



COUNTY COUNCIL

MINUTES OF COUNTY COUNCIL MEETING

DATE: Wednesday, 4 September 2013 **TIME:** 10.00 am

VENUE: Council Chamber, Shire Hall, Gloucester

Present:

Cllr Phil Awford (Vice-Chairman)

Cllr Dorcas Binns

Cllr Robert Bird

Cllr Tony Blackburn

Cllr David Brown

Cllr Jason Bullingham

Cllr Chris Coleman

Cllr John Cordwell

Cllr Iain Dobie

Cllr Bernard Fisher

Cllr Jasminder Gill

Cllr Andrew Gravells

Cllr Colin Guyton

Cllr Tim Harman

Cllr Joe Harris

Cllr Mark Hawthorne

Cllr Colin Hay

Cllr Tony Hicks (Chairman)

Cllr Jeremy Hilton

Cllr Paul Hodgkinson

Cllr Barry Kirby

Cllr Richard Leppington

Cllr Sarah Lunnon

Cllr Stephen Lydon

Cllr Steve McHale

Cllr Paul McLain

Cllr Tracy Millard

Cllr Patrick Molyneux

Cllr Graham Morgan

Cllr Brian Oosthuysen

Cllr Shaun Parsons

Cllr Alan Preest

Cllr Nigel Robbins

Cllr Vernon Smith

Cllr Norman Stephens

Cllr Lynden Stowe

Cllr Klara Sudbury

Cllr Mike Sztymiak

Cllr Ray Theodoulou

Cllr Brian Tipper

Cllr Pam Tracey

Cllr Robert Vines

Cllr Simon Wheeler

Cllr Bill Whelan

Cllr Kathy Williams

Cllr Lesley Williams

Cllr Roger Wilson

Cllr Will Windsor-Clive

Honorary Aldermen

Ron Allen

Barry Dare

Bill Hobman

Apologies: Honorary Aldermen Liz Boait, Basil Booth, Bill Crowther, Paul Drake, Chas Fellows, Rob Garnham, Jackie Hall, Deryck Nash, Terry Parker, John Sewell, Charmian Sheppard, Gordon Shurmer, Mike Skinner and Mike Williams and Councillors Paul McMahon, Nigel Moor, David Prince, Stan Waddington and Suzanne Williams.

Minutes subject to their acceptance as a correct record at the next meeting

65. MINUTES

The minutes of the Ordinary Meeting and Extraordinary Meeting of the Council held on 19 June 2013 were confirmed and signed as a correct record.

66. DECLARATIONS OF INTEREST

A copy of the declarations of interest is attached to the signed copy of the minutes.

67. ANNOUNCEMENTS

- a) Retiring and non-returning councillors
The Chairman and Vice-chairman presented certificates and gifts to those former members, Dennis Andrewartha and Phil McLellan, who had not been able to attend the meeting on 19 June 2013.
- b) Gloucestershire Association of Parish and Town Councils (GAPTC)
Kim Bedford and colleagues from GAPTC would be available outside the Council Chamber after the meeting to provide information on the important role of GAPTC as the umbrella body for parish and town councils.
- c) Gloucestershire Voices
Gloucestershire Voices, a user led organisation for people with learning disabilities, and members of the quality team would be on the landing outside the Council Chamber after the meeting with information about Q360. Q360 is a quality checking programme for services in Gloucestershire.
- d) Dementia awareness
A dementia awareness and information session had been organised by Cllr Andrew Gravells, the Cabinet Member for Older People, on the morning of Thursday, 17 October in the Council Chamber. This was part of the ongoing member development programme.
- e) Members' ICT
Capita staff would be on hand outside the Council Chamber after the meeting to resolve any outstanding member ICT issues.
- f) Cllr Dr John Cordwell
The Chairman welcomed Cllr Cordwell back after his recent knee replacement.
- g) Jane Burns, Monitoring Officer
Jane was unable to attend the meeting following the sudden death of her Father. The Chairman requested that the Council's condolences be recorded.

68. PUBLIC QUESTIONS

Two public questions had been received. A copy of the questions and answers was circulated and is attached to the signed copy of the minutes.

69. MEMBERS' QUESTIONS

Twenty five member questions were received. A copy of the questions and answers was circulated and is attached to the signed copy of the minutes.

The following supplementary questions were asked:

Question 1 – Cllr Paul Hodgkinson stated that he was glad to hear of the importance being placed on faster broadband for all of Gloucestershire. He expressed concern that in some areas the speed was not sufficient and asked that a roll out plan be published with timescales and key deliverables. He suggested that this could be done through a quarterly report.

Cllr Mark Hawthorne stated that £7.5m had been invested in the project and the aim was to deliver 2 mega bits per second broadband across the county. This was a complicated project but there was a clear and robust working relationship with BT to ensure the best value for taxpayers. BT was currently undertaking an evaluation of the roll out and the project was well ahead of schedule. He stated that he would endeavour to ensure there was a mechanism in place to keep all members informed and up to date with information within the parameters of the contract.

Question 2 – Cllr Paul Hodgkinson expressed concern around the level of funding for cycling and asked whether the Council would consider projects that would help facilitate cycling, referencing a project by Churn Valley Cycle Group. This used an existing bridle path for a safer mountain bike and walking route, between Cirencester and North Cerney at virtually zero cost for the council. He asked when the Council would look at a mechanism for promoting and facilitating better cycling across the county that did not impact significantly on the budget.

Cllr Vernon Smith responded that cycling was an important issue, that he welcomed any ideas, and that he believed in working in partnership with districts. He referred to the work within his own division around the 'healthy towns' initiative.

Question 3 – Cllr Iain Dobie asked whether there were plans in place in response to the Government's announcement of additional funding for cycling, including reinstating a dedicated officer position, or creating ways of fulfilling the roles of the post.

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Cllr Vernon Smith reiterated that he would be happy to talk to members about any ideas around partnership working and would be keen to work with partners on suggestions they had in relation to bidding for funding in this area.

Question 4 – Cllr Jeremy Hilton asked whether the Council would be informed of any applications made to DECC for a Petroleum Exploration and Development Licence.

Cllr Will Windsor-Clive responded that he would inquire about this and get back to the member.

Question 5 – Cllr Jeremy Hilton noted the answer to the question and expressed surprise that no map was available. He reiterated his desire to be provided with a map of shale deposits in Gloucestershire.

Cllr Will Windsor Clive stated that no specific map was available to rely on.

Question 6 – Cllr Jeremy Hilton noted that the Gloucestershire Minerals Local Plan was adopted in 2003 and asked if it was time to review the plan and understand where the shale deposits were.

Cllr Will Windsor-Clive stated that it was up to the regulating authority to know where the deposits were.

Question 9 – Cllr Jeremy Hilton asked that members be provided with information on the Supporting People contracts currently being awarded to providers.

Cllr Kathy Williams responded that they were concluding the process and members would be provided with information once the contracts had been awarded.

Question 11 – Cllr Steve Lydon requested that the Council look at the net effect of the move to academies on support services for schools. His question was in regards to the financial side stating that the Local Education Authority provided excellent services.

Cllr Ray Theodoulou stated that if there were a diminishing number of schools then there would be some reduction in the use of the support services. It was important to keep the services at sufficient quality as there was now an element of competition. At this time some academies had chosen to take up the support services such as health and safety, legal and payroll.

Question 13 – Cllr Lesley Williams asked whether in the roles identified that zero hour contracts had always been in place, whether information could be given as to

how many hours had been worked in total on those contracts in 2012/13, and whether the County Council could take steps to ensure that contractors did not use zero hours contracts.

In response, Cllr Ray Theodoulou outlined that zero hour contracts had been used for a number of years but in an ethical way. The member would be provided with the information regarding the number of hours worked in 2012/13 and he stated that with regards to contractors, the best way was to set an example.

Question 14 – Cllr Ricahrd Leppington stated that for every pound spent with a local company, 69 pence remained within the local economy. He asked whether, to boost Gloucestershire based businesses, that the Council work towards increasing its purchasing from Gloucestershire based businesses to 75% over the next four years.

Cllr Ray Theodoulou stated that discussions had been held with local businesses to move towards an increase in using local suppliers but that the outcomes from this would take time to work through. Generally the Council was in favour of keeping money in Gloucestershire with local businesses. The Council had responsibilities around achieving the best value for taxpayers and this had to be considered as well.

Question 15 – Cllr Brian Oosthuysen felt that with the contract there should have been a plan for every possible outcome, he asked why the contract with UBB had not been amended in this case.

Cllr Mark Hawthorne reiterated that this was the standard DEFRA contract, DEFRA and the treasury had spent a huge amount of time looking at the contract and assessing the risks. Gloucestershire County Council received advice and support from DEFRA to achieve the best possible outcome for residents with regards to the contract arrangements.

Question 17 – Cllr Brian Oosthuysen questioned what legal advice that had been given regarding the action the County Council could take following the Planning Committee decision.

Cllr Ray Theodoulou stated that external and internal legal advice had been taken and had been clear that the County Council could not amend the contract.

Question 18 - Cllr Joe Harris asked whether the Cabinet Member would wish to meet with residents in Cirencester to discuss residents' parking schemes. Cllr Vernon Smith indicated that he would be happy to meet residents on this issue.

Question 19 - Cllr Joe Harris requested that the parts of the Garbutt report that had been omitted due to the police investigation be released to the public.

Cllr Mark Hawthorne stated that with regards to the Garbutt report, it had involved all parties and its implementation had been overseen by the Audit Committee. The report was comprehensive and passed on the City of London Police. He stated that he was not aware that there were parts of the report that had not been released. If there were any parts not previously released then, with the permission of the City of London Police, these would be made available.

Question 21 – Cllr Sarah Lunnon asked whether legal advice had now been obtained relating to the disposal of waste and could she be provided with what that advice was.

Cllr Ray Theodoulou stated that the Council was still waiting for that advice.

Question 22 – Cllr Sarah Lunnon stated that from the answer, she felt that no action had been taken to consult with contributors or beneficiaries on the investment strategy. She asked for assurances that the Council would undertake to ask them if they were in agreement with the strategy and if it was one they could endorse in relation to ethical concerns.

Cllr Ray Theodoulou stated that he would not undertake this. The administration was responsible for administering the pension fund and always acted in a practical way taking account all the interests of the various parties into consideration.

Question 24 – Cllr Barry Kirby asked if the member was aware of the national increase in the statistic of over 60% of children killed or seriously injured walking to school. He emphasised the reduction in lollypop men and women and asked if the member could guarantee the safety of children.

Cllr Paul McLain replied that he would continue to work to improve the safety of children in Gloucestershire particularly through the Health and Wellbeing Board.

Question 25 – Cllr Barry Kirby asked whether Gloucestershire County Council should be paying a more pivotal and leadership role in co-ordinating the strategy around traveller sites securing an adequate county wide provision.

Cllr Dorcas Binns responded that the County Council worked closely with district and borough councils co-ordinating the gypsy and traveller needs assessment.

Cllr Joe Harris submitted the following urgent question after the deadline for questions:

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'On Tuesday there was a serious collision on the Spine Road Station Road junction in South Cerney. This is the second serious collision in as many weeks. Will the Cabinet Member urgently look into what can be done to prevent further accidents on this junction such as installing traffic lights like many residents have requested?'

The Chairman indicated that this should be considered outside of the meeting by the Cabinet Member and the answer would be copied to all members of Council.

70. PETITIONS

Cllr Klara Sudbury presented a petition to Cllr Vernon Smith, the Cabinet Member for Highways and Flood, relating to traffic flows on streets east of Bath Rd in Cheltenham.

Cllr Steve McHale presented a petition to Cllr Vernon Smith, the Cabinet Member for Highways and Flood, relating to a bus service on Matson Lane, Gloucester.

71. MOTIONS

Motion 687

Cllr Steve Lydon moved and Cllr Graham Morgan seconded the following motion:

This Council resolves to set up an all party task group to investigate the options for unitary working arrangements in Gloucestershire.

The group should consult widely with key stakeholders including the business community, local and voluntary groups, local district, city and borough councils, parish and town councils, neighbourhood partnerships, neighbouring authorities and other public authorities to find their views on whether they are in favour of a unitary authority or authorities.

The work should also consider how best to ensure local democracy is enhanced rather than diminished by exploring and making recommendations on how best to capitalise on our town and parish councils. The group would also draw on good practice elsewhere where local area boards or similar arrangements have been set up.

The group should also provide an estimate of the costs and benefits arising from a change to unitary working.

The group should report back to full council by the AGM of the Council with quarterly updates on progress.

Cllr Steve Lydon noted the financial pressures on councils and believed that the time was now right to look at the feasibility of establishing a unitary local government structure in Gloucestershire. He said that there was a great deal of confusion amongst the public on who was responsible for particular services. A new structure should be capable of 'thinking strategically and delivering locally'. It was important to seek the views of the district councils and the wider community including businesses, the public and other public sector organisations. The public was disinterested in local democracy and a new structure would help address the growing 'democratic deficit'.

Some members were concerned about the disruption and costs arising from local government reorganisation. They noted that joint working was already delivering significant savings in a number of areas. They believed that the councils should concentrate on the services they were providing whilst looking for further opportunities to work together. They expressed serious concern that reorganisation would jeopardise the co-operation and goodwill that had been developed over recent years. This could result in joint working arrangements being disrupted and relationships breaking down. They noted that reviews of the electoral arrangements in some districts were about to be undertaken and this work would be wasted if a unitary structure was taken forward.

The Leader of the Council supported the establishment of a scrutiny task group to investigate the options available. He questioned, however, whether the £20 million of savings identified in the 2007 report by Price Waterhouse Coopers (PWC) on a unitary structure were still available. He noted that there had been significant changes to working practices since that time with a number of successful joint working arrangements now in place. These not only extended to the district councils but to other public sector organisations such as the NHS and Police. He believed that it was important that any new arrangements did not disrupt the co-terminus boundaries the County Council shared with other organisations. The County Council alone had made savings of more than £65 million over the last four years.

The mover and seconder of the motion accepted a change to the motion to use the Council's scrutiny process to set up an all party task group to investigate the options for unitary working arrangements in Gloucestershire.

In seconding the motion, Cllr Graham Morgan noted the serious financial pressure on district councils with significant deficits being faced in future years. He said that parish and town councils were at breaking point as a result of services being pushed down to them due to the lack of funding. He believed that the Council owed it to the people of Gloucestershire to explore the options available.

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RESOLVED that the Council uses its scrutiny process to set up an all party task group to investigate the options for unitary working arrangements in Gloucestershire.

The group should consult widely with key stakeholders including the business community, local and voluntary groups, local district, city and borough councils, parish and town councils, neighbourhood partnerships, neighbouring authorities and other public authorities to find their views on whether they are in favour of a unitary authority or authorities.

The work should also consider how best to ensure local democracy is enhanced rather than diminished by exploring and making recommendations on how best to capitalise on our town and parish councils. The group would also draw on good practice elsewhere where local area boards or similar arrangements have been set up.

The group should also provide an estimate of the costs and benefits arising from a change to unitary working.

The group should report back to full Council by the AGM of the Council with quarterly updates on progress.

Motion 688

Cllr Jeremy Hilton moved and Cllr Iain Dobie seconded the following motion:

This Council commends the public protection work carried out by the Trading Standards Service in Gloucestershire.

This Council notes that trading standards is a statutory service that protects the most vulnerable consumers in dealing with 'rogue traders' and also helps legitimate traders to trade well.

This Council recognises that over the last three financial years, the County's Trading Standards Service budget and total number of employees has been cut by 50%.

This Council is concerned that any further cuts to the current Trading Standards Service may put individuals, communities and public health more generally at risk, and could damage local businesses and the economy.

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This Council therefore recommends that the Trading Standards Service is protected if possible from further cuts during the life of this Council.

Cllr Jeremy Hilton expressed concern that the Trading Standards Service had seen a disproportionate reduction in budget compared with other services. Staff numbers had been reduced from 46 to 24, five specialist teams had been reorganised into just two generic teams and the number of visits had fallen from 4,000 to around 700. In overall terms, the budget for the Trading Standards Service at around £1 million represented just 0.25 per cent of the County Council's annual spend.

In seconding the motion, Cllr Iain Dobie noted that the service not only protected vulnerable people from rogue traders but also protected the general public from unsafe products. These included electrical goods and toys.

A number of members recognised the importance of the service and paid tribute to the excellent work undertaken by Trading Standards Officers. They stated, however, that decisions relating to the budget should be taken at the time the budget was set. In any event, a decision to protect a budget 'if possible' was meaningless.

A member believed that it was reasonable to raise the issue at full Council and put a marker down that that the service should be protected.

On being put to the vote, the motion was defeated.

72. CORPORATE PARENTING

The Cabinet Member for Children & Young People and Strategic Commissioning thanked Cllr Lesley Williams and Cllr Chris Coleman for agreeing to be members of the new Corporate Parenting Group. They had been joined on the group by representatives from schools, the Police, NHS and the district councils.

He said that he had recently attended a meeting of the Children in Care Council and the information he had received would shape the future work programme of the Corporate Parenting Group. He stated that he was pleased that 82 per cent of foster placements were in a family-based environment with just 1 per cent of children in care in residential schools. The Council was providing support to 290 care leavers aged between 16 and 25.

More resources and staff had been provided to allow more children to be adopted each year. A framework contract was in place with Clifton Children's Society to

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provide additional capacity for undertaking assessments. He thanked the staff in the Adoption and Fostering Teams for their efforts.

73. ADOPTION PANEL

***RESOLVED** that Cllr Tracy Millard be appointed as the second member of the Adoption Panel.*

74. CABINET DECISION STATEMENT

Referring to gas and electricity procurement, a member asked whether any consideration had been given to involving the district councils and other public bodies. He said that he was concerned that community organisations who had taken over County Council buildings had not been given the opportunity to benefit from the new contracts.

The Cabinet Member for Finance and Change stated that although he had been sceptical at first, the new approach would ensure that gas and electricity was procured at the best rate available. He agreed that it would be a good idea to involve the district councils and other public bodies and he undertook to investigate this further.

***RESOLVED** to note the Cabinet Decision Statement for the decisions taken on 10 July 2013.*

75. INDIVIDUAL CABINET MEMBER DECISION STATEMENT

***RESOLVED** to note the Individual Cabinet Member Decision Statement for the decisions taken over the period 1 June to 9 August 2013.*

76. HIGHWAYS AND RESERVES

At the full Council meeting on 19 June 2013, motion 686 relating to road repairs was referred to the Highways Working Group and for discussion with group spokespersons.

Consideration was given to a joint report from the Cabinet Member for Finance and Change and the Cabinet Member for Highways and Flood which had been circulated as agenda supplement. £1 million had recently become available largely as a result of an improvement in the position regarding the Icelandic banks and it was proposed that this was invested in Gloucestershire roads.

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Members welcomed the steps that had been taken to release additional funds following the debate at the last meeting. Some members were concerned, however, that there had been a lack of consultation with the political group spokespersons. With the new minority administration, they were anxious that communication channels were improved and there was closer joint working.

Cabinet members advised that the funds had only just become available and there was never any intention to withhold any information. They stated that they were working closely with political group spokespersons and would continue to do so. Significant extra funds had already been provided for investment in the road network and real progress was being made in addressing the backlog of repairs.

A member noted the need in the long run to look at the level of investment required in the road network to get on top of the repairs.

A request was made that all members be informed of future windfalls so that their use could be considered in the round.

RESOLVED to support the recommendation outlined in the budget monitoring report to Cabinet on 11 September 2013 and invest an additional £1 million in Gloucestershire roads in 2013-14.

77. OVERVIEW AND SCRUTINY REPORT

Cllr Brian Oosthuysen, Chairman of the Overview and Scrutiny Management Committee, undertook to provide Cllr Sarah Lunnon with information on the Gloucestershire context that had been presented at the meeting on 30 July 2013.

A member expressed concerns that levels of self-harm and suicide were higher in Gloucestershire, particularly in areas of higher deprivation. He believed that the Health and Care Overview and Scrutiny Committee should establish a task group to examine this issue. Cllr Steve Lydon, committee chairman, stated that he would raise the matter at a future work planning session. He suggested that a member take up a matter relating to the link between children walking to school and increasing obesity with the Cabinet Member for Public Health and Communities.

Responding to a member, Cllr Rob Bird, Chairman of the Environment and Communities Overview and Scrutiny Committee, advised that the national review of fire and rescue would be considered at the meeting of the committee on 13 November 2013.

A member requested that members put pressure on their local MPs to abandon the HS2 high speed rail project to allow funds to be released for other transport

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infrastructure projects such as the A417 at Birdlip. Another member questioned the relevance of the request and suggested that the member might be better placed to do this within his own political party.

RESOLVED to note the report.

78. SAFETY, HEALTH AND ENVIRONMENT (SHE) ANNUAL REPORT 2012-13

In presenting the SHE Annual Report, Cllr Shaun Parsons thanked Paul Cobb, Safety, Health and Environment Manager, and his team for their efforts over the last year. He noted that the team had taken on additional work during the year despite a reduction in staff resources. He provided detailed information on safety performance including Gloucestershire Highways and Gloucestershire Fire and Rescue Service.

RESOLVED to note the report.

79. LOCAL GOVERNMENT OMBUDSMAN - ANNUAL REVIEW LETTER AND FINDING OF MALADMINISTRATION

Consideration was given to the report of the Monitoring Officer relating to the Annual Review Letter from the Local Government Ombudsman and a finding of maladministration. The Monitoring Officer was required to make a report to full Council where there was a finding of maladministration.

A report had been received from the Local Government Ombudsman of an investigation into a complaint against Gloucestershire County Council and another local authority. The case related to a young person and, because of the nature of the case and the risk that the young person might be identified, the Ombudsman was required to report without naming or identifying the complaint or other individuals.

RESOLVED that, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for this item of business because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

Members asked the Chief Operating Officer a number of detailed questions relating to the case in question and sought reassurance that a similar situation could not happen again.

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The Chief Operating Officer apologised to members and advised that strong action had been taken to address the issues identified. He stated that a thorough investigation had been undertaken to understand what had happened. He said that he was confident that the social workers employed by the Council had acted in the best interests of the young person but there had been weaknesses in recording the actions taken. Policies and procedures had been changed to ensure that this would not be repeated in future.

It was common for cases to be handled by more than one local authority and steps had been taken to ensure that the handover arrangements to other local authorities were more robust. The eventual outcome of the case had been a positive one.

Answering further questions, the Chief Operating Officer assured members that the Council did not have poor relations with the other local authority involved in the case. He said that the formal risk assessment process had been followed correctly.

RESOLVED

- a) *To note the Local Government Ombudsman's Annual Review Letter 2012-13.*
- b) *To note the finding of maladministration and injustice caused by the County Council and endorse the actions taken to improve services and prevent such a situation occurring in the future.*

CHAIRMAN

The meeting ended at 1.25pm.