



MINUTES

COUNCIL
THURSDAY, 26 MAY 2005
2.00 PM

PRESENT

Councillor John Kirkman Chairman

Councillor Ray Auger
Councillor Mrs. Bosworth
Councillor Carpenter
Councillor Mrs. Cartwright
Councillor Miss. Channell
Councillor Conboy
Councillor Craft
Councillor Fines
Councillor Fisher
Councillor Mrs. Gaffigan
Councillor Galbraith
Councillor Helyar
Councillor Hewerdine
Councillor Howard
Councillor John Hurst
Councillor Fereshteh Hurst
Councillor Mrs Maureen Jalili
Councillor Joynson
Councillor Kerr
Councillor Lovelock M.B.E.
Councillor Martin-Mayhew

Councillor Mrs. Neal
Councillor Nicholson
Councillor O'Hare
Councillor Pease
Councillor Mrs. Percival
Councillor Radley
Councillor Mrs. M. Radley
Councillor Sandall
Councillor Selby
Councillor John Smith
Councillor Mrs. J. Smith
Councillor G. Taylor
Councillor M. Taylor
Councillor Thompson
Councillor Turner
Councillor Waterhouse
Councillor Mrs. M. Wheat
Councillor Wilks
Councillor Avril Williams
Councillor Mike Williams
Councillor Wood

OFFICERS

Chief Executive
Director of Regulatory Services
Environmental Health Manager

OFFICERS

Member Services Manager
Scrutiny Officer

23. PUBLIC OPEN FORUM

Prior notice in accordance with council procedure 10.3 had been given of the following questions put by a member of the public:-

Question: Mrs Mary Patrick, 119 Essex Road, Stamford

Could it be announced to the public at the beginning of the public open forum that minutes are produced in handwriting and mechanically recorded.

Response: Councillor Mrs Linda Neal, Leader of the Council

Thank you for the question Mrs Patrick, I have spoken to Mrs Patrick about the question beforehand and the question relates to the notices on the door as we come into the Council Chamber. People who are dyslexic or have other reading difficulties cannot always appreciate these and could it be made clear that there are written notes and recordings, though the latter is not available to the public. On behalf of the Chairman I am happy to take on board that these are available and that this is announced at each meeting.

Question: Mrs Mary Patrick, 119 Essex Road, Stamford

Could you please tell me why your planning officers and the enforcement officers are not keeping a close eye on the building in Chapel Yard, Stamford.

Response: Councillor John Smith, Portfolio Holder, Economic

I wish to thank Mrs Patrick for her question, but it is NOT true to say that our officers are not keeping an eye on the building at Chapel Yard Stamford.

I am pleased to confirm that our officers have visited this site on numerous occasions and continue to do so.

It is important to remember that this development was granted on appeal and NOT by South Kesteven District Council.

Supplementary question by Mrs Patrick

Planning consent was granted for three storeys, but the premises is being built at four storeys without permission. There is a tree preservation order on the trees but branches are being cut back. The trees have been there since 1920, the applicant is flouting the planning laws.

Response: Councillor John Smith

The Developers have started to convert the roof space, including the provision of dormer windows, this does not constitute the installation of a separate floor or alter the height of the building. The trees are covered by a tree preservation order and any major work would require planning consent, to the best of my knowledge no such work has occurred.

24. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bisnauthsing, Bryant, Burrows, Chivers, Dexter, Mrs Dexter, Mrs Kaberry-Brown, Morris, Nadarajah, Parkin, Wheat and Mrs Woods.

The Chairman informed the meeting that Councillor Neil Dexter was gravely ill in hospital. Councillor Fred Burrows was no longer in hospital but was still unwell and also that his son had died recently.

It was agreed that letters be sent to both members; to Councillor Mrs Dexter to express the support of the Council and to offer help, and to Councillor Burrows expressing condolences and wishing him an improvement in his health.

25. DECLARATIONS OF INTEREST

There were none declared.

26. BY-ELECTION: TRUESDALE WARD 5TH MAY 2005

The Chief Executive reported that at the Truesdale Ward by-election on 5th May 2005 Mr Andrew Moore had been elected to represent Truesdale Ward. The Chairman welcomed Councillor Moore to his first meeting of the Council.

Councillor Moore thanked Members and officers for the warm welcome he had received from Members and Officers since his election.

27. MINUTES OF THE ANNUAL MEETING HELD ON 28TH APRIL 2005

The minutes of the meeting held on 28th April 2005 were confirmed as a correct record, subject to the following:-

Page 2 Minute 1 – election of Chairman: Councillor Wilks had seconded Vic Kerr as Chairman of the Council not Councillor Avril Williams

Add Councillors Gerald Taylor and Conboy to the list of those present.

28. COMMUNICATIONS

The following announcements were made:-

The Chairman advised that the civic photograph was now available for purchase.

He also advised that his charity for the forthcoming year would be LIVES

29. NOTICE OF MOTION GIVEN UNDER COUNCIL PROCEDURE RULE 12:

by Councillor Stephen O'Hare

DECISION: Not to support the Motion proposed by Councillor O'Hare.

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

“That this Council RESOLVES

1. That there should be with immediate effect no charge to any resident for dealing with an infestation of rats in their house (residence) or garden within the area of SKDC

AND

2. That the budget and policy framework be adjusted to establish sufficient financial provision to enable this

AND

3. The portfolio-holder be urged to implement the wishes of this Council to have such a policy

AND

4. That the cost of this, in the current financial year ending 31st March 2006 be a charge on the financial reserves."

In moving the above motion Councillor O'Hare stated that this was a problem that was much worse in rural areas and he produced figures which contended that the cost of this would be 3p per fortnight per household.

Councillor Michael Taylor stated that this was a discretionary service which the Council did not have to provide at all.

In seconding the motion Councillor Mrs Jalili advised that most Councils did not charge tenants for this service.

Councillor Mike Williams supported the motion and reminded the meeting that rat urine led to Weil's disease which could prove fatal.

Councillor Auger as portfolio holder outlined the process that had led to the present Council policy. The 2005/6 budget had been considered by Environment and Capacity and Resources DSPs and then agreed by Full Council. Councillor O'Hare had tried to call this in but the call-in request had not been valid.

Councillors Wood, Fereshteh Hurst, Wilks and John Hurst all spoke in favour of the motion.

Councillor Fisher reminded the meeting that if the motion was implemented there would be an increase in Council expenditure. Councillor Craft observed that there were an abnormally large number of rats this year and that the proposal ought perhaps to be considered for one year only. Councillor Thompson agreed that there were a larger number of rats in rural areas this year, stubble burning used to kill off lots of rats but this was no longer allowed. Refuse bags tended to attract more vermin. However Councillor Thompson did not believe that the service should be free of charge. He moved as an amendment to the motion that there should be a charge of £10 for this service, this was seconded by Councillor Craft.

Councillor Carpenter observed that cleanliness was the answer, his premises

were thoroughly cleaned and baited and he did not have a rat problem. People should be more proactive.

Councillor Hewerdine asked if the Council provided any explanatory leaflets and advice. Mike Brown, Environmental Health Manager, confirmed that this was the case.

In summing up, Councillor O'Hare reminded the meeting that this motion only referred to rats, not wasps, mice etc.

The Chief Executive advised that this motion was successful it was not capable of being implemented. This was an executive matter that had been delegated by the Cabinet to the Portfolio Holder.

In accordance with Council Procedure Rule 16.4, a request was made and supported for a recorded vote on the amendment proposed by Councillor Thompson.

The voting on the amendment was as follows:-

FOR	AGAINST	ABSTAIN
Councillor Craft	Councillor Auger	Councillor Miss Channell
Councillor Thompson	Councillor Mrs Bosworth	Councillor Helyar
	Councillor Carpenter	Councillor Mrs Jalili
	Councillor Mrs Cartwright	Councillor Joynson
	Councillor Conboy	Councillor O'Hare
	Councillor Fines	
	Councillor Fisher	
	Councillor Mrs Gaffigan	
	Councillor Galbraith	
	Councillor Hewerdine	
	Councillor F Hurst	
	Councillor J Hurst	
	Councillor Howard	
	Councillor Kerr	
	Councillor Kirkman	
	Councillor Lovelock	
	Councillor Martin-Mayhew	
	Councillor Moore	
	Councillor Mrs Neal	
	Councillor Mrs Nicholson	
	Councillor Pease	
	Councillor Mrs Percival	
	Councillor Mrs Radley	
	Councillor Sandall	
	Councillor Selby	
	Councillor Smith	
	Councillor Mrs Smith	
	Councillor Stokes	

	Councillor G Taylor	
	Councillor M Taylor	
	Councillor Turner	
	Councillor Waterhouse	
	Councillor Mrs Wheat	
	Councillor Wilks	
	Councillor A Williams	
	Councillor M Williams	
	Councillor Wood	
2	38	5

The Chairman declared the amendment lost.

In accordance with Council Procedure Rule 16.4, a request was made and supported for a recorded vote on the original motion.

The voting on the original motion was as follows:-

FOR	AGAINST	ABSTAIN
Councillor Mrs Bosworth	Councillor Auger	Councillor Craft
Councillor Miss Channell	Councillor Carpenter	Councillor Helyar
Councillor Mrs Gaffigan	Councillor Mrs Cartwright	
Councillor Galbraith	Councillor Conboy	
Councillor Hewerdine	Councillor Fines	
Councillor F Hurst	Councillor Fisher	
Councillor J Hurst	Councillor Kirkman	
Councillor Howard	Councillor Lovelock	
Councillor Mrs Jalili	Councillor Martin-Mayhew	
Councillor Joynson	Councillor Moore	
Councillor Kerr	Councillor Mrs Neal	
Councillor O'Hare	Councillor Nicholson	
Councillor Mrs Percival	Councillor Pease	
Councillor Selby	Councillor Mrs Radley	
Councillor Waterhouse	Councillor N. Radley	
Councillor Wilks	Councillor Sandall	
Councillor A Williams	Councillor Smith	
Councillor M Williams	Councillor Mrs Smith	
Councillor Wood	Councillor Stokes	
	Councillor G Taylor	
	Councillor M Taylor	
	Councillor Thompson	
	Councillor Turner	
	Councillor Mrs Wheat	
19	24	2

The Chairman declared the motion lost.

30. HOUSING STOCK OPTION APPRAISAL

DECISION

To identify large scale voluntary transfer as the preferred option of the Council for the future ownership and management of the housing stock, following the recommendation made by the Stock Option Appraisal Commission (SOAC) who have undertaken the detailed appraisal of the options on behalf of the Council for the following reasons:-

- a To provide the opportunity to secure investment for tenant priorities**
- b To provide an opportunity to invest in improving tenant services**
- c To provide opportunities for enhanced tenants involvement**
- d To provide the opportunity for investment in affordable housing**
- e To provide the ability for the council to focus on its strategic housing function.**

The Chairman welcomed Miss Gillian Tressider, Chairman, and other members of the Stock Option Appraisal Commission (SOAC) to the meeting. The Chairman, on behalf of the Council, presented Miss Tressider with a floral basket as a token of the Council's appreciation for her considerable input into the process. Miss Tressider gave a presentation which detailed the work of the SOAC and its links to the Tenant Options Appraisal Group (TOAG). She explained why it was the SOAC's view that the tenants should be balloted on the transfer option.

The Chairman, on behalf of the Council, thanked Miss Tressider for her presentation. Thanks were also recorded to Sally Marshall, Corporate Director of Regulatory Services, and her team of officers.

The Chairman reminded Full Council that all Members had been invited to a joint meeting of Community and Capacity and Resources DSPs on 8th April 2005. The work of the SOAC had been scrutinised in great detail and the meeting could not find any flaw in the process nor any reason to conclude that the evidence suggested that a different conclusion could have been reached. This was not the time to delve into the process in great depth.

The merits or otherwise of stock transfer were debated, some Members expressing a preference for an Arms Length Management Organisation (ALMO). It was emphasised that any decision to transfer the Council's housing stock would have to be made by the tenants themselves in a ballot. The Council was not debating stock transfer but to allow the process towards a decision to move forward.

The motion was duly moved and seconded. A request for a recorded vote was made and supported in accordance with Council procedure rule 16.4. The names of members voting either for or against the motion or abstaining are recorded below:-

FOR	AGAINST	ABSTAIN
Councillor Auger	Councillor Galbraith	Councillor Waterhouse
Councillor Mrs Bosworth	Councillor F Hurst	Councillor A Williams
Councillor Carpenter	Councillor J Hurst	
Councillor Mrs Cartwright	Councillor Mrs Jalili	
Councillor Conboy	Councillor Joynson	
Councillor Craft	Councillor O'Hare	
Councillor Fines	Councillor Selby	
Councillor Fisher	Councillor M Williams	
Councillor Mrs Gaffigan		
Councillor Helyar		
Councillor Hewerdine		
Councillor Howard		
Councillor Kerr		
Councillor Kirkman		
Councillor Lovelock		
Councillor Martin-Mayhew		
Councillor Moore		
Councillor Mrs Neal		
Councillor Nicholson		
Councillor Pease		
Councillor Mrs Percival		
Councillor Mrs Radley		
Councillor Radley		
Councillor Sandall		
Councillor Smith		
Councillor Mrs Smith		
Councillor Stokes		
Councillor M Taylor		
Councillor G Taylor		
Councillor Thompson		
Councillor Turner		
Councillor Mrs Wheat		
Councillor Wilks		
Councillor Wood		
34	8	2

The Chairman declared the motion carried.

31. HOUSING IMPROVEMENT PROGRAMME TO ADDRESS THE FINDINGS OF THE STRATEGIC HOUSING INSPECTION AND IMPROVEMENTS TO THE LANDLORD FUNCTION

DECISION

That the Council receives a recommendation from Cabinet in relation to the resourcing of the housing improvement programme and endorses the following:-

To accept the findings and recommendations of the strategic housing inspection produced by the Audit Commission;

The use or provision of up to £50,000 for a supplementary estimate for internal secondments and external support to provide additional capacity for the strategic housing improvement programme, to be financed from the capacity and resources reserve within the general fund;

The use or provision of up to £100,000 for a supplementary estimate for one off costs to deliver the restructure, to be financed from general reserves within the general fund as required;

To confirm the appointment of the Housing Portfolio Holder or nominated representative to the appointments panel for the posts of Tenancy Support Manager, Repairs and Improvements Manager and Housing and Sustainable Homes Manager;

To confirm the appointment of the Housing Portfolio Holder, the Chairman of the Council, the Chairman of the Community DSP and the Chairman of the main opposition group (or any nomination of those persons) to the appointments panel for the Director of Tenancy Services.

The Corporate Director of Regulatory Services presented a report which outlined the recommendations of Cabinet to Council on this matter following detailed scrutiny by an emergency meeting of the Community DSP on 12th May 2005. The council had appeared to be on course for a one star rating of this service but it appeared that the bar had been raised by the Audit Commission since the last inspection.

Members expressed concern at the content of the report which was acknowledged to be very critical and damning of the service in question. Some Members, whilst expressing every confidence in the staff, called for the resignation of the Portfolio Holder in consequence but the Portfolio Holder, Councillor Martin-Mayhew, stated that he would not resign as he was determined to see the task through to completion. The Leader responded to concerns raised that if there was no improvement in 12 months time then she would remove Councillor Martin-Mayhew from the portfolio holder post. The target was to achieve a 2 star rating with certain prospects for improvement. A district council in Worcestershire which had scored an excellent rating with excellent prospects for improvement on strategic housing had been contacted

and were prepared to work with the Council in working towards these aims.

The motion was moved, duly seconded and resolved. An amendment proposed by Councillor Selby to thank the Audit Commission was lost.

32. SUPPORTING PEOPLE: 5 YEAR STRATEGY

DECISION:

That the council formally adopts this strategy

On consideration of report DCS21 by the Director of Community Services and the Cabinet recommendation on this report, the motion was duly moved and seconded.

33. DRAFT BEST VALUE PERFORMANCE PLAN 2005/06

DECISION

To formally endorse the Cabinet recommendation of 9th May 2005 (Minute CO9) and approve the Council's Best Value Performance Plan and Best Value Review Programme 2005/6.

On consideration of the Cabinet's recommendations on this matter, the motion was duly proposed and seconded.

34. MEMBERS' FORUM AND ORDINARY COUNCIL MEETING: 23RD JUNE 2005

DECISION

That the Council approve the arrangements as set out in report CEX291 of the Chief Executive and that

1. The Members' Forum be held on 23rd June 2005 commencing at 9.30am; and

2. An Ordinary Council meeting, without a public forum, be held at 2.30pm on the same day

The Chief Executive advised members that, in the light of the number of issues currently facing the Council, the holding of an additional Council meeting was considered necessary. The motion was duly moved and seconded.

35. QUESTIONS WITHOUT DISCUSSION.

Six questions had been submitted prior to the meeting.

Verbatim details of the questions, together with supplementary questions and the responses are set out in the appendix to the minutes.

36. CLOSE OF MEETING

The meeting closed at 5.33p.m.

APPENDIX TO COUNCIL MINUTES: 26TH MAY 2005

MINUTE 35: QUESTIONS WITHOUT DISCUSSION

QUESTION 1

FROM COUNCILLOR TERL BRYANT

Madam leader,

Can the Constitution and Accounts Committee be asked to review our Constitution and find a way to allow the council to reprimand any Councillor who is reported to make outrageous and disingenuous statements that are factually wrong and that could be extremely damaging to the council. A recent example would be where a Councillor is reported to have said that certain actions need not be taken as this council has reserves of £119 Million.

RESPONSE FROM COUNCILLOR MRS. NEAL:

Yes.

Councillor Bryant was not present to ask a supplementary question.

QUESTION 2

FROM COUNCILLOR TERL BRYANT

Madam leader,

Can the constitution and accounts committee be asked to review our constitution and find a way to allow the council to ignore or refuse to discuss any matter where the member bringing the matter up has been involved in all the due process of decision making from consultation through DSP's, Cabinet, possible scrutiny and taken through the full council and that member has not apparently voiced a single concern and then attempts to reverse a full council decision which he was part of.

RESPONSE FROM COUNCILLOR MRS. NEAL:

Yes.

Councillor Bryant was not present to ask a supplementary question.

QUESTION 3

FROM COUNCILLOR STEPHEN HEWERDINE

Does the Council have a policy laid down in stone (writing) saying how many final warnings are given to secured tenants and temporary tenants in our accommodation

as to what time limit they have to stop acting in an anti social manner. It not, will the Cabinet member draw up a more concise policy in the not-so-distant future. i.e. saying three warnings and you are out?

RESPONSE FROM COUNCILLOR MARTIN-MAYHEW

The Council operates within the Anti Social Behaviour Policy for Housing Management and Councillor Hewerdine will be aware of this as he attended the Community Development and Scrutiny Panel on 29th November 2004 when the policy was discussed and amendments recommended.

It also has to comply with the Housing Act and the Tenancy Agreement

Cases are graded regarding their level of seriousness and it is not possible to state the exact number of warnings a tenant receives before possession proceedings are commenced as each case is judged on its merits.

All cases should either be resolved or have a plan of action agreed or be closed within 28 days from date of initial complaint.

In the case of serious breach where a property is used for criminal purposes including the selling, producing or using illegal or handling stolen goods the Council may apply to the courts for immediately for an eviction order.

In these situations a warning would not be issued but a Notice Seeking Possession would be served.

SUPPLEMENTARY

To Councillor Peter Martin-Mayhew, anti-social behaviour is a very important issue just lately. I'm asking on behalf of a couple in my ward, inviting you firstly to stay for a time with them in their home, so you can have first hand experience of what our tenants have to put up with, with loud music, door slammings, etc. We have tenants who are put in temporary accommodation also have issues with anti-social issues down at station roads...isn't it wrong, then, do you think, when certain tenants live in full council properties paying half the rents, having better properties when other people are living in accommodation that is in a lower standard and paying more rent, our priorities seem wrong. Will you take up the offer?

RESPONSE FROM COUNCILLOR MARTIN-MAYHEW

Thank you Chairman. Yes Councillor Hewerdine, it's a very strange question you're asking me to do here but I think really with the problems we've been having, I think perhaps certain officers could probably take up that offer just to prove anti-social behaviour is going on and we need to grasp, and we need to look at it, so I think you and I should get together and see if we've got an officer that would like to dive down there for three or four days and take into account is that okay with you Chairman, thank you.

QUESTION 4

FROM COUNCILLOR STEPHEN HEWERDINE

In Gloucestershire, the Spa town of Cheltenham could soon have complaints dealt with by bin men on the beat in a crackdown on anti-social behaviour. It is planning to issue refuse workers with hand-held computer devices that can log such nuisances as litter, flyposting, graffiti and abandoned cars. Is this idea being discussed by Cabinet as it would improve the quality of life in our communities?

RESPONSE FROM COUNCILLOR MARTIN-MAYHEW

Thank you for your question. I would imagine what you are aspiring to is actually loading further duties onto our own refuse workers. I would imagine the Unions would have something to say about that! Our workforce is expected to work within tight schedules and disciplines to bring about the success of an excellent service.

We also have a problem here in that we have a vast rural area when compared to the compacted area of suburban Cheltenham. As far as I am aware, the Cabinet is not discussing such matters and it has to said that vast improvements have already been made in the areas of collection and environmental issues leading to a much improved quality of life within South Kesteven.

Areas such as litter, graffiti, flyposting and abandoned cars are being handled in a very positive manner right now without a need to overburden any part of our workforce – but who knows what the future holds.

SUPPLEMENTARY

No Supplementary.