



MINUTES

COUNCIL

THURSDAY, 9 DECEMBER 2004
2.00 PM

PRESENT

Councillor Graham Wheat Chairman

Councillor Pam Bosworth
Councillor Ray Auger
Councillor Terl Bryant
Councillor Charles Fred Burrows
Councillor Paul Carpenter
Councillor Mrs Frances Cartwright
Councillor Elizabeth Channell
Councillor George Chivers
Councillor Robert Conboy
Councillor Nick Craft
Councillor Neil Dexter
Councillor Brian Fines
Councillor Donald Fisher
Councillor Mrs Joyce Gaffigan
Councillor Alan Galbraith
Councillor Yvonne Gibbins
Councillor Bryan Helyar
Councillor Stephen Hewerdine
Councillor Reginald Howard
Councillor John Hurst
Councillor Fereshteh Hurst
Councillor Mrs Maureen Jalili
Councillor Kenneth Joynson
Councillor Mrs Rosemary Kaberry-Brown
Councillor Albert Victor Kerr

Councillor John Kirkman
Councillor Reg Lovelock M.B.E.
Councillor Peter Martin-Mayhew
Councillor Mano Nadarajah
Councillor Mrs. Linda Neal
Councillor John Nicholson
Councillor Stephen O'Hare
Councillor Alan Parkin
Councillor Stanley Pease
Councillor Norman Radley
Councillor Mrs Margery Radley
Councillor Bob Sandall
Councillor Ian Selby
Councillor John Smith
Councillor Mrs Judy Smith
Councillor Ian Stokes
Councillor Michael Taylor
Councillor Jeffrey Thompson
Councillor Frank Turner
Councillor Mrs Mary Wheat
Councillor John Wilks
Councillor Avril Williams
Councillor Mike Williams
Councillor Mrs Azar Woods

OFFICERS

Chief Executive
Director of Finance and Strategic Resources
Director of Operational Services
Corporate Manager, Democratic & Legal Services (Monitoring Officer)

OFFICERS

Director of Regulatory Services
Head of Housing Services
Head of Environmental Health & Licensing
Member Services Manager

71. PUBLIC OPEN FORUM

(2.00 p.m. – 2.28 p.m.)

Prior notice in accordance with Council Procedure rule 10.3 had been given of the following questions put by members of the public:-

Question: Nicholas Brown, 6 Beech Close, Colsterworth

In the Grantham Journal article of November 12th 2004, referring to the plan to house homeless people at Newton Court in Colsterworth, Councillor Martin-Mayhew referred to a letter from chief Superintendent Foley, where the Chief Superintendent stressed the need for "appropriate measures" to be in place to tackle incidents of anti-social behaviour, to meet the concerns of the local community.

Can the Council tell us what they are and will they be provided by the Council or the Police?

Response: Councillor Peter Martin-Mayhew

A letter from Chief Superintendent Foley did request a robust process by which I understand anti-social behaviour can be dealt with very quickly because they are one of our partners in the Crime & Disorder partnership in any case. The steps put into place by the Council cover a range of support not only for the residents but also for the people we shall move into there which is short term accommodation. The elderly residents of Newton Court have numerous things in place and so do the residents we have to move in there on short term.

The pertinent steps here are regular visits by the estate officers to provide follow up support by officers in housing and close liaison with the local community officer. They are there to ensure that any criminal activity will be promptly responded to by the police. There will be close working between the district council's anti-social behaviour officer and the police's anti-social behaviour officer. The estate management function and the police response will be delivered appropriately if it should be necessary. I emphasise "should" as we are trying here to pre-empt something which hasn't happened as yet. We will also keep our allocation decisions constantly under review and move tenants to appropriate accommodation where a duty exists or to evict those where no further duty exists for the authority. It will also involve the care centre so that its calls are received out of hours and officers from housing services are to make an appropriate response.

In the event that there are issues – and there have not been up to now – of anti-social behaviour, if the occupiers are on a 28 day licence this will be terminated immediately as no evidence with regard to the ASBO would be needed. I hope that gives Mr Brown some idea of what we have done.

Supplementary question: Mr Brown

How do you go about implementing section 17 of the Crime and Disorder Act within your housing policy and anti-social behaviour policy that you are debating on later today? This is following on from a conversation I actually had

yesterday with Chief Supt. Foley whereby he was very keen to get across to us that it is important that there is a strong policy on that. The other question is that when referring to the details passed back to our parish council – following a conversation with parish Councillors, as of last week, it refers to various sub-sections and appendices as being the support measures in place, which are all withheld under confidentiality. Both the parish council and the local residents would very much appreciate told 1) what the confidential arrangements are, and 2) the reason why they are being held as confidential?

Response: Councillor Martin-Mayhew

I know Chief Supt. Foley and Inspector Mendham quite well and in actual fact we work together quite closely because of the anti-social behaviour elements that exist – but not exactly on Newton Court. We have the anti-social behaviour officers here who actually work as intermediaries with us. If you have read that document, it tells you what their position is and what their aims are. Going on to the information, I'm afraid that was exempt information if I remember correctly. I would refer you to the officers on the bench for them to give a clear view of that.

Monitoring Officer: I am aware of this and the reason it was exempt was because of matters concerning a specific tenant.

Director of Regulatory Services: I can confirm that those details referred to in Councillor Martin-Mayhew's second response has now been made available to the parish council. Your Chairman of the parish council does now have those appendices and they were made available earlier this week.

Question: Chris Townson, 33 High Street, Colsterworth

Re: The Anti-Social Behaviour Policy and Procedure before the Council for approval today; Page 4 Homelessness Act 2002 and page 5 Human Rights Act 1998.

Will Councillor Martin Mayhew confirm that the Council is using and will use its discretionary powers to ensure that homeless people with known anti-social behaviour records will not be housed at Newton court, whilst at the same time ensuring the Council's responsibility for Human Rights is adhered to in relating to the old folks in the adjacent bungalows at Newton Court?

Response: Councillor Peter Martin-Mayhew

The Council will carry out its obligations as it should do to provide temporary accommodation for the homeless in accordance with the requirements of the homelessness legislation, whilst also complying with the Council's anti-social behaviour policy. These procedures are subject to the Council's approval later today.

Supplementary question: Mr Townson

What I actually asked was whether a selection process was in place and I don't believe I have had an answer to that. I would refer back, as Councillor Martin-Mayhew said, to the Homelessness Act, but by your own document it also goes on to say that in addition states that the Council does not have to give preference to housing people guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant. So therefore if you know that those people are likely to cause trouble, and you have that history, does that mean you will actually put a selection in place to make sure that those people are not housed next to vulnerable people at Newton Court?

I would also ask you to consider your own document again reference the Human Rights Act and whether Housing Services would ensure it is doing all it can within its powers to enable quiet enjoyment by people of their homes and to ensure it is not breaching the Human Rights Act? Therefore, if you do a selection/screening you will ensure that the Human Rights of those people at Newton Court is being protected. That is why I ask whether a screening/selection process will be put in place.

Response: Councillor Martin-Mayhew

When you say selection and screening it sounds like we are talking about asylum seekers. We are not allowed as a Council to take those elements into account. We have to consider this on the basis of the need – we cannot delve into people's lives and do such things. But we are very careful and considerate as to whom we put where. We do not have to vet them – or treat them like animals. They are not animals, they are people and not all of them have offended either.

Question: Chris Townson, 33 High Street, Colsterworth

Why can't the people of Colsterworth, or their representatives, the Parish Council, be told what support measures are in place for both the homeless tenants and the neighbouring elderly residents of Newton Court?

Response: Councillor Peter Martin-Mayhew

The support arrangements put in place for both the residents of the short term accommodation and the elderly residents have been approved by myself as the non key decision maker and to approve the use of the flats at Newton Court for short term accommodation. It also has to be pointed out that this has been through the full Council where we have scrutinised it and come to the conclusion that I am doing the right thing in the sense of looking after our residents. I can also confirm that details of these arrangements have been made available in writing to the Chairman of Colsterworth, Gunby and Stainby parish council.

Supplementary question: Mr Townson

My supplementary question to question 2, I believe Miss Marshall has

answered that one. As of yesterday, our Chairman of the parish council had not received that information. On the assumption that he received that soon, at our next parish council meeting we will be discussing it and deciding what action to take from there. I would just like to say that if there had been open dialogue from the beginning with Newton Court and that we felt satisfied that due consideration would be taken into account in placing suitable people next to the old folks, then I am sure all of this could have settled down. We hope, judging by the first two occupants at Newton Court who appear to be ideal people – and the people of Colsterworth I am sure will be helping them where ever we can – we hope that this will be the end of the matter.

Question: G.L. Storey, 31 Belton Lane, Grantham

[Mr Storey began by prefacing his question with what he stated was an observation and background information on the context of his question. He was advised by the Chief Executive that he must only refer to the question as written and submitted.]

Re: Deterioration of Wyndham Park

I believe that South Kesteven District Council has lost sight of what the memorial park is there for. It is for the pleasure and leisure of all Grantham and inhabitants

Will SKDC take this situation to task and return Wyndham Park back to its former glory so that both SKDC, the Grantham public and visitors to town can have pride in their park?

Will the Council also consider the installation of CCTV in Wyndham Park as it is proven that installation does reduce anti-social behaviour?

Response: Councillor Mrs Frances Cartwright

Thank you for your question Mr Storey – I do understand it. Pride is also a key word in the Council's agenda. People have a right to be concerned about deteriorating standards. With the review of the Council's priorities, it is intended to invigorate community pride and work with partners to address this issue. In this respect, our anti-social behaviour officer is working with the police to address anti-social behaviour issues. The police have arranged a series of directive patrols by police community support officers and increase passing attention by police officers. In addition, the police and our ASB Officer intend to work on a project in the park with the Drug and Alcohol Action team early in the New Year.

Upon completion of this project, we will review the situation and see if there is sufficient evidence to warrant the provision of CCTV.

Supplementary question: Mr Storey

That was an answer to one – what about the condition of the park itself – the

lack of flower beds, public amenities? You haven't answered that – you have just answered about the cameras.

Response: Councillor Mrs Cartwright

There are several issues here and I will attempt to answer some of them briefly now. I will certainly write to you if you wish with a more detailed answer later.

Flower beds: with diminishing resources, it was recognised that we were spreading these resources far too thinly and with less beds we could maintain the standards of the existing ones in a better state.

Play equipment: Across the whole of SKDC there has been a rolling programme of upgrading to European standards. Wyndham Park equipment was refurbished two years ago.

The putting green was removed due to lack of demand and we do have a dog warden who can be directed to an area if you request.

Mr Storey: Thank you for your time. Would you meet me at a later date, to save wasting any more Council time? There are a number of things we need to talk about on this subject.

Councillor Mrs Cartwright: Yes I will.

[The following two questions had been submitted to the Council electronically within the prescribed timescale, but due to an IT problem had not been brought to officers' attention prior to the meeting. Councillor Mrs Neal, to whom the questions were put, had not therefore had time to consider a response. The Chairman, on the advice of the Chief Executive, agreed to allow these questions to be put.]

Question: Anita Marquina, 10 George Street, Grantham

In light of the increasing levels of traffic within the centre of Grantham, does the Council have a view on how we can develop arrangements to ensure that town centre residents can live on streets that are clean, safe and include parking facilities that allow easy access to our homes?

Response: Councillor Mrs Neal

Thank you for your question. As the Chief Executive mentioned, I was only made aware of this question immediately before the commencement of this meeting. So with that short notice, I would prefer on this occasion to provide a full written response at an early date.

Anita Marquina: Yes, that would be acceptable. I could send a supplementary question to your e-mail address if that is OK.

Question: Anita Marquina

Will the Council recognise and work with the Grantham Town Centre Residents' Group in developing an innovative and cost-effective residential parking scheme that meets the needs of residents and the taxpayer within Grantham?

Response: Councillor Mrs Neal

Similarly, I have only just become aware of this but residents' parking schemes are currently not within the remit of this Council. I will address the issues raised within the correspondence that follows this meeting.

Supplementary question: Anita Marquina

At our last meeting we were aware that the district council should instigate the wish for a residents' parking scheme before the county council would approve one and put one in place. Several of the Councillors were at the meeting. We feel it starts at district council level and would like to know your agreement upon this.

Response: Councillor Mrs Neal

I will address that supplementary too.

72. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bisnauthsing, Mrs Dexter, Genever, Morris, Mrs Percival, Gerald Taylor, Waterhouse, and Wood.

73. DECLARATIONS OF INTEREST

There were no declarations of interest made.

74. MINUTES

A member raised two points which he considered to be inaccurate: Minute 55 – last line to replace the word acceptance with the word accuracy. Minute 66 – to replace the words "The Chairman invited nominations for a vacancy.." with the words "The Leader nominated Councillor Helyar for a vacancy.."

These amendments were proposed and seconded but were not carried following a vote.

Accordingly, the minutes of the meeting held on 28th October 2004 were confirmed as a correct record.

75. ORDER OF AGENDA

The Chief Executive advised that due to the numbers of members of the public present who were interested in the Notices of Motion relating to the Citizens' Advice Bureau, the Chairman had agreed the order of the published agenda items would be amended so that these motions could be considered earlier.

76. NOTICES OF MOTION

DECISION: **The notice of motion submitted by Councillor Mrs Jalili was withdrawn.**

The following motion had been proposed by Councillor Mrs Jalili:

"That this Council resolves that an additional sum of £60,000 be allocated for advice services in the financial year 2005/06" Councillor Mrs Jalili informed the Council that following discussions immediately prior to the meeting with representatives of the South Kesteven CAB she now wished to amend the figure quoted in her motion. She was advised that amendments were not permissible under the Constitution and she must either put her motion as printed or withdraw it. Councillor Mrs Jalili accordingly withdrew her motion.

(2) by Councillor Stephen O'Hare

DECISION: **This Council believes**

It has stated precisely what it is seeking from South Kesteven CAB over a considerable time;

- (1) There has and always has been a willingness by SKDC to negotiate openly, honestly and realistically with South Kesteven CAB;**
- (2) An active and effective CAB does and will continue to be of benefit to the people we represent;**
- (3) An enhanced CAB may well be of even greater benefit;**
- (4) A clear agreement between SKDC and SK CAB already exists;**
- (5) The funding decisions are not made by Cabinet.**

The following motion had been proposed by Councillor O'Hare:

This Council believes in relation to CAB in South Kesteven that

- (1) This Council should state precisely what, if anything, it is seeking from South Kesteven CAB;**
- (2) There should be a willingness by SKDC to negotiate openly, honestly and realistically with South Kesteven CAB;**

(3) An active and effective CAB is and will continue to be of benefit to the people we represent;

(4) An enhanced CAB will be of even greater benefit;

(5) It will be easier both for this Council and South Kesteven CAB, to plan for the future if there is in place an agreement dealing with the future (and thereby providing stability and mutual commitment);

(6) A clear agreement between SKDC and South Kesteven CAB with both knowing what is expected of them by the other is to be encouraged;

(7) If need be the funding allocation of £50,000 for advice services in 2005/06 be treated as an interim payment pending agreement being reached between SKDC and South Kesteven CAB as to the future; AND

(8) Strongly urges and requests the Cabinet having taken these points into account to, as far as need be, amend or rescind any previous Cabinet decisions which if left unaltered would prevent or impede progress towards the aims stated above.

Councillor O'Hare spoke in support of his motion claiming that the Council had not stated precisely what it wanted from the CAB. He stated that the ballpark figure of £50,000 was based on an erroneous assumption concerning the number of hours the CAB was open as opposed to the actual number of hours that were worked. He called for open, honest and realistic negotiations between the Council and the CAB.

In seconding the motion, a member acknowledged that the relationship with the CAB had become very complicated and that the Council should not just hand money over unless: the CAB put its house in order internally; there was a clear statement of what the Council was going to get in return for funding; and, there was a clear and transparent mechanism for ongoing accountability for the level of service in the future.

The Chief Executive advised members that the part (1) of the motion should refer to the Cabinet and not the Council as it was the Cabinet's prerogative to determine the basis of those negotiations. The Leader then moved the following amendment:

This Council believes

(1) It has stated precisely what it is seeking from South Kesteven CAB over a considerable time;

(2) There has and always has been a willingness by SKDC to negotiate openly, honestly and realistically with South Kesteven CAB;

(3) An active and effective CAB does and will continue to be of benefit to the people we represent;

(4) An enhanced CAB may well be of even greater benefit;

(5) A clear agreement between SKDC and SK CAB already exists;

(6) The funding decisions are not made by Cabinet.

The amendment was put to the vote and was carried. A further vote on the substantive motion was also carried.

(3) by Councillor John Wilks

DECISION: This Council wishes to make it clear to all, that it believes in the benefits being provided to residents of the district, consequent upon the continued existence of the South Kesteven Citizens Advice Bureau.

The following motion had been proposed by Councillor Wilks:

This Council wishes to make it clear to all, that it believes in the benefits being provided to residents of the district, consequent upon the continued existence of the South Kesteven Citizens Advice Bureau.

After Councillor Wilks had introduced his motion, it was seconded and a call for a recorded vote was indicated. This was supported in accordance with Council procedure rule 16.4. The names of members voting either for, against or abstaining from the motion of Councillor Wilks are recorded below:-

FOR	AGAINST	ABSTAIN
Cllr Auger		Cllr Burrows
Cllr Mrs Bosworth		
Cllr Bryant		
Cllr Carpenter		
Cllr Mrs Cartwright		
Cllr Miss Channell		
Cllr Chivers		
Cllr Conboy		
Cllr Craft		
Cllr Dexter		
Cllr Fines		
Cllr Fisher		
Cllr Mrs Gaffigan		
Cllr Galbraith		
Cllr Gibbins		
Cllr Helyar		
Cllr Hewerdine		
Cllr Fereshteh Hurst		
Cllr John Hurst		
Cllr Howard		
Cllr Mrs Jalili		
Cllr Joynson		
Cllr Mrs Kaberry-Brown		
Cllr Kerr		
Cllr Kirkman		
Cllr Lovelock		

Cllr Martin-Mayhew
Cllr Nadarajah
Cllr Mrs Neal
Cllr Nicholson
Cllr O'Hare
Cllr Parkin
Cllr Pease
Cllr Mrs Radley
Cllr Norman Radley
Cllr Sandall
Cllr Selby
Cllr John Smith
Cllr Mrs Judy Smith
Cllr Stokes
Cllr Mike Taylor
Cllr Thompson
Cllr Graham Wheat
Cllr Mrs Mary Wheat
Cllr Wilks
Cllr Avril Williams
Cllr Mike Williams
Cllr Mrs Woods

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77. STATEMENT OF LICENSING POLICY

DECISION:

- (1) That the South Kesteven District Council Statement of Licensing Policy be adopted for publication subject to the inclusion in the membership of an Alcohol, Entertainment and Late Night Refreshment Licensing Committee Sub-Committee the Chairman or Vice-Chairman of the Committee and the amendment of 5.4 to read "...of an acceptable number of appropriate adult staff to ensure public safety and their protection from harm."
- (2) A Separate Alcohol, Entertainment and Late Night Refreshment Licensing Committee be established;
- (3) The new committee carry out the functions set out in Annex A in report ENV224;
- (4) The new committee consist of the 11 members of the Licensing Committee who have received training and have particular expertise in licensing matters;
- (5) The new committee be recommended to adopt the Council's ordinary

constitutional standing orders concerning proceedings quorum, public access publicity agenda records and access to information until such time as Regulations concerning the Committee or its sub committee are made under Section 9 of the Licensing Act 2003.

Councillor Auger submitted and proposed the Statement of Licensing Policy for adoption by the Council and approval of the new committee to deal with alcohol, entertainment and late night refreshment licensing applications. The draft policy had been considered by the DSPs and the Cabinet at its meeting held on 6th December 2004. The motion received a seconder and was carried following a vote.

78. FREEDOM OF INFORMATION POLICY & PROCEDURE

DECISION: To approve the Freedom of Information Policy and Procedure as circulated in preparation for the implementation of the Freedom of Information Act in January 2005.

The Monitoring Officer presented his report number DSL11 which contained the proposed South Kesteven District Council Policy and Procedure in preparation for the individual access rights under the Freedom of Information Act 2000 which became effective from 1st January 2005. He explained that the policy and procedure had been subject to detailed consideration by the other Lincolnshire districts and the Lincolnshire County Council as it was important to ensure consistency of approach. It had also been referred through the DSP process and to the Cabinet. The Council was undergoing a process of training for its staff and this would be rolled out to members. An information leaflet on access rights would be circulated in the near future to Councillors. A similar information leaflet was also in production to advise members of the public. The policy and procedure as submitted was moved and seconded.

The Monitoring Officer was asked a question about the level of fees and charges, particularly in relation to the threshold of £450 below which the Council would not charge for information which cost less than this to produce. The Monitoring Officer explained that the final regulations on fees and charges were still awaited. The figure of £450 had been based on officers' time at a rate of between £40 to £50 per hour. In response to another question, he confirmed that the deadline of 20 (working) days was one set by the legislation.

79. CUSTOMER SERVICES AND MODERNISATION PROGRAMME, CUSTOMER SERVICE STANDARDS, AND IEG4

DECISION:

(1) In order to maximise external funding, the Customer Services

and Modernisation Programme be approved and the Council's financial strategies amended accordingly to reflect the funding requirements (as detailed in Section 9 of report DOS253) to allow immediate delivery of the project;

- (2) That the Council adopts the Customer Services Standards as amended (in accordance with report CSV34);
- (3) To approve the Implementing Electronic Government (IEG) return 4 as submitted with report DOS262 subject to the amended figures in Section 3 for the 2004/5 forecast.

Councillor Carpenter presented report DOS261 by the Director of Operational Services which appended reports DOS253, CSV34 and DOS262 on the inter-related subjects of Customer Service Standards and the IEG return 4. Councillor Carpenter urged the Council to approve the recommendations contained in these reports so that the authority could move forward with its modernisation programme and meet its IT targets. For those concerned about the capital costs involved in these major projects, he emphasised the benefits this would result in for the service to the Council's customers. The Council had to cater for everyone by whatever means of access they chose and the modernisation programme was vital to ensure people were dealt with quickly, efficiently and effectively. From every pound spent on this project, the Council would receive back 66p in grant. These proposals had already been considered and supported by the DSP and the Cabinet. The proposals were seconded.

A member asked for assurances from the Leader and the Chief Executive that these measures would result in savings to the Council and that a performance indicator would be included next year which related to total staff numbers. The Chief Executive indicated that he would propose such performance indicators to the Cabinet for the future. Concern was expressed that the Council would maintain qualitative standards and not just quantitative ones, suggesting that people had an inherent need to be able to speak to real human beings and not have their contact met with recorded responses. After Councillor Carpenter had drawn members' attention to some amended figures within the IEG4 return relating to the 2004/05 forecast for the Best Value Performance Indicator 157 (corporate electronic service delivery), a vote was taken on the recommendations and subsequently carried.

80. HOUSING SERVICES ANTI-SOCIAL BEHAVIOUR POLICY AND PROCEDURE

DECISION:

- (1) To approve and adopt the Housing Services' Anti-Social Behaviour Policy and Procedure as submitted subject to the deletions on page 29;
- (2) To note that the document may be subject to amendment and review in line with the Council-wide Anti-Social Behaviour Policy due for completion by 31st March 205.

Councillor Martin-Mayhew presented report DRS12 prepared by the Director of Regulatory Services which appended the Anti-Social Behaviour Policy and Procedure for Housing Services. Section 218a of the Housing Act 1996 as introduced by Section 12 of the Anti-Social Behaviour Act 2003 required that all local housing authorities produce such a policy and procedure by the end of December 2004. Councillor Martin-Mayhew stated that the policy and procedure had been considered by the Community DSP who had made a number of recommendations (details of which had been previously circulated at the meeting). It was proposed to delete references to statements from witnesses and written warnings to tenants on page 29 of the document. He emphasised that the document would be kept under review and amended where necessary to accord with the Council's corporate policy on anti-social behaviour.

In seconding the proposal, a member asked if this was going to extend beyond the Council's housing estates. The Community Affairs portfolio holder referred the member to the Cabinet's decision earlier that week on the Council's Anti-social Behaviour Policy action plan. In response to a question on when precisely the policy would be reviewed in the future, the Head of Housing Services explained that a quarterly report on progress would be given to the Community DSP and the performance indicators included within the document would help to assess its effectiveness. If the policy was not meeting its objectives, the DSP had requested that it be reviewed. Following a vote, the policy and procedure was approved.

81. COMMUNICATIONS

With the permission of the Chairman, the Vice-Chairman of the Council was permitted to address the Council. He stressed that he had given notice of this communication to the Chairman before he had become aware of any motion to the Council.

The Vice-Chairman then gave a lengthy address to members in which he referred to a situation which had recently developed within the Council i.e. the reforming of a Shadow Cabinet, and stated that he felt it was important that all members were aware of the background to this issue and the position as he perceived it. In doing so, he stressed that it was not his intention to deliberately offend anyone.

The Vice-Chairman felt that because of the serious threat posed to the progress made by the Council resulting from a new overtly political Shadow Cabinet, he could no longer continue his membership of the Independent Group. To do so would represent a reneging of the commitment he had previously given regarding the termination of the Shadow Cabinet to the Leader, the Labour Group Leader, the Chief Executive, and subsequently to the Independent Group itself. He had accordingly requested the Chief Executive to remove his name from the Independent Group which he and

Councillor Thompson had set up many years ago. This he had done with considerable regret but felt this was more important than to renege on any personal commitment he had given.

Following the delivery of this communication, the Chief Executive advised that this would result in changes to the political groups which comprise the Council. He would therefore report to the next Council meeting on the consequences of those changes. In the meantime, he would be writing to all members of the previous Independent Group asking them to which group or groups they subscribe and who is their Leader in order to enable him to assemble the seats on the various committees of the Council. The Chief Executive went on to state that he would also take account of a further communication he received that morning from Councillor Joynson regarding his new position, together with Councillor Genever's retirement from the Development Control Committee.

As a result of these developments, there would be two items on today's agenda which would now have to come before the Council at a future meeting as they were affected by changes in the political composition. These were the Independent Remuneration Report on Members' Allowances and the membership of the Constitution and Accounts Committee.

82. NOTICES OF MOTION

(1) By Councillor Mrs Linda Neal:

DECISION:

This Council declares that the decision of some members of the non-administration group to return to a situation where the important scrutiny function is exercised in part through a "Shadow Cabinet" with an overtly political agenda has profound implications for the progress of the authority and is to be regretted.

The Council reminds members who have chosen to go down this route that the CPA report, which they along with the whole Council, accepted in January stated that the presence of a Shadow Cabinet had led to a situation where "the skills and commitment of Councillors is not harnessed for the benefit of local people" (para 57). The same report also highlighted the limited capacity amongst some members (para 59).

The Council declares that the reforming of a Shadow Cabinet, with an overtly political agenda, can only further dilute member capacity to the detriment of service to our residents. In order to minimise this danger the Council resolves that with immediate effect:

Clr M Taylor replaces Clr John Hurst as Chairman of the Communications and Engagements DSP with Clr Nadarajah becoming the Vice Chairman.

Clr Fines replaces Clr Kerr as Vice-Chairman of the Development Control Committee.

In this way the Council can ensure that the member appointed to serve the community of South Kesteven in undertaking these important functions have both the capacity and the confidence of residents in their willingness to place their duty to the public ahead of their political aspirations.

The Council also asks that if the “Shadow Cabinet” continues then with immediate effect it extends to all other members the courtesy of confirming positions and membership, the constitution and remit, methods by which members were appointed, and how it intends to resolve the fundamental obstacles to effective scrutiny outside the Council’s constitution that were identified by the CPA report.

The following motion had been proposed by Councillor Mrs Neal:

This Council declares that the decision of some members of the non-administration group to return to a situation where the important scrutiny function is exercised in part through a “Shadow Cabinet” with an overtly political agenda has profound implications for the progress of the authority and is to be regretted.

The Council reminds members who have chosen to go down this route that the CPA report, which they along with the whole Council, accepted in January stated that the presence of a Shadow Cabinet had led to a situation where “the skills and commitment of Councillors is not harnessed for the benefit of local people” (para 57). The same report also highlighted the limited capacity amongst some members (para 59).

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Clr M Taylor replaces Clr John Hurst as Chairman of the Communications and Engagements DSP with Clr Nadarajah becoming the Vice Chairman.

Clr Fines replaces Clr Kerr as Vice-Chairman of the Development Control Committee.

In this way the Council can ensure that the member appointed to serve the community of South Kesteven in undertaking these important functions have both the capacity and the confidence of residents in their willingness to place their duty to the public ahead of their political aspirations.

The Council also asks that if the “Shadow Cabinet” continues then with immediate effect it extends to all other members the courtesy of confirming positions and membership, the constitution and remit, methods by which

members were appointed, and how it intends to resolve the fundamental obstacles to effective scrutiny outside the Council's constitution that were identified by the CPA report.

In moving her motion, the Leader stated she did so with a huge amount of deep regret and sadness. She considered that an agreement had been broken with the re-emergence of a Shadow Cabinet and this she felt would sweep away two years of hard work.

There then followed a heated debate in which several members of the opposition groups strongly contested the way in which the background to the disbanding of the former Shadow Cabinet and the awarding of committee chairmanships and vice-chairmanships in April had been represented by the Leader and the Vice-Chairman. The point was made that there was nothing in the Council's Constitution to prevent a Shadow Cabinet being formed.

A member challenged the legality of the motion, highlighting the Constitution's reference to chairmanships/vice-chairmanships being appointed at the annual meeting of the Council. There was no provision for this to take place at ordinary meetings. The Monitoring Officer stated that this member had raised this issue with him before the meeting. The Monitoring Officer stated he would now give the same legal advice to the Council as he had to this member. In essence he saw no Constitutional or legal impediment which prevented the motion being debated. Appointing Chairmen or Vice-Chairmen of committees was clearly within the powers of the Council to decide and initiate. The fact that the Constitution refers to the appointment of chairmen/vice-chairmen at the annual meeting did not, in his view, preclude the full Council from deciding to appoint chairmen at another time or at an ordinary meeting. During the municipal year, circumstances may arise which require the full Council to consider the appointment of chairmen, a by-election which changes the balance of power, for example. He could not therefore see any specific prohibition in the Constitution which would prevent this position.

The member challenged this advice. The Chairman ruled that he would accept the advice of the Monitoring Officer as given.

Councillor Thompson then addressed the meeting and endorsed some of the points that the Vice-Chairman had made under his communication to the Council. Accordingly, he confirmed that he would also be requesting the Chief Executive to remove his name from the membership of the Independent Group

Further strongly expressed exchanges of opinion took place between members of the opposition groups and the administration. It was stated that a Shadow Cabinet was not illegal and was, in fact, no concern of the administration if one were set up. The accusation that a Shadow Cabinet would be detrimental to the residents of South Kesteven was fiercely denied by an opposition member. He stated he had always been supportive of a strong Cabinet provided there was a Shadow Cabinet. There were several more speakers from opposition groups expressing their support for the right to form a Shadow Cabinet and the

retention of Councillors Hurst and Kerr in their present posts. The Leader responded and stressed that she had been asked to put this motion forward on behalf of the administration. It was not, she emphasised, about a fear of a Shadow Cabinet but about one of the parties to an agreement breaking that agreement. She urged support for the motion as presented. A call for a recorded vote was indicated.

This was supported in accordance with Council procedure rule 16.4. The names of members voting either for, against or abstaining from the motion of Councillor Mrs Neal are recorded below:-

FOR	AGAINST	ABSTAIN
Cllr Auger	Cllr Miss Channell	
Cllr Mrs Bosworth	Cllr Neil Dexter	
Cllr Bryant	Cllr Mrs Gaffigan	
Cllr Carpenter	Cllr Galbraith	
Cllr Mrs Cartwright	Cllr Hewardine	
Cllr Chivers	Cllr Fereshteh Hurst	
Cllr Conboy	Cllr John Hurst	
Cllr Craft	Cllr Howard	
Cllr Fines	Cllr Mrs Jalili	
Cllr Fisher	Cllr Joynson	
Cllr Helyar	Cllr Kerr	
Cllr Mrs Kaberry-Brown	Cllr O'Hare	
Cllr Kirkman	Cllr Wilks	
Cllr Lovelock	Cllr Avril Williams	
Cllr Martin-Mayhew	Cllr Mike Williams	
Cllr Nadarajah		
Cllr Mrs Neal		
Cllr Nicholson		
Cllr Parkin		
Cllr Pease		
Cllr Radley		
Cllr Sandall		
Cllr John Smith		
Cllr Mrs Judy Smith		
Cllr Stokes		
Cllr Mike Taylor		
Cllr Thompson		
Cllr Turner		
Cllr Graham Wheat		
Cllr Mrs Mary Wheat		
30	15	0

The motion was therefore carried.

(2) by Councillor Stephen O'Hare

DECISION: This Council believes in local democracy and representing the people of our communities.

The following motion had been proposed by Councillor O'Hare:

That this Council believes in local democracy and so endorses and totally supports the right of any individual Councillor to bring to this Council for debate and decision any issue affecting the district or any part of it and especially an issue affecting the people of the area represented by that local Councillor.

In support of his motion, Councillor O'Hare referred to an impending paper from the Constitution and Accounts Committee to the Council recommending mechanisms to reduce the length of Council meetings. One such mechanism would be to give authority to the Chairman to assess and determine which Notices of Motion should be debated at a meeting. This, he suggested, would reduce democracy; his motion therefore sought to preserve the right of every Councillor to raise matters of concern to their constituents. The motion received a seconder.

As an amendment, it was proposed and seconded that this Council believes in local democracy and representing the people of our communities.

In support of the original motion, a member acknowledged the present difficulties with long meetings as people had a limit to their concentration span. However, he suggested a solution to this was to have more frequent Council meetings. A vote was taken on the amendment which was carried and became the substantive motion. Following a further vote, the substantive motion was carried.

The Chief Executive advised the Chairman that as the meeting would shortly come up to the three hour limit, a vote would need to be taken in accordance with Council Procedure Rule no 9. A vote was taken on continuing the meeting for a further hour. The vote was lost.

83. LOCAL PUBLIC SERVICE AGREEMENT: ROUND 2

- (1) To note that a further report on the final Public Service Agreement (PSA) Round 2 bid by the Chief Executive will be presented to the Cabinet for consideration at the appropriate time;**
- (2) That the Cabinet develops the LPSA2 bid and incorporates its impact in budget development for 2005/06 and beyond.**

The Director of Finance & Strategic Resources presented his report number

FIN214 the purpose of which was to update the Council on progress with the PSA Round 2 bid being co-ordinated by the Lincolnshire County Council. The report also covered the background to the bid and the next stages of the process.

The Director of Finance & Strategic Resources added that the budgetary proposals coming out of the bid would be incorporated into the impact on the budget round for 2005/06 and beyond. The targets referred to in the report still stood at 16 across the county. The authorities were still in negotiations with the sponsoring department, the ODPM, to bring the number of targets down to 12. Once those targets were finalised a report would be brought to the council on their impact.

84. LOCAL GOVERNMENT SETTLEMENT 2005/2006

DECISION: To note the latest position on the Local Government Settlement for 2005/06 and to await the briefing paper to be circulated to all members by the Director of Finance & Strategic Resources.

The Director of Finance & Strategic Resources informed the Council that the Government had recently announced the local government settlement for 2005/06. he had made a presentation on this to the Capacity & Resources DSP and the Cabinet on 6th December 2004. A briefing note had been prepared for distribution to all Councillors on the main impact of the settlement. More money had been given to local government for next year amounting to 6.2%. South Kesteven had received a cash increase of grant of 5.06% which equated to just over £400,000. This would mean a little more to be included within the medium term financial strategy. However, further information was still awaited on the details of the settlement which would require additional work once known. The Director concluded his brief report by stating that he had received a letter from the Local Government minister that afternoon to say that details of capping will not be published until Councils have set their budget at the end of February. He stated that this indications were that the Government were expecting that council tax increases will be averaging less than 5% for next financial year.

85. REPRESENTATION ON STAMFORD VISION

DECISION: That Councillor Helyer be nominated to serve on Stamford Vision.

As a result of the vacancy arising on Stamford Vision (formerly the town centre management partnership) as detailed in report DLS13, there were no other nominations besides Councillor Helyar put forward.

86. QUESTIONS WITHOUT DISCUSSION.

Four questions had been submitted prior to the meeting. In view of the decision to close the meeting after three hours duration, these would be carried over until the next ordinary meeting of the Council.

87. CLOSE OF MEETING.

The meeting closed at 5.20 p.m.