councils on the applications for grants from third sector groups which are registered with the Wellbeing, Prevention and Early Help Service be approved as set out in the report.

- **Revised Planning Obligations in Lancashire Policy Paper**

Resolved: That

- the existing Planning Obligations in Lancashire Policy be revoked
- the Infrastructure and Planning Policy as set out in the report be approved

- **Proposals Relating to Libraries**

Resolved: That

- the development of a detailed options appraisal for the provision of a library service in Lytham be approved.
- in relation to Rishton Library, the community interest in the site be dismissed and the decision to declare the property surplus be rescinded.

- **Re-imagining the Harris**

Resolved: That

- support be given to a further funding application to the Heritage Lottery Fund in November 2018.
- the County Council makes a contribution of £45,000 to the cost of preparing the further funding application to the Heritage Lottery Fund
- the revenue costs for the Re-Imagining the Harris project, currently committed until August 2018, be extended until June 2019 and the position be reviewed in light of the application outcome.

Approval of consultation on the county council's revised non-residential care charging policy

Resolved: That an 8-week public consultation on the revised policy be undertaken with key Stakeholders, after which the policy will be considered for final approval by Cabinet, taking into account the outcome of the consultation and any proposed changes.

- **Facilities Management Restructure Proposal**

Resolved: That the recommendations as set out in the report be approved.

- **Community Asset Transfers**

Resolved: That the recommendations as set out in the report be approved.

- **Sale of Former Padiham Primary School, Padiham, Burnley**

Resolved: That the recommendation as set out in the report be approved.

- **Pennine Reach, Church Gateway - Preparation of a Compulsory Purchase Order**

Resolved: That the recommendations as set out in the report be approved.

- **Lomeshaye Industrial Estate**

Resolved: That the recommendations as set out in the report be approved.

- **Information Technology Upgrade for Children's Social Care**

Resolved: That the recommendation as set out in the report be approved.

**Meeting of the Full Council
Meeting to be held on Thursday, 14 December 2017**

Report submitted by: Head of Legal and Democratic Services

Part B

Electoral Division affected:
(None);

The Overview and Scrutiny Committees
(Annexes '1' to '3' refer)

Contact for further information:
Samantha Parker, Tel: (01772) 538221, Senior Democratic Services Officer,
sam.parker@lancashire.gov.uk

Executive Summary

The most recent cycle of meetings of the Overview and Scrutiny Committees took place in the period October to November 2017.

The report of the committees is attached as Annexes 1 - 3 as follows:

- Annex 1 – Children's Services Scrutiny Committee
- Annex 2 – Health Scrutiny Committee
- Annex 3 – Internal Scrutiny Committee

Copies of the agenda and reports considered by the committees, together with minutes of the relevant meeting may be viewed on the County Council's website [here](#).

Officers specified in each report can also be contacted for further information.

Recommendation

That the report of the Overview and Scrutiny Committees, as now presented, be noted.

Local Government (Access to Information) Act 1985
List of Background Papers

| Paper | Date | Contact/Tel |
|----------------------------------------|------------------|-------------------------------|
| Agenda and minutes | | |
| Children's Services Scrutiny Committee | 18 October 2017 | Garth Harbison/(01772) 530596 |
| Health Scrutiny Committee | 31 October 2017 | Garth Harbison/(01772) 530596 |
| Internal Scrutiny Committee | 17 November 2017 | Garth Harbison/(01772) 530596 |

Reason for inclusion in Part II, if appropriate

N/A

Meeting of the Full Council - 14 December 2017

Report on the Children's Services Scrutiny Committee meeting held on 18 October 2017

Chair: County Councillor Andrea Kay

The agenda and minutes of the meeting may be viewed on the County Council's web site via the following link:

[Children's Services Scrutiny Committee](#)

Tracking of Care Leavers - Overview of New Process

The report presented explained the Local Authority's responsibility as corporate parents to support Lancashire's children looked after (CLA) and Care Leavers, and to enable them to become independent and successful adults. A key element of this was access to education and training that would lead to positive outcomes. A review of the current offer of support was in process to develop more effective systems and practices.

Resolved: That;

- i. The report be noted.
- ii. Committee members identify potential opportunities in their own divisions/district to increase supported employment and training for children looked after and care leavers across Lancashire.

Homelessness Protocol and Supported Accommodation

The report presented explained that the homelessness protocol for children aged 16 – 17 years was aimed to support and enable children considered to be homeless to secure appropriate assessment and accommodation. The protocol was established to ensure a streamlined process to assess and meet the needs between housing and social care.

Resolved: That the report be noted.

Meeting of the Full Council - 14 December 2017

Report on the Health Scrutiny Committee meeting held on 31 October 2017

Chair: County Councillor Peter Britcliffe

The agenda and minutes of the meeting may be viewed on the County Council's web site via the following link:

[Health Scrutiny Committee](#)

Winter pressures and preparations

The Committee received a presentation from the North West Ambulance Service detailing the pressures they would face and the preparations they had made in readiness for the forthcoming winter season.

Resolved: That;

- i. The Committee welcomed the North West Ambulance Service was meeting its recruitment targets;
- ii. The County Council's Communications Team be recommended to assist the North West Ambulance Service on the implementation of their communications strategy for the forthcoming winter season; and
- iii. A site visit to North West Ambulance Service's regional headquarters be arranged for members of the Committee to attend.

Meeting of the Full Council - 14 December 2017

Report on the Internal Scrutiny Committee meeting held on 17 November 2017

Chair: County Councillor John Shedwick

The agenda and minutes of the meeting may be viewed on the County Council's web site at the following link:

[Internal Scrutiny Committee](#)

Transport Asset Management Plan

A workshop took place on 25 September 2017 which gave an overview of the Transport Asset Management Plan (TAMP) and gave elected members the opportunity to consider the approach and discuss any local issues. Officers recorded a number of questions to which the responses were reported to the Committee by way of a presentation.

Resolved: That the report and progress on delivery of the TAMP be noted.

Winter Gritting Service

The report presented explained that the County Council aimed to provide a winter gritting service which, as far as is reasonably practicable, would ensure that safe passage along a highway was not endangered by snow or ice. The service was one of practicability, concentrated efforts on priority roads and sought to keep to a minimum delays and incidents in which ice or snow was a contributory factor.

Resolved: That;

- i. The preparations that are in place for the Winter Gritting Service 2017/18 be reviewed and scrutinised.
- ii. The requirements to implement revised guidance for treatment when ice/hoar frost/snow is forecast be noted.
- iii. The Implementation Navtrak guidance software to all gritters be noted.
- iv. The requirement for the installation of a weighbridge at Singleton depot over the forthcoming season be noted.
- v. The requirement for the replacement of the weather stations be noted.
- vi. A task group be established in spring 2018 to review placement and the criteria used for placement of grit bins across Lancashire.

Vehicular Highway Verges – Grass Cutting and Weed Control

The report presented stated that the Lancashire County Council Highway Maintenance Plan (HMP) provided a comprehensive Code of Practice in the

form of guidance and operational standards for the maintenance and related management of the publicly maintainable highway infrastructure network. The County Council, as the authority responsible for highways, has a legal duty to maintain the fabric of the publically maintainable highways and this includes managing the grass and weeds growing in verge areas within vehicular highway widths.

Resolved: That;

- i. The arrangements that are in place for highway verges - grass cutting and weed control be reviewed and scrutinised.
- ii. The additional funding for 2017/18 and the additional work to be undertaken be noted.
- iii. The additional funding for 2018/19 and the following two years and how that will be allocated to grass cutting and weed control be noted.
- iv. The developments regarding future weed control be noted.
- v. A report be presented to a future meeting of the Committee detailing impact of the additional funding outlined in the report.

Meeting of the Full Council
Meeting to be held on Thursday, 14 December 2017

Report submitted by: Head of Legal and Democratic Services

Part B

Electoral Division affected:
(None);

The Pension Fund Committee
(Annex 1 refers)

Contact for further information:
Mike Neville, Tel: (01772) 533431, Senior Democratic Services Officer,
mike.neville@lancashire.gov.uk

Executive Summary

The report from the Pension Fund Committee held on 1 December 2017 is attached at Annex 1.

Copies of the agenda and reports considered by the Committee are available to view on the County Council's [website](#). Members can also contact the individual officers specified in the reports for further information.

Recommendation

That the report of the Pension Fund Committee, as now presented, be noted.

Local Government (Access to Information) Act 1985
List of Background Papers

| Paper | Date | Contact/Tel |
|--------------------------------------------------|-----------------|-----------------------------|
| Agenda and Minutes of the Pension Fund Committee | 1 December 2017 | Mike Neville/(01772) 533431 |

Reason for inclusion in Part II, if appropriate

N/A

Meeting of the Full Council - 14 December 2017

Report of the Pension Fund Committee on Friday, 1 December, 2017

Chair: County Councillor Eddie Pope

Part I (Open to the Press and public)

1. Minutes of the Meeting held on 15th September 2017

The Chair informed the Committee that the Lancashire County Pension Fund and the London Pension Fund Authority had recently won the Collaboration Award at the LAPF Investments 2017 Awards.

Decision Taken: That the Minutes of the meeting held on the 15th September 2017 are confirmed as an accurate record and signed by the Chair.

2. Lancashire County Pension Fund Strategic Plan 2018/19 to 20/21

The Head of Fund presented a report on the new draft Strategic Plan for the Fund which focused on areas of activity relating to Governance, Asset and Liability Management, Administration and Communication and had been developed in accordance with the Risk Register.

Decision Taken: That the Lancashire County Pension Fund Strategic Plan for 2018/19 to 2020/21, as set out in Appendix 'A' to the report presented, is approved.

3. Lancashire County Pension Fund 2017/18 Q2 budget monitoring

A report was presented on the income and expenditure of the Fund for the period 1st April to 30th September 2017 which included a comparison to the budget for the same period and an explanation for any variances against the budget in order to assist with the monitoring of the financial position of the Fund.

In considering the report the Committee noted the variance between budgeted and actual investment management fees and discussed the difficulties in accurately predicting transfers in and out.

Decision Taken:

1. That the analysis of variances between actual results and the budgeted income and expenditure for the period 1st April to 30th September 2017, as set out in the report presented, is noted.
2. That the Head of Fund consider the future phasing of the budget in order to ease pension strain payments and to also highlight on the Risk Register

the concerns expressed at the Committee regarding investment management fees and transfers in/out.

4. Responsible Investment

A detailed report was presented to update the Committee on activity associated with responsible investment in the following areas – Voting Globally, Engagement through Partnerships, Shareholder Litigation and Active Investing.

The Chair informed the Committee of comments received from Councillor M Smith (a co-opted member representing Blackpool Council who had presented his apologies) suggesting a reduction in the level of investment by the Fund in fossil fuels, tobacco and alcohol. It was noted that the Responsible Investment Working Group was in the process of exploring how to further support responsible investment in the future and an update from the Group was presented at the next item on the agenda.

Decision Taken:

1. That the update on responsible investment activity, as set out in the Appendix to the report presented, is noted.
2. That the comments received from Councillor Smith regarding a proposed reduction in the level of investment by the Fund in fossil fuels, tobacco and alcohol be forwarded to the Responsible Investment Working Group for further consideration.

5. Update from the Responsible Investment Working Group

County Councillor Ellard (the Chair of the Working Group) presented a report on the discussions which had taken place at meetings held on the 20th September and 8th November 2017.

He reported that the Working Group had met with representatives from the LPFA and had agreed that the two authorities should work towards adopting a single approach/policy for responsible investment and identify any areas where policies could be aligned in order to strengthen the Partnership and assist with pooling in the future. He added that the Working Group was due to meet again in December and would consult with the Pension Board before presenting recommendations to the Committee in March 2018.

The Committee discussed the level of influence that could be exercised via shareholder voting and it was suggested that consideration should be given to divesting from certain companies if voting on responsible investment matters was not considered to be effective. In response the Managing Director and Chief Investment Officer explained that LPP Investments had a dialogue with companies which the Partnership invested in and would consider divestment in the event that relationship were to break down. It was suggested that a clearly defined policy, which reflected the agreed position of the LPP shareholders

regarding responsible investment and specified the conditions where divestment would be acceptable, would assist future decision making regarding investments.

Decision Taken:

1. That the discussions to date at the Working Group, as set out in the report presented, are noted.
2. That a further report, with specific recommendations regarding responsible investment, be presented to the Committee in March 2018 for consideration and approval.

6. Lancashire County Pension Fund Risk Register

A report was presented on the latest version of the Risk Register which had been updated following a review by the Lancashire Local Pension Board and County Council officers in consultation with colleagues from the Local Pensions Partnership. The Head of Fund highlighted those risks which were currently identified as being high and the measures which had been adopted to mitigate that risk.

Decision Taken: That the updated Risk Register, together with the LCPF Risk Summary document, as set out respectively at Appendices 'A' and 'B' to the report presented are noted.

7. Lancashire County Pension Fund Voluntary Scheme Pays

The Committee was informed that where a member of the LGPS had breached their Annual Allowance (the amount of pension savings they could make without having to pay additional tax) it was possible, in prescribed circumstances, for them to request the Fund to pay that tax charge in return for having a reduction applied to their pension once that came into payment, in a process known as 'scheme pays'.

Details of the availability of Voluntary Scheme Pays, which effectively gave the Fund the discretion to extend the current criteria under which members can ask the Fund to pay a tax charge where the annual allowance was breached, were set out in the report. It was noted that the number of members who would be affected by the extension to the criteria was not considered to be significant and would not represent an administrative burden on the Fund.

Decision Taken: That the use of Voluntary Scheme Pays in relation to the Lancashire County Pension Fund is approved in the following circumstances:

1. Where a member's pension savings are subject to the tapered annual allowance and the tax breach relates only to Lancashire County Pension Fund benefits rather than as a result of growth in multiple pension schemes.

2. Where a member, as a result of administrative difficulties beyond their control, misses the 'mandatory scheme pays' deadline (e.g. where the member was not provided with the necessary information on time.
3. Any other cases which are not covered under the mandatory requirements for 'scheme pays' or covered under the 'voluntary scheme pays' criteria identified in (1) and (2) above where it can be demonstrated that exceptional circumstances apply, approval is delegated to the Head of Fund

8. Implementation of the Markets in Financial Instruments Derivative

The Committee considered a report on the impact of the implementation of the Markets in Financial Instrument Directive 2014/65 and in particular the risk to the administering authority of becoming a retail client on 3rd January 2018 which had also been the subject of a recent training workshop.

It was noted that while LPP Investments would opt up for the majority of investments the Lancashire County Pension Fund was also required to opt up to elected professional status itself in relation to a number of legacy investments which were still managed directly by the Fund.

Decision Taken:

1. That the potential impact on the investment strategy of the administering authority becoming a retail client with effect from 3rd January 2018, as set out in the report presented, is noted.
2. That the immediate commencement of applications for elected professional client status with all relevant institutions in order to ensure the administering authority can continue to implement an effective investment strategy is approved.
3. That in electing for the professional client status specified at 1 above the Committee acknowledge and agree to forgo the protections available to retail clients as set out in Appendix 'A' to the report presented.
4. That the Head of Fund be given delegated authority for the purposes of finalising the applications and determining the basis of the application as either full or single service.

9. Feedback from members of the Committee on pension related training, conferences and events.

A report was presented on the attendance by members of the Committee at internal/external pension related training events since the last meeting.

It was noted that since the agenda had been circulated some members had also attended a workshop on the General Data Protection Regulations and the Markets in Financial Instruments Derivative on the 23rd November 2017.

County Councillor Schofield reported that he had attended the informative LGPS in Flux Investment Issues and Solutions Conference on the 23rd November 2017 which had covered a number of areas, including private debt, fixed income opportunities and managing climate risk in investment portfolios.

Members of the Committee gave feedback on the various conferences, events and workshops referred to in the report and it was noted that while some had been informative others had not been considered useful and would not be recommended for attendance in the future. There was also agreement amongst members of the Committee that the standard of internal training workshops was high and it was suggested that consideration be given to how future training was delivered in order to ensure that it was cost effective.

Decision Taken:

1. That the report and feedback given at the meeting is noted.
2. That future internal pensions workshops be arranged in relation to responsible investment and the Local Pensions Partnership.
3. That the Head of Fund review existing arrangements for internal and external training in order to ensure that it is both relevant and cost effective.
4. That the 2018 programme for internal pension related workshops be circulated to members of the Committee in due course.

10. Urgent Business

No items of urgent business were raised under this heading.

11. Date of Next Meeting

It was noted that the next meeting of the Committee would be held at 10.30am (preceded by a 30 minutes briefing) on the 23rd March 2018 in Committee Room 'C' – the Duke of Lancaster Room at County Hall, Preston.

Part II (Not open to the Press and Public)

12. Investment Panel Report

(Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. It was considered that in all the circumstances of the case the public interest in maintaining the exemption outweighed the public interest in disclosing the information).

The Committee received a report on matters considered by the Investment Panel since the last meeting which included:

- The Investment and Market context in which the LCPF operated
- The performance of the LCPF

Decision Taken: That the report of the Investment Panel is noted.

13. Investment Strategy Review

(Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. It was considered that in all the circumstances of the case the public interest in maintaining the exemption outweighed the public interest in disclosing the information).

The Head of Fund informed the meeting that the Investment Panel had undertaken a detailed review of the Strategic Asset Allocations and performance benchmarks in the Investment Strategy Statement and recommended some minor amendments. With regard to Infrastructure it was noted that the recommended range increase was 5.0% and not 10% as stated in the report.

Decision Taken: That the following changes to the Strategic Asset Allocations within the Investment Strategy Statement are approved and implemented with effect from the 1st January 2018.

2.5% reduction in Private Equity.

2.5% increase in Infrastructure (5% increase in the top range).

1% decrease in Alternative Credit.

1% increase in Cash.

14. Local Pensions Partnership Quarter 2 update

(Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. It was considered that in all the circumstances of the case the public interest in maintaining the exemption outweighed the public interest in disclosing the information).

The Director of Strategic Programmes and Group Company Secretary from the Local Pensions Partnership (LPP) presented an update report on the investment and administration activity of the partnership since the last meeting.

It was reported that LPP had received a positive response from the Department for Communities and Local Government in relation to the current level of pooling. The pension administration transformation process was on target, with further recruitment planned, and a report would be presented to the next meeting following the installation of a new telephone system at the dedicated pension administration helpdesk.

Decision Taken:

1. That the report is noted
2. That updates in relation to the operation of the new telephone system to be installed at the dedicated pensions helpdesk and the level of VR Estimates/Payments are presented at the next meeting.

15. Lancashire County Pension Fund Performance Overview September 2017

(Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. It was considered that in all the circumstances of the case the public interest in maintaining the exemption outweighed the public interest in disclosing the information).

A report was presented on the performance of the Lancashire County Pension Fund and highlighted key areas to the Committee, including the level of contributions and asset allocations. It was noted that the Fund continued to perform well both for the quarter and over the longer term.

Decision Taken: That the summary of performance up to 30th September 2017, as set out in the report presented, is noted.

16 Appointment of Independent Investment Adviser to the Pension Fund

(Exempt information as defined in Paragraphs 1 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972. It was considered that in all the circumstances of the case the public interest in maintaining the exemption outweighed the public interest in disclosing the information).

A report was presented regarding the proposed extension of the contract of one of the independent advisers to the Committee, for an additional three years, on their existing terms of appointment. When considering the report the Committee noted that the Fund was in a period of transition with the Local Pension Partnership and the investment strategy being reviewed and it was agreed that it was essential to retain the independent adviser with existing knowledge of the Fund.

Decision Taken: That the extension of the contract of an independent adviser to the Committee, for an additional three years to the 30th June 2021 on the existing terms of appointment as set out in the report presented, is approved.

Meeting of the Full Council - 14 December 2017

Agenda Part C - Notices of Motion submitted under Procedural Standing Order 14.2.1(a)

1. By County Councillor Matthew Tomlinson

This Council condemns the 12.5% price increase of vital energy supplies by British Gas being inflicted on many people in Lancashire.

Lancashire County Council therefore supports the switch campaign and considers developing a partnership with other authorities like Nottingham, Leeds and Liverpool in supporting the people of Lancashire's energy needs.

2. By County Councillor Geoff Driver

Council is concerned about the circumstances surrounding the payment of 'Neighbourhood Wellbeing Initiative' grants totalling £500,000 in February and March this year. There was no budget provision for these grants which were paid on the recommendation of individual County Councillors and authorised by County Councillor Ali, the then Cabinet Member for Health and Wellbeing. There was no vetting by County Council Officers of either the applicants or the proposed purpose to which the grant would be put and it is of particular concern that almost £300,000 of these grants were recommended and authorised by County Councillor Ali himself.

Council therefore resolves to ask the External Auditor to carry out an investigation into the manner in which these grants were recommended, approved and paid and report her findings to the Audit, Risk and Governance Committee for their consideration.

3. By County Councillor Christian Wakeford

Council acknowledges the dedication of home educators to their children's education and respects the parents' rights to choose how and where their children are educated. Council also notes that although the local authorities have a statutory duty under the Education Act 1996 to make arrangements to establish identities of children who are not receiving suitable education, this duty does not apply to children who are being educated at home.

Council is concerned that the current arrangements may leave some children vulnerable and also that there is no national or local framework for reporting on the attainment of children who are home educated.

Council therefore:

- (i) Recognises the excellent work done by Home Educators, and seeks mutually beneficial solutions to ensure the best start for all children in Lancashire.
- (ii) Supports the principles contained in the Home Education (Duty of Local Authorities) Bill currently before the Lords in connection with monitoring children receiving EHE.

- (iii) Asks the Chief Executive to write to the Secretary of State for Education outlining the council's concerns and seeking support for the provisions in the Bill.

4. By County Councillor Gina Dowding

Council is concerned that areas of Lancashire flooded last month, and the lives of Lancashire's residents in some rural communities, towns and villages, have been badly impacted. Residential properties, community buildings and businesses were affected causing both economic hardship and distress to our residents.

Council recognises that factors contributing to flooding resulting from heavy rainfall are varied and include a lack of current capacity of drains and gullies. Responses for action to mitigate future flooding are required from a range of agencies including our own Highways Service, Flood Risk Management, the Environment Agency, United Utilities and the Canal and River Trust.

Council recognises the importance of swift and efficient flood responses to assist those affected during a flood as well as the support and advice services required after a flood in order for people to get their lives and businesses back to normal.

Council will act to ensure that flood prevention, flood mitigation and flood responses are undertaken to the highest possible standard.

Council resolves:

- (i) To ensure that reducing risk of flooding both to new and pre-existing properties, is the key factor when considering all future strategic land use plans and individual planning applications.
- (ii) To call on Government to support plans to develop and implement river catchment flood management plans where appropriate in the county, with a strategic review of upland land management in catchment areas and the adoption of sustainable flood management initiatives (such as increased tree planting, upland overflow/temporary balancing lake).
- (iii) To call on Government and other national agencies to extend grants for flood victims of the November 2017 floods in Lancashire.
- (iv) To support the timely implementation of one stop advice and response centres for flooding where this is in the interests of best service to Lancashire residents affected by flooding.
- (v) To consider transfer, with a commensurate budget, of powers for implementing gully clearing to local district councils where requested so that local knowledge and streamlining of resources may enable effective and timely gully clearing.

5. By County Councillor Jean Parr

This council notes concerns raised by teachers' unions and others about the growth of 'holiday hunger' amongst children.

Holiday hunger occurs when families who are normally in receipt of free school meals during term time no longer have access to them in the school holidays. This is most acute during the long summer holidays when families must find an additional £30 to £40 to feed their children.

This council notes that Mark Hendrick MP has sponsored a Private Members' Bill by Frank Field MP which places a legal duty on local authorities to ensure the provision of free school meals and activities during the school holidays. This would be paid by earmarking 10p from every pound raised from the sugar tax on soft drinks.

This council resolves:

- (i) To support the Bill and asks the Chief Executive to write to the other two Preston MPs, namely Mark Menzies and Ben Wallace, to explain the Council's support and request that they also offer their support and actively persuade the Conservative led government to put Mr Field's Bill into law.
- (ii) That the Chief Executive writes to all council leaders across Lancashire asking them to support the Bill and requesting them to write to their own Members of Parliament to offer support for the Bill.
- (iii) That the Chief Executive writes to Mark Hendrick MP thanking him for sponsoring the Bill and making him aware that it has the support of the Council. The Council will also publicise its support for the Bill.

6. By County Councillor Lizzi Collinge

This council notes with concern the recent proposed changes to use of housing benefit to fund accommodation costs of survivors of domestic abuse.

The changes would see the end of housing benefit monies currently available for people, primarily women and children, to fund their housing costs while in a refuge. Housing benefit is the last guaranteed source of income available to refuges and makes up about 50% of their revenue. The proposed replacement of this with a grant to local authorities to provide short-term supported housing does not exclusively cover refuges and is therefore an inappropriate replacement.

This council, as a commissioner of domestic violence services, believes that the proposed changes will have a detrimental impact on the ability of refuges to operate. As such, council instructs Chief Executive to write to Sajid Javid MP, Secretary of State for Communities and Local Government, and David Gauke MP, Secretary of State for Work and Pensions, raising our concerns.

7. By County Councillor Gina Dowding

The Lancashire Cycling and Walking Strategy will be published early next year. Council recognises that every day journeys are from home to school, home to work, home to the station, or home to shops or community facilities. Council will therefore ensure that the Cycling and Walking Strategy will address the key issues for increasing cycling and walking as normal travel modes for local trips:

- (i) That cycling and walking trips will be safe, direct, convenient and comfortable and will be seen to be safe and convenient by those who might change from other modes to cycling or walking or who might let their children cycle or walk to school.
- (ii) That the County's major infrastructure asset for cycling and walking, i.e. the road network, is safe and convenient for cyclists and pedestrians and will:-
 - Reduce danger to cyclists from vehicles on our busy roads.
 - Prioritise cyclists and pedestrians trying to cross busy roads and junctions.
 - Enable cyclists to take direct routes instead of being forced onto circuitous routes that have been optimised for motor traffic.
 - Prevent the obstruction of footways with parked cars, overgrown hedges and trees, and poorly maintained surfaces and drains.
 - Help children to walk and cycle to school safely and conveniently to reduce the 'school run' and prepare them for Active Travel in later life.
- (iii) That Council Officers are provided with the funding and training necessary to pursue these objectives.
- (iv) That Local Cycling and Walking groups' views will be taken on-board to help validate the strategy and the highway schemes that affect it.
- (v) That Council will commit to ring fencing 10% of all highways transport infrastructure spend to improving cycling and walking infrastructure.

Council notes that the additional aim of the Cycling and Walking Strategy of promoting Centres of Excellence will not, however good Centres of Excellence may be for leisure, begin to address replacing car trips by active travel for every day journeys. In fact they increase car trips as people drive to the centres of excellence.

8. By County Councillor Gina Dowding

Council is proud of its commitment to, and action to date, to increase animal welfare standards in food procured and served by the County Council in schools and other establishments.

As a local authority Lancashire County Council is accredited to the Soil Association Food for Life Silver Award which accounts for over 85% of the 65,000 meals served across Lancashire on a daily basis.

In light of widely shared concern Council will increase its commitment to animal welfare and therefore resolves:

- To consider efforts and initiatives which will result in the wider uptake of plant-based meals in schools and other county establishments as the best way to reduce animal suffering.
- To work towards adoption of the Soil Association Food for Life Gold Award within the next 6 months which will ensure greater standards of animal welfare. The Gold Award would mean a minimum 15% of total spend will be on organic products and therefore that spend on animal products will be backing the highest welfare systems in agriculture, with a further 5% minimum on free range or organic poultry and pork.

In addition Council notes:

- That achieving higher standards of animal welfare would require a commitment to all animal products purchased being organic.
- That the UK farming sector anticipates the expansion in the number and volume of huge poultry factory farms, known as 'poultry mega farms' (due to forthcoming changes to the UK's markets and associated regulations related to Brexit), which are the antithesis of increasing animal welfare.

