

Minutes of the County Council Meeting held on 19 December 2019

Attendance

Philip Atkins, OBE	Julia Jessel	Paul Snape
David Brookes	Trevor Johnson	Bob Spencer
Gill Burnett	Bryan Jones	Mike Sutherland
Ron Clarke	Dave Jones	Mark Sutton
Tina Clements	Jason Jones	Stephen Sweeney
Maureen Compton	Ian Lawson	Simon Tagg
Mike Davies	Alastair Little	Martyn Tittley
Mark Deaville	Johnny McMahon	Carolyn Trowbridge
Janet England	Paul Northcott	Ross Ward
Ann Edgeller	Jeremy Oates	Alan White
Helen Fisher	Ian Parry	Philip White
Keith Flunder	Kath Perry	Conor Wileman
Richard Ford	Jeremy Pert	Bernard Williams
John Francis	Bernard Peters	David Williams
Colin Greatorex	Jonathan Price	Victoria Wilson
Phil Hewitt	Natasha Pullen	Mark Winnington
Syed Hussain	Kyle Robinson	Susan Woodward
Keith James	David Smith	Mike Worthington

Apologies for absence: Ben Adams, Charlotte Atkins, Ann Beech, John Cooper, Derek Davis, OBE, Alan Dudson, Gill Heath and Jill Hood.

PART ONE

35. Confirmation of the minutes of the Council meeting held on 10 October 2019

Mrs Woodward referred to an omission from the minutes in that, in consideration of paragraph 14 of the Leader's Statement, she had enquired as to what progress was being made on the management of the Countryside Estate and Mrs Heath had replied that officers were continuing to talk to partners. However, from a further discussion with Mr Winnington, it would appear that, as yet, partners were not being engaged.

RESOLVED – That, subject to the amendment detailed above, the minutes of the meeting of the County Council held on 10 October 2019 be confirmed and signed by the Chairman.

36. Chairman's Correspondence

Mrs Susan Woodward

The Chairman informed the Council that she had been notified by Mrs Woodward that she was to stand down as Principal Opposition Leader on the County Council with effect from 31 December 2019. Members also noted that Mrs Woodward's

successor as Principal Opposition Leader is to be Cllr Charlotte Atkins and the Deputy Leader is to be Cllr Kyle Robinson. Mr Atkins paid tribute to Mrs Woodward for the valuable contribution she had made to the work of the Council during the three and a half years she had lead the Principal Opposition Group and wished her and her husband well for the future.

Honorary Alderman Dennis Heptonstall JP

The Council were also informed of the death, on 12 October 2019, of Honorary Alderman Dennis Heptonstall.

Mr Heptonstall was a Member of the Council from 1993 until 2005 and represented the former Burton Trent (East Staffordshire) County Electoral Division.

Mr Heptonstall served on a number of County Council Committees including the Social Services Scrutiny Committee, Staffordshire Health Scrutiny Committee (of which he was the Chairman) and the Regulatory and Audit Committee. He also represented the Council on a number of “outside bodies” including the Staffordshire Police Authority and “Relate (East Staffordshire)”.

He was awarded Honorary Alderman status upon his retirement from the County Council in 2005.

Mr Atkins, Mr Brookes and Mr Clarke paid tribute to the contribution made by Mr Heptonstall during the time he served on the County Council.

Councillor Michael Greatorex

The Council noted the sad passing on 28 October 2019 of Councillor Michael Greatorex.

Mr Greatorex had represented the Watling South (Tamworth) County Electoral Division since his election to the County Council in May 2013. He served on a number of the Council’s Committees including the Audit and Standards Committee, Healthy Staffordshire Select Committee (of which he was Vice-Chairman in 2015/16 and 2016/17), Corporate Parenting Panel, Charities and Trusts Committee and the Corporate Review Committee (of which he was Chairman in 2019).

He also represented the Council on a range of Outside Bodies including the Stoke-on-Trent and Staffordshire Fire and Rescue Authority.

Mr Greatorex served as Chairman of the County Council in 2017/18 and 2018/19.

The Chairman also read out a letter she had received from Mrs Greatorex expressing her thanks to Members for their support.

Mr Oates, Mrs Woodward, Mr Atkins, Mr Smith, Mr Hewitt, Mr Bryan Jones, Mr Sutton, Mr Philip White, Mr Hussain and Mr Deaville tribute to Mr Greatorex following which Members stood in silence in his memory.

By-election – Watling South

The Chairman, together with Mr Atkins and Mrs Woodward, welcomed Richard Ford to the Chamber and congratulated him on his recent election as the County Councillor representing the Watling South (Tamworth) County Electoral Division.

37. Statement of the Leader of the Council

The Leader of the Council presented a Statement outlining his recent work since the previous meeting of the Council.

Local Government Social Care Ombudsman (LGSCO) Investigation resulting in a Formal Report

(Paragraph 4 of the Statement)

In response to a question from Mrs Woodward, Mr Atkins indicated that she could rest assured that the recommendations contained within the Ombudsman's report had been enacted.

Integrated Performance Report - Quarter 2, 2019/20

(Paragraph 5 of the Statement)

In response to a question from Mr Robinson in relation to the overspend in Children's Services at the end of both Quarter 1 and Quarter 2 and whether the Council would be lobbying Central Government for an adequate level of funding, Mr Sutherland and Mr Atkins confirmed that an overspend in this service area was anticipated but the Council would still achieve a balanced budget at the end of the financial year. Mr Atkins also referred to proposals to transform Children's Services in Staffordshire to provide additional support for families with a view to reducing the number of children who need to be taken into care.

Staffordshire County Council Property Strategy

(Paragraph 6 of the Statement)

Mrs Woodward urged Members who had not already done so, to read the confidential report on issues within the Strategic Property Function which had recently been considered by the Audit and Standards Committee.

Mr Tagg welcomed the Strategy but expressed concern at the lack of references to the value of input from local members who were often best placed to speak on behalf of local communities.

In response, Mr Deaville stated that he would take on board the comments made by Mrs Woodward and Mr Tagg. He added that the Strategy would improve transparency on property matters; give best value, meet the needs of residents and supports regeneration and economic growth. Mr Atkins also indicated that in respect of matters before the Property Sub-Committee for consideration, the relevant local members would be invited to the meeting and/or submit their comments for the Sub-Committee's consideration.

Schools Capital Programme 2019/20

(Paragraph 7 of the Statement)

In welcoming the Programme, Mr Philip White referred to the proposals to build six new Primary Schools, one new First School and to extend four Secondary Schools and also the proposed maintenance programme for existing schools in the County.

Mrs Clements welcomed the proposal to build a new Primary School at Anker Valley in Tamworth and the expansion of two Secondary Schools so as to provide additional school places in Tamworth. Mr Greatorex also welcomed the proposals for improvements at Nether Stowe Secondary School and the provision of an additional two primary schools in Lichfield.

Mr Bryan Jones referred to the recent opening of the Poppyfield Primary Academy in the Hednesford and Rawsley Division which had been constructed as part of a large housing development in the area.

Mrs Woodward referred to the pressures on the budget for the maintenance of existing schools, particularly the older Victorian ones. She also stated that the condition of school buildings also had an impact on children's attainment.

Mr Atkins referred to the difficulty in finding suitable sites for new schools if not allocated in Local Plans. He also spoke about the role of Governing Bodies in making sure that the funding passported through for the maintenance of school buildings was spent appropriately.

Children's and Families System Transformation Part 2

(Paragraph 8 of the Statement)

Mr Francis indicated that the transformation programme was supported by the Council's Safe and Strong Communities Select Committee. He also added that the programme could have been implemented sooner had it not been for the Unions refusing to engage with the Council on the proposals.

Mr Clarke also expressed his support for the transformation programme and indicated that, for it to be successful, the Council must ensure that it is able to gather relevant information from schools and academies.

Mr Bryan Jones indicated that the transformation programme included an investment by the Council of £8.1m. Mr Winnington added that the programme aimed to help the most vulnerable children in the County. Mr Parry also indicated that this was the most important transformation programme the Council was currently working on; and, with the planned early intervention, it was hoped that longer-term costs would be reduced.

Mr Philip White and Mr Peters also indicated their support for the transformation programme.

In response to a question from Mr Robinson, Mr Atkins indicated that Ofsted did not play any role in bringing forward the transformation proposals. He added that there were

now approximately 1250 Looked After Children in the County and he paid tribute to the County's foster parents and those who chose to adopt children.

Mr Sutton outlined the aims of the new operating model and the transition arrangements. He added that there was to be an event for Members in the New Year which would provide further details of the transformation programme and new operating model.

Clear Streets Partnership and Car Parking Strategy

(Paragraph 9 of the Statement)

Mr Robinson enquired what the County Council, as the Highway Authority, was doing to ensure that local businesses were consulted when proposals were being developed to provide parking bays with charges outside their premises; and also to ensure that any new proposals for parking restrictions would not adversely impact on the footfall for local businesses. Mr Robinson also sought assurance from the Leader of the Council and the Cabinet Member for Highways and Transport that the enforcement team would be more receptive to the issues raised by local members. In response, Mr Bryan Jones Mrs Trowbridge and Mr Deaville indicated that they had received a good service from the enforcement officers covering their divisions.

Mr Brookes referred to parking issues within Uttoxeter and stated that more needed to be done to enforce parking restrictions in the town. Mr Smith also referred to issues within Shenstone where the decision by West Midlands Rail to introduce parking charges at the station car park had led to commuter parking in the adjacent streets, creating issues for local residents.

Mr Tagg referred to the parking strategy recently introduced by Newcastle-under-Lyme Borough Council and indicated that it was important that any new proposals for on-street parking did not adversely impact off-road parking and vice-versa. Mr Peters outlined how new technology such as mobile phone parking apps could be utilised to make paying parking charges easier. He added that East Staffordshire Borough Council was proposing to introduce such technology on its car parks next year.

Mr David Williams referred to proposals to introduce additional free parking in Penkridge at the rear of the market. He also indicated that he was working with the Cabinet Member for Highways and Transport to ascertain whether Parish Councils had the power to commission their own Parking Enforcement Officers if they so wished, to be paid for from the Parish Precept.

Mrs Jessel referred to the significant investment being made by the County Council in highway management in the Barton-under-Needwood and Branston areas of East Staffordshire. With regard to the visibility of the Clear Streets Team, she suggested that the Team could be requested to provide a quarterly report to Members to outline their work in order that Members were more informed of what was being done in their area and, in turn, be able to pass this information on to local residents. She also indicated her support for the comments made by Mr Williams in relation to whether Parish Councils had the power to commission their own Parking Enforcement Officers.

Mr Hussain praised the work of the Parking Enforcement Officers but expressed the view that there was a need to employ more of them.

Mrs Fisher referred to the success of the Clear Streets Partnership and asked that where Members had concerns in relation to parking issues they should raise those concerns with their local team. With regard to Mr Hussain's suggestion that there needed to be more Parking Enforcement Officers within the County, Mrs Fisher indicated that she would raise this with the appropriate Council officers in the New Year.

Mr Atkins reminded Members that they were able to report parking issues through the MyStaffs App.

Infrastructure+ Performance Update

(Paragraph 11 of the Statement)

Mr Smith commended the work of the highways teams in dealing with the effects of the recent flooding across the County and stated that such adverse weather conditions were becoming more frequent and needed to be planned for and the necessary funding made available.

Mrs Woodward referred to the adverse comments made by the local Member of Parliament in respect of the recent resurfacing works on the A5190 between Lichfield and Burntwood. She indicated that although the new road surface was not "pretty" the road had been made safe. Mrs Fisher indicated that she agreed with the comments made by Mrs Woodward. Mrs Woodward also enquired as to what role the Member of Parliament for the area had played in the austerity measures facing the Council due to reductions in Central Government funding. Mrs Fisher responded by indicating that she was always willing to talk to the Staffordshire Members of Parliament about the County's roads and the need for additional funding.

Mr Flunder spoke about a project which had recently been completed in the Brown Edge area within his division and expressed his thanks to the Cabinet Member for Highways and Transport and also to Amey, the contractor who undertook the works.

Mr Parry referred to the role local Members could play in using the Divisional Highways Programme funding available to them to target highway issues in their division such as blocked gulleys. He also indicated that in some cases, flooding was not down to blocked drains or gulleys but to water running off adjacent land onto the highway.

Mrs Fisher responded by indicating that 2019 saw the fifth wettest Autumn since records began and this had inevitably caused issues for the County's roads. She praised the works of the highways team who had worked tirelessly, around the clock, to tackle issues caused by the adverse weather conditions. Mrs Fisher also indicated that the Council collected data on issues such as flooding and this was used to inform maintenance programmes such as the frequency of gulley emptying.

Winter

(Paragraph 13 of the Statement)

Mr Alan White requested Members to encourage those residents who were eligible to have the free flu vaccination. He added that people who were not eligible for the free vaccination could purchase one from their local pharmacy. He added that such vaccinations reduced the pressure on the National Health Service. Mr White also stressed the importance of keeping warm over the Winter and referred to the valuable role residents could play in checking on elderly neighbours and relatives.

Mr McMahon also referred to the Health Service's Winter Plans and indicated that, although the plans were comprehensive, the Healthy Staffordshire Select Committee had identified an issue in East Staffordshire. He added that he had therefore written to the Clinical Commissioning Group to enquire as to what input they had had in the Winter Plan with Derby. Mr McMahon also referred to the strain the UHNM was currently under and indicated that he had written to Tracy Bullock, the UHNM Trust's Chief Executive, to enquire what they were doing over and above the measures contained within their Winter Plan. Mr McMahon also informed Members that, as part of their work programme, the Healthy Staffordshire Select Committee were intending to look at delayed discharges to care.

End of 2019

(Paragraph 14 of the Statement)

Mrs Clement, Mr Hewitt, Mrs Woodward, Mrs Edgeller and Mrs Perry paid tribute to the valuable role played by volunteers and carers in Staffordshire, particularly in taking on the functions previously provided by the state. Mrs England also referred to the number of volunteer groups within Staffordshire who had been recognised through gaining the Queen's Award for Voluntary Service. Mr Peters referred to the demographic make-up of the voluntary sector and expressed concern that a high proportion of volunteers were elderly and that there was therefore a need for succession planning.

RESOLVED – That the Statement of the Leader of the Council be received.

38. Recommendations to the Council - Revisions to the Members' Code of Conduct and Standards Complaints System

The Council were informed that the Audit and Standards Committee had recently reviewed the Members' Code of Conduct and the Standards Complaints System in the light of a Report by the Committee for Standards in Public Life (CSPL) on their Review of Ethical Standards in Local Government.

The CSPL made 26 recommendations covering all aspects of the Standards Regime applied to Local Government. For the County Council the recommendations were most relevant in the following three areas:

- Use of Social Media - The Audit and Standards Committee supported the inclusion of an additional General Undertaking in the Members' Code of Conduct, the publication of guidelines for members on the use of social media and the

adoption of criteria for use by the Monitoring Officer when assessing complaints about information posted on social media by members.

- Declarations of 'Other Interests' - Acknowledging the CSPL recommendations that local authorities in the same geographical area should endeavour to achieve consistency amongst their Codes of Conduct, the Audit and Standards Committee agreed to the extension of the current Code to cover general pecuniary interests and to include a section on 'Other Interests' as referred to in the Localism Act 2011. These related to membership of organisations, whether as the Councils representative or through personal interest. These additional Declarations would require minor changes to the Council's Procedural Order no. 16. A general advice note will be made available to members on declaring these additional interests
- The process for considering alleged breaches of the Code and the sanctions available - The first meeting of a Standards Panel to consider a complaint against an elected member took place in Spring 2019. It highlighted the need to better define the stages and actions involved in that process. Consequently, proposed revisions were supported by the Audit and Standards Committee as were suggested additional sanctions for cases where the Code was found to have been breached.

Mr Tittley referred to the "use of social media" and requested Members to think carefully about their usage as this was an area which tended to generate complaints about Members' conduct.

The Council were also informed that the CSPL report suggested that to ensure full independence, Independent Persons (IPs) should only serve for a 2 year period. However, the Audit and Standards Committee felt that the current practice of having a 4 year term of office, renewable once, should continue. In reaching this view the Committee felt that 2 years did not provide sufficient opportunity for IPs to develop their knowledge and understanding of the Standards Regime and political context to be able to make a meaningful contribution to discussions on complaints.

The Council were also informed that, at present IPs were consulted by the Monitoring Officer on if/how a complaint against an elected member should be taken forward. The IP had no formal involvement in the later stages on the complaints process. The Audit and Standards Committee agreed with the CSPL recommendations that the IPs views should contribute to the formal decision making process. The provision of indemnity insurance was supported to protect IPs against any challenge against a decision where their views have been taken into account.

With regard to the publication of information on complaints against elected members, the CSPL had called for legislation to require Councils to publish annually details of the number of code of conduct complaints they received, what they broadly related to (eg conflict of interest), the outcome of those complaints and any sanctions applied. It was noted that the Council already voluntarily published some elements of that information as an Annual Report to the Audit and Standards Committee. The Committee supported the extension of the Annual Report to cover the 4 elements listed above, and its

publication on the 'Contact, Compliments and Complaints' section of the Council's website.

Mrs Woodward indicated that she supported the recommendations. She also added that she agreed with Mr Tittley's comments in relation to the need for Members to exercise due care and consideration when utilising social media. Mrs Woodward also indicated that she had recently received complaints about a Member's misuse of social media and added that this Member had previously been the subject of a similar complaint. She enquired as to what the Leader of the Council intended to do in order to show that the misuse of social media by Members would not be tolerated?

Mr Clarke referred to the assessment criteria for considering complaints about the misuse of social media and, in particular, the second point which related to "the degree to which such effect was intentional". He indicated that the word "degree" was very subjective and should be replaced. In response, Mr Tittley indicated that he had noted Mr Clarke's comments.

RESOLVED – That approval be given to:

(a) The inclusion in the Code of Conduct of an additional Undertaking relating to the use of social Media as detailed in paragraph 11 of the report and the adoption of the updated guide on the Use of Social Media and the criteria for determining alleged breaches of that Code in relation to social media (as shown at Appendices 2 and 3 to the report)

(b) The update to the Declaration of Interest Form completed by members to include general pecuniary interests and a section on 'Other Interests', and the necessary amendments to Procedural Standing Order No. 16.

(c) The updates to the process chart for dealing with allegations of breaches of the Code of Conduct, including the addition of 2 further sanctions, as shown at Appendix 5 to the report.

(d) The period of office for Independent Persons appointed under the Localism Act 2011 being four years, renewable once.

(e) The views of an Independent Person consulted by the Monitoring officer, being included in any formal member level consideration of a complaint and recorded accordingly; appropriate indemnity insurance to be provided to all IPs.

(f) The publication of information on complaints received against elected members in accordance with the recommendations of the CSPL.

39. Access to Information Rules - Special Urgency Notices

The Council noted that, in accordance with the Access to Information Rules contained within the County Council's Constitution, the Leader of the Council is required to submit quarterly reports to the Council detailing those key decisions taken by the Cabinet where it had not been possible to give the requisite 28 days public notice of the intention to take such a decision. Similarly, where a decision being taken by or on behalf of the

Cabinet is urgent and any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests or the interests of any person(s) to whom the decision relates, then the Leader of the Council may seek the approval of the Chairman of the Corporate Review Committee to that decision being exempt from call-in. A report on the use of this procedure must be submitted to Council on a quarterly basis.

Members were informed that the Cabinet, at their meeting on 4 December 2019, took a key decision relating to the sale of the former Meadows School site in Biddulph. As it had not been possible to give the requisite 28 days public notice of the intention to take the decision, the Special Urgency powers referred to above were utilised. In addition, in order to achieve the completion of the sale prior to the calendar year end, the approval of the Chairman of the Corporate Review Committee was sought to the decision being exempt from call-in.

RESOLVED – That the use of the special urgency and exemption from call-in provisions contained in the Council's Constitution in respect of the Cabinet's decision on 4 December 2019 on the sale of the former Meadows School site in Biddulph, be noted.

40. Report of the Chairman of the Staffordshire Police, Fire and Crime Panel

Mr Flunder referred to issues relating to the old Police Station in Blythe Bridge and expressed the hope that a solution would be found to enable the building's use as a community asset. In response, Mr Sweeney stated that he would raise the matter with the Police, Fire and Crime Commissioner at the next meeting of the Panel on 3 February 2020.

RESOLVED – That the report be received.

41. Questions

Mr Robinson asked the following question of the Cabinet Member for Highways and Transport whose reply is set out below the question:-

Question

Given the severe flooding experienced by residents of Staffordshire in 2019, what plan of action has been put in place by Staffordshire County Council to avoid repeat occurrences and what further funding has been committed to drain clearance and repairs?

Reply

I hope you are aware that this autumn has been England's fifth wettest Autumn since records began, with Staffordshire experiencing 170% higher rainfall than the 1981-2010 average.

Rural areas in particular have suffered the effects of saturated ground conditions, resulting in significant amounts of water running-off from surrounding land, discharging onto roads and silting up the highway drainage systems.

However, flooding is only one effect of poor weather conditions and a balance has to be struck with other operational matters, like fallen trees that also present a significant risk to highway users.

Our highway teams have worked tirelessly, around the clock and often in very poor weather conditions, responding to incidents to help keep us all safe and on the move as quickly as possible.

The information we collect about localised areas of flooding is routinely captured and used to inform our future cyclical gully cleansing programmes and to also help establish priorities for improvements to highway drainage systems.

Next year's highway capital investment programme is currently being developed for Cabinet approval in April. This will include a 4th year of £5m/year continued extra investment from the County Council, since 2017/18. A proportion of this money will again be targeted towards highway drainage improvements.

However, it's also important to bear in mind that many cases of highway flooding is actually a direct symptom of local Water Authority carrier systems and/or watercourses simply being unable to accommodate the high volume of rain fall and run-off. Information on these locations is also shared with the local Water Companies and/or Environment Agency for their own respective improvement programmes.

42. Petitions

(a) Request for a reduction in the Speed Limit along the A5 at Weston Under Lizard

Mr Sutton presented a petition from local residents requesting a reduction in the speed limit from 40 mph to 30 mph along the A5 at Weston-under-Lizard.

(b) Request for a Pedestrian Crossing on Heath Way, Hawks Green, Cannock

Mr Hewitt presented a petition from local residents requesting a Pedestrian Crossing with traffic lights on Heath Way, Hawks Green, Cannock.

Chairman