

## **Minutes**

At a meeting of the Full Council held at Council Chamber, County Hall, Preston,  
on Thursday, 23 July, 2015

### **Present:**

County Councillor Margaret Brindle (Chairman)

### **County Councillors**

T Aldridge	J Fillis	J Oakes
A Ali	J Gibson	M Otter
T Ashton	G Gooch	M Parkinson
A Atkinson	M Green	N Penney
A Barnes	J Hanson	S Perkins
M Barron	Dr M Hassan	C Pritchard
L Beavers	P Hayhurst	S Prynne
D Borrow	C Henig	P Rigby
I Brown	N Hennessy	A Schofield
K Brown	S Holgate	K Sedgewick
T Brown	D Howarth	S Serridge
T Burns	K Iddon	J Shedwick
Mrs S Charles	M Iqbal	R Shewan
A Cheetham	M Johnstone	D T Smith
A Clempson	A Jones	K Snape
D Clifford	A Kay	D Stansfield
Mrs F Craig-Wilson	J Lawrenson	J Sumner
C Crompton	D Lord	C Wakeford
M Dad	T Martin	D Watts
B Dawson	J Mein	D Westley
F De Molfetta	G Molineux	D Whipp
C Dereli	Y Motala	G Wilkins
M Devaney	B Murray	B Winlow
G Dowding	R Newman-Thompson	B Yates
G Driver	D O'Toole	
K Ellard	Mrs L Oades	

## **1. Apologies and Announcements**

Apologies for absence were presented on behalf of County Councillors Peter Britcliffe, Peter Buckley, Alycia James, Mark Perks, Vivien Taylor, Matthew Tomlinson and Paul White.

### **Death**

The Chairman reported the sad death at the end of May 2015 of former County Councillor Duncan Ruddick.

Mr Ruddick was elected as a Conservative county councillor to the Rossendale South electoral division in 2005 and served until 2009. He also served as a Rossendale borough councillor, and was Leader of the Borough Council from 2004 until 2007.

As a county councillor Mr Ruddick served on the Performance Improvement Committee; Overview and Scrutiny Management Committee and the Children and Young People Overview and Scrutiny Committee.

A number of members spoke in his memory and offered condolences to his family. The Full Council stood in silent tribute.

### **Awards**

The Chairman was proud to announce the following awards:

#### **Heysham M6 Link Construction Award**

The Heysham to M6 Link team had won the 'Lancashire Sub-Regional Project of the Year' category at the North West Regional Construction Awards. They had also been commended in the 'Sustainability – Our Legacy' category.

The following officers attended to represent the team:

- Phil Whalley, Principal Engineer
- Paul Snape, Project Supervisor, Heysham to M6 link
- Steve Halsall, Senior Engineer

#### **Quality Mark for Food**

The County Council had been awarded the prestigious Silver 'Food for Life Catering Mark' for serving fresh and healthy meals in the County Council's schools and care homes.

The following officers attended to represent the team:

- Roger Eakhurst, Assistant Director Catering
- Nigel Craine, School and Residential Care Catering
- Chris Ridings, Category Manager, Procurement Team

### **I Made a Difference Awards (run by 'Go ON UK')**

The County Council had won the Digital Skills Charter for its work to help reduce the number of people in Lancashire with no basic online skills.

The following officers attended to represent the team:

- Lynne Johnstone, Policy, Commissioning and Information Manager (Live Well)
- Nick Kershaw, Project Support Officer

### **Barnado's Young Volunteer of the Year**

Mark Ormerod, a member of Lancashire's Children in Care Council, LINX, and a regular attendee and contributor to the County Council's Corporate Parenting Board, had won Barnardo's Young Volunteer of the Year.

All at Barnardo's were very proud of him as was the Corporate Parenting Board.

Mark Ormerod attended Full Council with:

- Kate Baggaley, Team Manager, Barnado's
- Angela Switzer, Social Worker for Children Looked After

## **2. Disclosure of Pecuniary and Non-Pecuniary Interests**

<b>Name of Councillor</b>	<b>Agenda Item No.</b>	<b>Nature of Interest (all non pecuniary unless stated)</b>
M Brindle	Part A – Item 6	Member of Burnley Borough Council
D Howarth	Part A – Item 6	Member of South Ribble Borough Council
D Lord	Part A – Item 6	Member of Pendle Borough Council
D Whipp	Part A – Item 6	Member of Pendle Borough Council

## **3. Confirmation of Minutes from meeting held 21 May 2015**

The Chair reported that the minute for Item 4 – Appointment of Vice Chairman should be amended to read:

"It was moved by County Councillor Jennifer Mein and seconded by County Councillor Darren Clifford that County Councillor Janice Hanson be appointed Vice Chairman of the County Council."

**Resolved:** That, subject to the amendment referred to above, the Minutes of the meeting of the County Council held on the 21 May 2015 be confirmed and signed by the Chair.

#### **4. The Council's Code of Corporate Governance**

The report explained that the Audit and Governance Committee had considered and approved a revised Code of Corporate Governance for the County Council. The draft revised version of the Code and Action Plan was set out at Appendix A to the report now presented for the Full Council's approval.

The Audit and Governance Committee had recommended that the Code, once adopted, be reviewed by the County Council every year.

**Resolved:** The revised Code of Corporate Governance and Action Plan, as set out at Appendix A to the report now presented, be agreed and adopted, and the Code be reviewed by the County Council every year.

#### **5. Changes to the Designated Independent Person (DIP) Dismissal Procedures Applying to Senior Officers of the Council**

The Chief Executive withdrew from the meeting during the consideration of this item.

The Leader reported that the Employment Committee at its meeting on 17 July 2015 had considered a report on mandatory changes to the County Council's procedures that must be followed for the dismissal of the Head of the Paid Service (the Chief Executive), the Monitoring Officer and the Chief Finance Officer (the S151 Officer).

The Employment Committee had agreed that Full Council be recommended to approve the proposed changes to the procedures for the dismissal of the Head of the Paid Service, the Monitoring Officer and the Chief Finance Officer as set out in the report, including:

- the revised terms of reference of the Employment Committee; and
- the establishment of a panel comprising solely of independent persons to provide views, advice and recommendations to the Employment Committee as part of the revised dismissal procedures.

This decision was referred to as option 1 in the report now presented to Full Council. The Employment Committee had agreed that the panel should be truly independent and that elected members should not serve on the panel. The

Conduct Committee (option 2) would not have a role to play in any future investigations.

**Resolved:** That,

- i. The revised terms of reference of the Employment Committee, as set out at Annex 1 to Appendix A to the report now presented be approved; and
- ii. A panel comprising solely of independent persons to provide views, advice and recommendations to the Employment Committee as part of the revised dismissal procedures, be established.

## **6. Proposal to develop a Combined Authority for Lancashire: Principles Report**

The report now presented provided a summary, at Appendix A, of the progress that had been made towards the development of the option of a combined authority for Lancashire. It set out some of the benefits that a combined authority could bring and the further work that was required to proceed with this option.

**Resolved:** That,

- i. The progress that had been made towards the option of a combined authority for Lancashire be noted.
- ii. The further work underway to produce a governance review and a scheme of governance arrangements be noted.
- iii. A further report be presented in the autumn to enable the Full Council to consider the final proposals.
- iv. The Political Governance Working Group be requested to consider further detailed proposals as they develop in relation to the combined authority and report back to Full Council with recommendations as appropriate.

## **7. Appointment to the Local Government Association Special Interest Group on Coastal Issues**

The Full Council was asked to approve the appointment of County Councillor Clare Pritchard to replace County Councillor Janice Hanson as a member of the Local Government Association Special Interest Group on Coastal Issues until the Annual Meeting of the Full Council in 2016.

**Resolved:** That the appointment of County Councillor Clare Pritchard to replace County Councillor Janice Hanson as a member of the LGA Special Interest Group on Coastal Issues until the Annual Meeting of the Full Council on 26 May 2016 be approved.

## **8. Report of the Cabinet (Part B)**

The Leader of the Council moved Part B of the report of the Cabinet from its meetings on the on the 11 June and 9 July 2015.

**Resolved:** That the report of the Cabinet from its meetings on the 11 June and 9 July 2015, as now presented, be noted.

## **9. Report of Urgent Key Decisions**

**Resolved:** That the report of urgent key decisions taken by the Cabinet Member for Adult and Community Services and the Cabinet Member for Health and Wellbeing during the preceding three months, as now presented, be noted.

## **10a. The Overview and Scrutiny Committees**

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

<b>Committee</b>	<b>Date of Meeting</b>
Scrutiny Committee	12 May 2015
	19 June 2015
Health Scrutiny Committee	2 June 2015

**Resolved:** That the reports of the Overview and Scrutiny Committees, as now presented, be received.

## **10b. Report of the Audit and Governance Committee**

County Councillor Terry Brown presented the report of the Audit and Governance Committee from its meeting on the 30 June 2015.

**Resolved:** That the report of the Audit and Governance Committee, as now presented, be received.

## **10c. Report of the Pension Fund Committee**

County Councillor Kevin Ellard presented the report of the Pension Fund Committee from its meetings on the 5 June and 2 July 2015.

**Resolved:** That the report of the Pension Fund Committee, as now presented, be received.

## **10d. Report of the Urgency Committee**

The Leader presented the report of action taken on behalf of the Urgency Committee.

**Resolved:** That the report of the Urgency Committee, as now presented, be received.

## **11. Report of the Combined Fire Authority**

County Councillor Frank De Molfetta presented the report of the Lancashire Combined Fire Authority from its meeting on the 22 June 2015.

**Resolved:** That the report of the Lancashire Combined Fire Authority, as now presented, be received.

## **Notices of Motion**

**Three Notices of Motion** had been submitted under Procedural Standing Order 14.2.1(a), which had been published and circulated to members.

The Chairman determined that Full Council consider the Motions in a different order from that in which they were listed in the papers, and that Motion number 2, relating to a contract for the supply of electricity, be considered last.

It was then moved by the Chair and seconded by County Councillor David Borrow that Full Council consider whether, under Section 100A(4) of the Local Government Act, 1972, it considered that the public should be excluded from the meeting during consideration of the Notice of Motion relating to a contract for the supply of electricity, on the grounds that there would be a likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act, 1972.

On being put to the vote the Motion was carried and it was,

**Resolved:** That the press and members of the public be excluded from the meeting during consideration of Notice of Motion relating to a contract for the supply of electricity on the grounds that there would be a likely disclosure of 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 the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

The following **Notices of Motion** had been submitted under Procedural Standing Order 14.2.1(a).

## 1. The Chadwick Centre

**It was moved by County Councillor Geoff Driver and seconded by County Councillor Susie Charles that:**

"The Chadwick Centre provides education for some vulnerable and troubled children and young people and it is extremely disappointing that following its recent inspection, Ofsted has classified it as 'inadequate' and said it is in need of 'special measures'.

Council therefore instructs the Officers to report to an early meeting of the Education Scrutiny Committee setting out the measures proposed to address the very serious problems highlighted in Ofsted's report."

County Councillor Niki Hennessy moved the following **Amendment** which was seconded by County Councillor Nikki Penney.

That the second paragraph be deleted and replaced with:

"Council notes the track record of the School's Improvement Team in working with school's in challenging circumstances and its history of working with schools to take them out of Ofsted categories. Council welcomes the work that is already being done by both the LA and the Management Committee of the school and looks forward to hearing of further progress in the future."

Following a period of debate the Amendment was put to the vote and was carried and therefore became the Substantive Motion.

County Councillor Bill Winlow moved the following further **Amendment** which was seconded by County Councillor Susie Charles:

That the following words be added to the second paragraph:

"and that Education Scrutiny Committee be requested to consider the matter as soon as possible."

County Councillor Hennessy accepted the further Amendment.

The Amended Motion was then put the vote and was carried and it was

**Resolved:** That,

"The Chadwick Centre provides education for some vulnerable and troubled children and young people and it is extremely disappointing that following its recent inspection, Ofsted has classified it as 'inadequate' and said it is in need of 'special measures'.

Council notes the track record of the Schools' Improvement Team in working with schools in challenging circumstances and its history of working with schools to take them out of Ofsted categories. Council welcomes the work



that is already being done by both the LA and the Management Committee of the school and looks forward to hearing of further progress in the future, and that Education Scrutiny Committee be requested to consider the matter as soon as possible."

### **3. Road Safety**

**It was moved by County Councillor Graham Gooch and seconded by County Councillor Tim Ashton that:**

"Council is concerned to learn that the number of people killed and seriously injured on Lancashire's roads increased by 14 per cent in 2014/2015 and therefore instructs the Officers to report to the Health Scrutiny Committee setting out the measures proposed to reverse this alarming trend."

County Councillor John Fillis moved the following **Amendment** which was seconded by County Councillor Steve Holgate.

Delete the words

"...and therefore instructs the Officers to report to the Health Scrutiny Committee setting out the measures proposed to reverse this alarming trend."

Add the words

"....This has been an upward trend year on year since 2012/13, despite the fact that 20 mph areas were introduced right across the county, costing £5.763 million, which in some cases have failed to deliver the road safety improvements as promised at the time.

The council recognises the move towards evidence based road safety work, introduced in 2014/15, being undertaken, which so far is seeing a month by month reduction in the number of people being killed or seriously injured, January to June 2015, on our roads in comparison to the same time last year.

Council notes that a report on road safety is already scheduled to be considered by Scrutiny Committee at its meeting on 16 October and requests that the Committee consider both policies in order to make recommendations on future road safety policy."

On being put to the vote the Amendment was carried and it was,

**Resolved:** That,

"Council is concerned to learn that the number of people killed and seriously injured on Lancashire's roads increased by 14 per cent in 2014/2015. This has been an upward trend year on year since 2012/13, despite the fact that 20 mph areas were introduced right across the county, costing £5.763 million, which in some cases have failed to deliver the road safety improvements as promised at the time.

The council recognises the move towards evidence based road safety work, introduced in 2014/15, being undertaken, which so far is seeing a month by month reduction in the number of people being killed or seriously injured, January to June 2015, on our roads in comparison to the same time last year.

Council notes that a report on road safety is already scheduled to be considered by Scrutiny Committee at its meeting on 16 October and requests that the Committee consider both policies in order to make recommendations on future road safety policy."

## **2. Contract for the supply of electricity for street lights**

**(Not for Publication – Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act, 1972. It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interests in disclosing the information).**

Confidential and commercially sensitive background information relating to the following Notice of Motion was circulated to all members and the meeting was then adjourned for ten minutes to enable members to consider the additional information.

The meeting reconvened and,

**It was moved by County Councillor Geoff Driver and seconded by County Councillor Allan Schofield that:**

"Following the report to the Executive Scrutiny Committee on 19 May 2015 on the revised contract for the supply of electricity for street lights, Council is concerned that the information requested on the comparative costs of the new arrangements has still not been provided. Council therefore instructs the Officers to report to an early meeting of the Scrutiny Committee:

- (i) Setting out the difference between the likely costs the County Council would have incurred in 2015/2016 if the lowest tender under the original and aborted tender process had been accepted and the likely costs the County Council will incur in 2015/2016 under the arrangements and new contract agreed by the Executive Scrutiny Committee.
- (ii) Explaining why the terms of the County Council's proposed contract were not acceptable to the company which submitted the lowest tender under the original tender exercise."

Following a 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 county councillors who voted for or against the Motion and those who abstained are set out below:

**For (27)**

T Ashton	G Driver	A Schofield
A Atkinson	G Gooch	K Sedgewick
M Barron	M Green	J Shedwick
K Brown	K Iddon	D Smith
I Brown	A Kay	D Stansfield
S Charles	J Lawrenson	C Wakeford
A Cheetham	D O'Toole	D Westley
F Craig-Wilson	M Otter	G Wilkins
M Devaney	P Rigby	B Yates

**Against (45)**

T Aldridge	B Dawson	S Holgate	E Oades
A Ali	F De Molfetta	D Howarth	J Oakes
A Barnes	C Dereli	M Iqbal	N Penney
L Beavers	G Dowding	M Johnstone	C Pritchard
D Borrow	K Ellard	D Lord	S Prynne
M Brindle	J Fillis	T Martin	S Serridge
T Brown	J Gibson	J Mein	R Shewan
T Burns	J Hanson	G Molineux	K Snape
D Clifford	M Hassan	Y Motala	J Sumner
C Crompton	C Henig	B Murray	D Watts
M Dad	N Hennessy	R Newman-Thompson	D Whipp
			B Winlow

**Abstained (0)**

The Motion was therefore not carried and it was,

**Resolved:** That the Motion was lost.

Jo Turton  
Chief Executive

County Hall, Preston