



MINUTES

COUNCIL
THURSDAY, 26 JANUARY 2006
2.00 PM

PRESENT

Councillor Kirkman Chairman

Councillor Ray Auger
Councillor Teri Bryant
Councillor Paul Carpenter
Councillor Mrs Frances Cartwright
Councillor Elizabeth Channell
Councillor George Chivers
Councillor Nick Craft
Councillor Dorrien Dexter
Councillor Brian Fines
Councillor Donald Fisher
Councillor Mrs Joyce Gaffigan
Councillor Yvonne Gibbins
Councillor Harrish Bisnauthsing
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 Kerr
Councillor Reg Lovelock M.B.E.
Councillor Peter Martin-Mayhew
Councillor Mano Nadarajah
Councillor Mrs. Linda Neal
Councillor John Nicholson
Councillor Alan Parkin
Councillor Stanley Pease
Councillor Mrs Angeline Percival
Councillor Ian Selby
Councillor Robert Murray Shorrock
Councillor John Smith
Councillor Mrs Judy Smith
Councillor Michael Taylor
Councillor Gerald Taylor
Councillor Jeffrey Thompson
Councillor Frank Turner
Councillor Graham Wheat
Councillor Mrs Mary Wheat
Councillor John Wilks
Councillor Mike Williams
Councillor Mrs Azar Woods

OFFICERS

Chief Executive
Corporate Manager Democratic and Legal
Services
Member Services Manager
Scrutiny Officer
Scrutiny Support Officer

94. PUBLIC OPEN FORUM (2.00p.m. – 2.17p.m.)

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

Question: Mrs Mary Patrick, 119 Essex Road, Stamford

Mrs Cartwright - do you think its fair for a 36 year old woman who is on a sheltered housing complex who creates mayhem to be moved to another complex to create more mayhem?

Response: Councillor Mrs Cartwright

Thank you Mrs Patrick. The letting policy ensures that anyone who has caused problems is fully supported by agencies to prevent further problems.

Supplementary Question: Mrs Patrick

Thank you Mrs Cartwright. Well, for five years this lady had caused mayhem to tenants, especially the one who is now in house. We have tried our best to facilitate her the right way of life. But, the family put her on an ASBO and her behaviour is worse than ever. The flat is like a 'K'-shop, a drinking den and drugs.

It is not fair to decent living tenants and she was told by her carers that she was going to be moved to another complex in Stamford which was warden-controlled (technically, yes, it is warden-controlled because the warden goes round three times a week but is not living on site) If she was put on that complex, the ASBO said that she must not drink in Stamford or anywhere about but it is only three quarters of a mile from the county boundary where she can go and get liquor. But the men bring the liquor in. They are there until the a-fitted time of 9 o'clock and I don't think this is good for the neighbour underneath and then from 9 until 2 in the morning, the television is full blare. Thank you very much.

Response: Councillor Mrs Cartwright

Yes, we do understand this case and have looked into it. In actual fact this is one of the cases where we actually have very good support; we are working with three agencies to correct these issues. And it is a poor example really in a way from your point of view. Some times the agencies do not support us but in this particular case we are getting excellent support and we hope to have the issues resolved.

Question: W. R. Adams, Secretary Grantham Bowling Club

Why is it necessary to withdraw rate relief from voluntary organisations and why is SKDC the only local council proposing this course of action?

What is the basis of calculation for assessing the various charges?

Response: Councillor Teri Bryant

Thank you Mr Chairman. I would ask you to suspend standing orders because I wrote the answers out yesterday and it came to two full pages. I have given a

copy to the gentleman, Mr Adams, of that informal briefing. I will make the answers very short. I actually welcome the opportunity of this question because it gives this Council the opportunity, yet again, to ensure that the local papers pick up the fact that all sports clubs should be registered as CASCs. We have forty sports clubs who have registered for discretionary grant, of whom only seven are registered. And the district is losing some £47,000. In answer to the questions:

- a) The Council has changed its priorities through a very long procedure, updating the public, and discretionary rate relief was a non-priority area and was chosen for disinvestment by this Council.
- b) The power to award discretionary rate relief is exactly that, it's discretionary. Given the decision of the Council earlier to disinvest, current policy has been revised and a reduced budget set. We cannot speak to any other Council whether they are reviewing their own policy but I got some extremely interesting answers when I personally rang Rutland County Council to find out what theirs was. I think they are looking at reviewing theirs. Whether they do or not is not for me to say.
- c) The basis of the calculation of a charge before any relief is applied to it is to multiply the rateable value with the poundage. The rateable value is calculated by the Valuation Office Agency. This is an executive agency of HM Revenue and Customs, and the poundage, which the government sets.

To put it simply, South Kesteven, as far as non-domestic rates are concerned, is just a debt-collecting agency on behalf of central government. I hope, sir, that with the additional information I have given you gives you all the information you need to allow you to spread the gospel and encourage every single sports club, of which there are more than forty who own their property within the district, to register as a CASC and get the 80% mandatory rates relief.

Supplementary Question: W. R. Adams

Thank you Councillor Bryant for that very informative answer and for the additional information that he has supplied to me. I do appreciate that, Mr Chairman. I would like to make the point, though, and ask him what his comments might be: while it is accepted that there is a charity status whereby 80% of a grant can be obtained, is the Chairman fully aware that a voluntary organisation that goes down that route and obtains that charitable status, part of the condition of obtaining that charitable status, is that they have to forego their right to the ownership of the asset that they may well have built up over many years. In order to obtain that status, they have to assign that asset to a pre-nominated charity. Does he think that is right, and does he not think that the Council, perhaps, should review that situation as far as the discretionary rate relief is concerned? And would he not agree that if these clubs are not able to get this charitable status, and it is not necessarily open to all of them, the Council is not going to get the additional revenue that they now get because those voluntary organisations may well have to close down through lack of funding.

Advice given by the Monitoring Officer, requested by the Chairman:

Just to pick up a point. You indicated that it was assigning the ownership of the building. I think you may need to obtain further advice on that. You may not necessarily have to assign ownership but you may have to assign management and control.

Response: Councillor Teri Bryant

The question of ownership: once you are registered as a CASC, then it is only if the club or activity ceases to carry out its sporting function that at that point the proceeds, as I understand it, from any sales etc. have to be given to the nominated sports authority within the locality. That is my understanding. You do not have to do it. You will see from the second page of the notes I gave you, I was surprised to see that you think the ownership of the bowls club, for your example, if it ceases to be a bowls club and is sold off, should actually be given to the current members. I as a scout leader of many years have often put a small personal fortune into building up headquarters etc. I have never thought that if that scout troop folded, I would get the money back. I trust, sir, that answers your question. If it doesn't, I will have to speak to you after the meeting because there is no right to respond unless the Chairman directs that I have missed something.

Chairman:

No that is fine, Councillor Bryant. The information you provided to Mr Adams will be made available to all members.

Mr John Cockcroft, Proprietor, The Castlegate, Grantham had submitted the following question but as he was not present at the meeting, his question was not put. The Chairman advised that an answer from Councillor Smith will be forwarded onto him.

I am the owner and licensee of the public house known as The Castlegate in Grantham. Since the start of the demolition of the Kwik Save site I have lost all local opportunity to park my car legally.

As a retail outlet, my life's blood is the need for supplies often delivered by myself to the pub on a daily basis.

For the last 18 years I have parked my vehicle in the Kwik Save car park as there is no parking within a reasonable distance either on Castlegate or East Street. Getting my car in the Conservative Club or the Welham Street car park is almost impossible.

I am at present unable to use my car for day to day activity, as I have had to park it a mile away in a place controlled by a friend.

As the Council is responsible for the infrastructure to support local businesses, I ask for some sort of permit to park in a designated area allowing me to continue

my business in a fair and efficient way.

Councillor Smith's response was as follows:

The Council recognises the needs of all users of our car parks including businesses, visitors, shoppers and residents and is hoping to provide a significant increase in the number of spaces through the provision of a new multi storey car park in Grantham. The intention is to continue the very successful and popular car park season tickets which offer discounted daily parking. in the meantime we also recognise the temporary difficulties with parking and so are creating a surface car park at East Street which will be operational in April to allow the construction of the proposed car park at Welham Street to take place.

95. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs Bosworth, Brailsford, Conboy, Moore, Mrs Radley, Radley, Steptoe, Stokes, Waterhouse, Mrs Williams and Wood.

96. DECLARATIONS OF INTEREST

There were none declared.

97. MINUTES OF THE ORDINARY MEETING HELD ON 27TH OCTOBER 2005 AND THE EXTRAORDINARY MEETING HELD ON 5TH JANUARY 2006

The minutes of the meetings held on 27th October 2005 and 5th January 2006 were confirmed as a correct record, subject to the following amendment to minute 78 of the meeting held on 27th October 2005.

“In his right of reply, Councillor John Hurst re-asserted that the Council would face the situation of responsibility without power; it was not solely about housing or money in particular, but the throwing away of democracy. He requested a recorded vote in accordance with Council procedure rule 16.4. This was supported by more than ten members.

The vote on the motion was as follows.

FOR

Cllr Bisnauthsing
Cllr Miss Channell
Cllr Mrs Gaffigan
Cllr Gibbins
Cllr Fereshteh Hurst
Cllr John Hurst
Cllr Howard
Cllr Mrs Jalili
Cllr Joynson
Cllr Kerr

AGAINST

Cllr Auger
Cllr Mrs Bosworth
Cllr Brailsford
Cllr Bryant
Cllr Carpenter
Cllr Mrs Cartwright
Cllr Craft
Cllr Fines
Cllr Fisher
Cllr Helyar

ABSTAIN

Cllr Kirkman

Cllr O'Hare
Cllr Selby
Cllr Steptoe
Cllr Thompson
Cllr Wilks
Cllr A. Williams
Cllr M. Williams
Cllr Wood
Cllr Mrs Woods

Cllr Lovelock
Cllr Moore
Cllr Nadarajah
Cllr Mrs Neal
Cllr Nicholson
Cllr Parkin
Cllr Pease
Cllr Mrs Percival
Cllr Mrs Radley
Cllr Radley
Cllr Sandall
Cllr John Smith
Cllr Mrs Judy Smith
Cllr Stokes
Cllr G. Taylor
Cllr M. Taylor
Cllr Turner
Cllr G. Wheat
Cllr Mrs Wheat

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The motion was lost.

98. COMMUNICATIONS (INCLUDING CHAIRMAN'S ENGAGEMENTS)

(1) Councillor Moore

The Chairman informed the Council that Councillor Moore was now at home but not yet able to walk. He hoped to be "back in business" in the next two to three months. He wished everyone well and sent his thanks for everyone's kind thoughts during his recovery.

(2) Vacancy: Market and West Deeping

DECISION:

That the seat formerly held by Councillor Galbraith in Market and West Deeping be declared vacant.

The Monitoring Officer reported that Councillor Galbraith has ceased to be a member of the council by virtue of his non-attendance in a six-month consecutive period. In accordance with section 86 of the Local Government Act, Council must declare the seat vacant so that a by-election can take place. On being put to the vote, this was agreed. A member from Mr Galbraith's political party stated that his non-attendance had been a result of very serious and ongoing personal difficulties, not any indolence on his part.

(3) Alcohol and Entertainment Licensing Committee

A member congratulated Councillor Mrs Wheat, Chairman of the Licensing and Alcohol and Entertainment Licensing Committees, the Committee members, Environmental Health, Legal and Democratic officers in the way they carried out the alcohol and entertainment licensing of all the premises in the district. This had been done professionally, courteously and expediently.

(4) Leader's announcement: Executive Functions and Appointment of Deputy Leader

Councillor Mrs Neal gave formal notification, in accordance with Council procedure rule 17.2, of the resignation of Councillor Martin-Mayhew from the position of Deputy Leader and the appointment of Councillor Carpenter to the position with effect from 28th November 2005. In accordance with Article 7.6 of the constitution, Councillor Mrs Neal had taken responsibility for Councillor Martin-Mayhew's executive functions.

(5) Chairman's Engagements

The Chairman presented the list of civic engagements for November and December 2005. There were some amendments to the lists: the event on 27th November had been attended using his own transport. The Chairman had also attended the Salvation Army Carol Concert in Bourne on 4th December 2005, using his own transport. A highlight of December had been the distribution of presents to all staff with Councillors Mrs Neal, Mrs Cartwright and the Chief Executive.

The Chairman also announced that he was holding a joint fundraising concert with the Mayor of Bourne, Councillor Mrs Smith, at the Bourne Corn Exchange at 7.30p.m. on 17th February 2006.

(6) Other announcements

The Chairman congratulated Councillors Hurst on the recent birth of their first grandson. Councillor Mrs Dexter was also congratulated on the birth of her grandson on Boxing Day.

99. NOTICE OF MOTION GIVEN UNDER COUNCIL PROCEDURE RULE 12: By Councillor Fisher

DECISION:

(1) That this Council deplores reductions in the Health Services and requests that the health scrutiny committee of the county council considers the following:

(a) That there be no reduction in mental health service beds (said to be 8) moving from the Resources Centre at Stamford to Grantham and that the proposed cut in the provision of counselling and

psychotherapy services (which currently has a valuable length of waiting list, depending on the size of establishment) be resisted and hours allocated for counselling be increased or at least remain unchanged. (This to the Lincolnshire Mental Health Authority).

(b) That at least one Chemist shop be open part time on Sundays for prescriptions to be obtained in Bourne and The Deepings. (This to the Lincolnshire S.W. Primary Care Trust).

(c) That there be no reductions in the Carers Service in South Kesteven as a result of a review taking place at present. (This to Lincolnshire Social Services).

(2) A change has been proposed to drastically reduce the no of PCTs and to transform their role to commissioning of services rather than directly providing them, will further erode the provision of services at a local level and the accountability of trusts to local people.

Coupled with this, it is deplorable that the Secretary of State for Health has announced meeting financial targets must have the same priority as meeting key health targets.

It is clear that centrally-driven reforms are failing to take into account the specific issues faced by people in rural areas and this should be investigated.

Decisions about health priorities and the delivery of services should be fully integrated with local authorities. Current deliberations on the structure and role of local government provide a good opportunity to explore this.”

Therefore the Council should write to the Secretary of State expressing these views.

Councillor Fisher proposed the following amended version to the motion he had submitted:

That this Council deplores reductions in the Health Services and requests that the health scrutiny committee of the county council considers the following:

- 1) *That there be no reduction in mental health service beds (said to be 8) moving from the Resources Centre at Stamford to Grantham. (This to the Lincolnshire Mental Health Authority).*
- 2) *That at least one Chemist shop be open part time on Sundays for prescriptions to be obtained in Bourne and The Deepings. (This to the Lincolnshire S.W. Primary Care Trust).*
- 3) *That there be no reductions in the Carers Service in South Kesteven as a result of a review taking place at present. (This to Lincolnshire Social Services).*

In proposing the motion, Councillor Fisher stated that although the Council's motion may not be perceived to be making a difference, he insisted that it

should be seen to be fighting for the community's amenities, especially for health services; sometimes this did make a difference. He understood that all hospital sites would be preserved in future for health purposes, as a result of the Council. He considered the services in his motion were essential to the community.

The motion was seconded by Councillor Mrs Smith, who reserved her right to speak later in the meeting.

Many members expressed their support for the motion. One member, who was very glad that mental health issues had been raised at Council, reminded members of the Council's Mental Health Services Working Group and pointed to an underlying principle in Councillor Fisher's motion: that central government did not seem to understand the accessibility issues of services in rural areas, especially in relation to mental health services. In an interview on local radio, the member had been asked by a representative from the National Health Services to form a partnership with democratically elected representatives provided "we stop criticising them". Members expressed their opposition to this.

Councillor Bisnauthsing, after clarifying with the Monitoring Officer that he did not have a declarable interest in the subject matter, stated that he was very concerned about changes to mental health services. The government was pressurising Primary Care Trusts to cut services to alleviate accumulating deficits. He referred to Peterborough Hospital as an example. He explained that the mental health service in Stamford, which had already been subject to significant service cuts, was vital because it provided care for a wide range of mental health problems.

He then proposed an amendment to point (1) of the motion: *"That there be no reduction in mental health service beds (said to be 8) moving from the Resources Centre at Stamford to Grantham and that the proposed cut in the provision of counselling and psychotherapy services (which currently has a valuable length of waiting list, depending on the size of establishment) be resisted and hours allocated for counselling be increased or at least remain unchanged. (This to the Lincolnshire Mental Health Authority)."*

Councillor Fisher agreed to incorporate this in his motion and this was seconded.

Councillor Shorrocks, whilst fully supporting the motion incorporating Councillor Bisnauthsing's addition, proposed an amendment to this motion, that the following be added as point (4):

"A change has been proposed to drastically reduce the no of PCTs and to transform their role to commissioning of services rather than directly providing them, will further erode the provision of services at a local level and the accountability of trusts to local people.

Coupled with this, it is deplorable that the Secretary of State for Health has announced meeting financial targets must have the same priority as meeting

key health targets.

It is clear that centrally-driven reforms are failing to take into account the specific issues faced by people in rural areas and this should be investigated.

Decisions about health priorities and the delivery of services should be fully integrated with local authorities. Current deliberations on the structure and role of local government provide a good opportunity to explore this.”

Therefore the Council should write to the Secretary of State expressing these views.

This received a seconder.

Members spoke about the potential problems for the general community in reducing mental health care. It was suggested that there was a link here with some anti-social behaviour incidents. The need for a chemist on a Sunday was considered important, especially as Sunday trading was prevalent, and as the population of Bourne and the Deepings was growing. The need for united working in meeting the community's needs was emphasised.

In relation to the amendment, a member stated that human needs could not be given a price; the rurality of the district was not taken into account by the National Health Service; and that if a public service was not democratically accountable, it was not a public service. This needed to be entrenched in local government.

Another member explained that he could not support the motion because he had only just heard it, he did not know enough about the statement and its appropriate place for full debate was at the appropriate Development and Scrutiny Panel (DSP).

The Healthy Environment Portfolio Holder gave his support to the motion and amendments. He hoped that any further ideas to progress talks with health authorities would continue, as they had been via the Healthy Environment DSP and himself.

In his summing up, Councillor Fisher thanked everyone for their support for his motion. The debate had shown that everyone was concerned with the health service. He suggested that Councillor Shorrocks' amendment could have been a separate motion.

A vote on the amendment was carried, as was a further vote on the substantive motion. Councillor Bryant asked that his vote against the substantive motion be recorded.

The meeting adjourned 3.12p.m. – 3.34p.m.

100. CHANGE OF DATE OF SCHEDULED ORDINARY MEETING

DECISION:

That the scheduled meeting of the Council on 23rd February 2006 be re-scheduled to 2nd March 2006.

The Chief Executive reported that the Police Authority was due to meet on 24th February 2006 to agree its budget. The Council would therefore need to re-schedule its budget and council tax setting meeting arranged for 23rd February to a later date. It was proposed and seconded that this be arranged for 2nd March 2006. This was carried on being put to the vote.

101. OVERVIEW & SCRUTINY ANNUAL REPORT TO COUNCIL

DECISION:

The Council notes the Overview and Scrutiny Annual Report for 2004/2005.

Councillor Lovelock, Chairman of the Resources Development and Scrutiny Panel (DSP), presented report DLS54, which had been prepared by the Scrutiny Officer. The Overview and Scrutiny Annual Report for 2004/2005 was appended to the report. Councillor Lovelock expressed his privilege and pleasure in presenting this, because the report clearly demonstrated that the Council had got hold of the scrutiny arrangements in the right way. He thanked the Scrutiny Officer and his team for the intense volume of work in supporting the DSPs. He also thanked the Cabinet for its support and for attending the DSP meetings. He earnestly commended the report, as a historical document, to the Council.

Many members reiterated these comments, including appreciation of the Scrutiny Officer's work. The report specifically was also highly praised with one member asking that all Council reports be written in the same clear format.

A schedule of call-ins had also been appended to the report and this was discussed by the Council. It was noted that very few call-ins had resulted in a change of decision by the executive, but it was suggested that creativity, not call-in, was the essence of scrutiny success. The potential conflicting roles of the administration and opposition in scrutiny were discussed but it was also noted that the administration had been significant contributors to call-in requests and four requests had been refused by the DSPs themselves. Administration members insisted that they were active in constructively criticising the executive. Nevertheless, some members suggested that a mechanism should be investigated whereby chairmanships could be offered to opposition members to further facilitate the role of challenging the executive.

102. AMENDMENTS TO THE CONSTITUTION - DELEGATION TO OFFICERS

DECISION:

To approve the following schedule of amendments to officer delegation within the Council's Constitution, as reported to the Chief Executive, and

effective from 6th January 2006.

OFFICER DELEGATED AUTHORITY	CHANGE REQUIRED
<p>All duties relating to those currently delegated in Part 3 of the Council's Constitution to the Development Control Services Manager</p>	<p>All such duties to be taken over by the Head of Planning Policy and Economic Development who will also be assigned "Acting Development Control Services Manager".</p>
<p>Delegated authority for the Head of Environmental Health Services to act in respect of relevant statutory requirements contained in various new or previously omitted legislation</p>	<p>Delegated authority in respect of various relevant statutory provisions under the following legislation:- Burials Act 1857 Dairy Products (Hygiene) Regs 1995 Dogs Act 1871 Egg Products Regs 1993 Food Hygiene (England) Regs 2005 Food Labelling Regs 1996 Food Safety (Fishery Products) Regs 1992 Food Safety (Fishery Products on Fishing Vessels) Regs 1992 Food safety (General Food Hygiene) Regs 1995 Food Safety (General Food Hygiene) (Butchers Shops) Amendment Regs 2000 Food Safety (Live Bivalve Molluscs and Other Shellfish) Regs 1992 Food Safety (Temperature Control) Regulations 1995 Fresh Meat (Beef Controls) (No.2) Regulations 1996 Fresh Meat (Hygiene and Inspection) Regulations 1992 Housing Act 1995 Housing Act 1996 Housing Grants Construction and Regeneration Act 1996 Housing (Fitness Enforcement Procedures) order 1996 Housing (Prescribed Forms) (No.2) Regulations 1990, as amended 1997 Houses in Multiple Occupation (Charges for Registration Schemes) Order 1997 Housing (means of Escape from Fire in Houses in Multiple Occupation) Order 1981 Licensing Act 2003 Meat Products (Hygiene) Regulations 1994 (as</p>

	<p>amended) Minced Meat and Meat Preparations (Hygiene) Regulations National assistance Act 1948 & 1951 Pollution Prevention and Control Act 1999 Registered Homes Act 1984 Slaughter of Poultry Act 1967 The Housing (deferred Action and Charge for Enforcement Action) (Forms) Regulation 1996 The housing (Enforcement Procedures for Houses in Multiple Occupation) Order 1997 The Housing (Fire Safety in HMO's) Order 1997 The Housing (Fitness Enforcement Procedures Order 1996 The Housing (Management of Houses in Multiple Occupation) Regulation 1990 The Housing (Maximum Charge for Enforcement Action) order 1996 The Housing (Recovery of Expenses for Section 352 Notices) Order 1997 The European Communities Act1 972 and any orders or regulations made thereunder or having effect by virtue of this Act. The Gambling Act 2005 The General Food Regulations 2004 The Official Food Controls (England) Regulations 2006 The Food Hygiene (England) Regulations 2006</p>
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The Corporate Manager of Democratic and Legal Services presented report DLS59, which set out the schedule of changes to officer delegation that had been reported to the Chief Executive as Head of Paid Service. Approval was required from the Council to amend the Constitution accordingly. The Corporate Manager also reported that The Gambling Act 2005, The General Food Regulations 2004, The Official Food Controls (England) Regulations 2006 and The Food Hygiene (England) Regulations 2006 needed adding to the delegated authority to the Head of Environmental Health Services. It was proposed and seconded that the required amendments to the Constitution be approved. This was carried on being put to the vote.

103. RECOMMENDATIONS FROM THE CONSTITUTION & ACCOUNTS COMMITTEE

DECISION:

That the following rules be included in the Council's Constitution.

- 1) That Chairmen or Vice-Chairmen (at the request of the Chairmen) have a right to attend open and private cabinet meetings and speak**

on behalf of their DSP on relevant matters provided that the Chairman (or Vice-Chairman on behalf of the Chairman) reflect the views of the Panel and undertake to communicate those deliberations of the cabinet meeting back to the DSP.

- 2) That reciprocal arrangements be granted to the Cabinet Portfolio Holders to attend and speak at relevant DSP meetings.
- 3) That Chairmen or Vice-Chairmen of DSP's be allowed to speak at Cabinet meetings before debate of a relevant DSP item.

The Leader of the Council presented report DLS60 by the Corporate Manager of Democratic and Legal Services, which set out recommendations from the Constitution and Accounts Committee. These recommendations had been prompted by a recent meeting of the Scrutiny Co-ordination Group. The Leader proposed acceptance of the recommendations and this was seconded.

A member proposed an amendment to the motion: that "and private" be removed from recommendation number 1, because Cabinet should be able to hold private meetings without Chairmen attending. This was seconded. The member was also concerned about recommendation number 2 because it gave potential for undue influence by Cabinet members on the work of Development and Scrutiny Panels.

On being put to the vote, the amendment was lost. A vote on the original motion was carried.

**104. APPOINTMENT OF COUNCIL BOARD REPRESENTATIVES FOR NEW LARGE SCALE VOLUNTARY TRANSFER REGISTERED SOCIAL LANDLORD
DECISION:**

That Councillors Kirkman, Mrs Percival, Thompson, Turner and Mike Williams be appointed to the Shadow Board for the new Registered Social Landlord for the purposes of Large Scale Voluntary Transfer.

The Organisational Development and Housing Services Portfolio Holder presented report DRS30 by the Corporate Director of Regulatory Services. The report explained that nominations were required for the Board of the new Registered Social Landlord for the purposes of Large Scale Voluntary Stock Transfer. The Board would include five Council representatives. The Portfolio Holder explained that throughout the Stock Option process, there had been significant cross-party support. She therefore nominated Councillor Mike Williams to the Board. Further nominations were received for Councillor Mrs Percival, Councillor Thompson, Councillor Kirkman, Councillor Turner and Councillor Bisnauthsing. All nominations were seconded.

The Chairman clarified that these appointments were initially to the Shadow Board. If necessary, these appointments could be changed by the Council should Large Scale Voluntary Transfer proceed and the Board comes into

existence.

All members were given five votes each. The nominations were called in alphabetical order and votes cast. The five members with the highest number of votes were appointed to the Board.

**105. DISTRICT COUNCIL REPRESENTATIVES ON TOWN CENTRE
MANAGEMENT PARTNERSHIPS
DECISION:**

- (1) That Councillor Helyar be nominated to serve on the Deepings Town Centre Management Partnership (TCMP) until March 2007;**
- (2) That Councillor Joynson assume that responsibility from March 2007 until the District elections in 2007;**
- (3) That Councillor Howard continues to serve on the Deepings TCMP until March 2006;**
- (4) That Councillor Pease be nominated to serve on the Deepings TCMP from March 2006 until March 2007.**

The Corporate Manager of Democratic and Legal Services presented report PLA551 by the Head of Planning Policy and Economic Regeneration, which set out the nominations to the Deepings Town Centre Management Partnership following the former representative's resignation. Recommendations for nominations in accordance with the rotation of ward members were set out in the report. Recommendation (e), however, was no longer appropriate given that Councillor Galbraith was no longer a member of the Council. The Economic Development Portfolio Holder therefore proposed that recommendations (a) to (d) be accepted. This was seconded.

It was noted that "March 2005" needed amending to "March 2006" in the last sentence of the second paragraph of part 2 of the report.

A member proposed an amendment to the motion: that Councillor Joynson be nominated to serve on the Deepings TCMP until the District elections in 2007. This was lost on being put to the vote. A further vote on the original motion was carried.

**106. DISTRICT COUNCIL REPRESENTATION ON GRANTHAM CANAL
PARTNERSHIP**

DECISION:

That with immediate effect, the Economic Development Portfolio Holder be appointed as the District Council's representative on the Grantham Canal Partnership.

The Corporate Manager of Democratic and Legal Services presented report PLA553 by the Head of Planning Policy and Economic Regeneration, which

reviewed the Council representation on the Grantham Canal Partnership. It was recommended that the Economic Development Portfolio Holder assume this responsibility. This was proposed and seconded.

Councillor Wilks, the current representative on the Grantham Canal Partnership, who had served on the body for over twenty years, agreed with the proposal. He explained how the power and membership of the Partnership had grown over and he was pleased that the Portfolio Holder was taking over as the Council's representative. The Portfolio Holder expressed his appreciation to Councillor Wilks for the work he had put into the Partnership in moving it forward. The Portfolio Holder was keen to see the Partnership's work progress even further.

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

107. QUESTIONS WITHOUT DISCUSSION

Five questions had been submitted prior to the meeting. As Councillor O'Hare was not present at the meeting, questions 4 and 5 were put to Councillor Mrs Cartwright on his behalf by the Chairman.

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

Before the questions were put, the Chairman suggested that questions necessitating a lengthy pre-amble might be more effective as a notice of motion.

108. CLOSE OF MEETING

The meeting closed at 4.30p.m.

APPENDIX TO COUNCIL MINUTES: 26TH JANUARY 2006

MINUTE 107: QUESTIONS WITHOUT DISCUSSION

QUESTION 1: COUNCILLOR ROB SHORROCK

As I am sure you are aware Voluntary Action Kesteven based in Grantham are in dispute over arrangements for the structure and delivery of services to the voluntary sector. Key concerns for Voluntary Action Kesteven (VAK) are:

For the purposes of funding the voluntary sector, Lincolnshire has been broken up into 3 area partnerships with an ambition to create a more integrated and streamlined approach.

VAK has signed up to the Southern Area Partnership, but not the model of working that is being proposed which requires them to provide services to organisations outside the district and/or the terms of their constitution.

The infrastructure plans are designed to deliver funding in a more integrated way. All funding will be channelled through the Consortium (of which SKDC is a member) to the partnerships in Lincolnshire. Therefore, for a Council for Voluntary Service to receive funding it must subscribe to the conditions of the partnerships. Although this principle is supported by VAK, severe pressure is being placed on the organisation to alter its constitution to work with groups and organisations outside its remit, to fit an untested and inflexible plan of delivery that has not yet been agreed.

£79,000+ is being held by GOEM and VAK were given an understanding that they could bid for this directly to the Consortium. However, the Consortium secretariat has failed to circulate the bid to members for consideration and decision. The National Council for Voluntary Organisations (NCVO) has been tracking this process and has concluded in an email to GOEM on 13th January that **'VAK feels that it is being deliberately excluded from accessing these funds and will have no fair chance of developing service delivery. More seriously, VAK will have to issue redundancy notices by the middle of next month to close end of March 2006'**

Because it was prematurely assumed that VAK were not part of the partnership, a decision was made (21st November 2005) to remove VAK from the executive group of the South Kesteven LSP, and invite Boston CVS to be a member as, under these current arrangements, they would potentially channel funds into the district. An opinion from the SKDC legal officer suggests that under the terms of the LSP this was an unlawful act and only the full partnership board can decide who will, or will not, be a member of the executive group.

The Cabinet met with the Trustees of VAK on 16th January and strongly urged them to continue with the existing partnership arrangements.

In all of this it is worth noting that:

GOEM made it a condition of the first phase of Change UP grant that all parties in the Southern Partnership agree to a process of conciliation. Despite continual requests from

VAK and NCVO to date this has not happened and is clearly being resisted by some members of the partnership and the co-ordinator of the Consortium.

The model in other parts of the County respects the independence of the voluntary sector organisations involved. Organisations in the West partnership have not been asked to change their organisational structures and are working in a 'free' partnership. It is unclear why this is not the case in the south.

The key document setting up this infrastructure model (Change Up June 2005) **makes it clear that it expects district councils to provide rolling funding through a 5 year plan to the partnership.** To my knowledge, this has not been discussed by any DSPs or included in any Council financial forecasts.

There is a growth and preponderance of intermediary bodies to channel and distribute funding. For example, Change UP funding from GOEM goes to the Community Foundation, through to the Consortium, to the Partnerships and then to front line organisations. The effect of this is to whittle away what the frontline organisations finally end up with. Many of these bodies appear to have similar functions.

On behalf of the Council will the Leader provide a full statement of her, and her cabinet's actions in relation to this issue; the perilous position that Voluntary Action Kesteven now finds itself in; the financial implications to the Council as a funder and Consortium member of subscribing to the voluntary sector infrastructure plan for the south and ensure that all these matters are promptly and fully investigated by the appropriate DSP?

RESPONSE TO QUESTION 1: COUNCILLOR LINDA NEAL

From Cllr Shorrock's lengthy preamble to his actual question it is easy to see that he has been taken in by Voluntary Action Kesteven's biased view and interpretation of recent events. It contains various inaccurate and untrue statements. Most specifically to state the Cabinet strongly urged them to continue with the existing partnership arrangements I am told is completely untrue. Voluntary Action Kesteven's current position is totally of its own making. However, I understand, following the meeting with the Cabinet the Chairman of the Trustee Board subsequently relinquished his position and has been replaced by a Chairman who is determined to forge a way forward for VAK within the Southern Partnership.

SUPPLEMENTARY QUESTION: COUNCILLOR ROB SHORROCK

I apologise for having to raise it in this format. I had asked the Leader for a report on these matters to come to Council but had no response about that and therefore had no other way of bringing it to Council within the timescale that was available at the time when I had the information. This is a very serious issue and is not being reported to council and in terms of VAK, it could affect their ability to exist in the future. VAK are part of a new partnership in terms of funding. They are part of that partnership and they have signed up to it. There are key issues that area here that I have asked the Leader to address in terms of the Cabinet's action and the actions of representatives of this Council in terms of the Local Strategic Partnership. There are significant implications in becoming part of this partnership within the voluntary sector, which has funding implications for this Council, which is not being shared with this Council. It is the equivalent of matching what Lincolnshire County Council already provides. I would like this whole matter to be put to the appropriate DSP for investigation so it can be more fully explored.

RESPONSE: COUNCILLOR LINDA NEAL

First of all for a matter of clarity: I did receive an email from Councillor Shorrocks; I do not believe he asked me to make a report to Council in that particular email; I did respond to him and say that I would give him reply as soon as possible. But bear in mind the length of that and the investigations I had to undertake and the work that I have been putting into this Council. Members might like to know that over four working days, I have actually put in 50 hours and I have simply not had the opportunity to put in the work, speak to the officers and find out the responses for him. I do believe that by saying he asked me to report here is misleading the Council. However, I will respond to the point that Councillor Shorrocks makes. There is very little that I actually wish to add other than to say that the Cabinet has actually done nothing other than to try to establish the true facts of the situation: that the Grantham area now finds itself in – there is no access to change of funding.

QUESTION 2: COUNCILLOR MISS CHANNELL

The Leader and other Cabinet members bothered to trail all the way to Stamford in early January 2006, before the Cabinet met on 9th January, apparently to persuade Stamford Town Council to change their decision about withholding £500 from the £1.4m Gateway Project proposed by Stamford Vision.

The Cabinet decided on Monday 9th January this year that the £1.4m project could proceed without £500 from Stamford Town Council, so, why did the Cabinet bother with the internal meeting with Stamford Town Council?

RESPONSE TO QUESTION 2: COUNCILLOR LINDA NEAL

Cllr Ms Channell has misunderstood the purpose of the informal meeting. It was arranged for the sole purpose of better understanding the Town Council's decision, in view of its previous support for the project. I am sure all Cabinet members will agree with me when I say it was a very useful meeting, which certainly helped with the decision that had to be made on the 9th January.

SUPPLEMENTARY QUESTION: COUNCILLOR MISS CHANNELL

Councillor Neal, notwithstanding that answer, would you please explain to me the legality or even the democracy illustrated by the Cabinet, bearing in mind the decision made by them that a contribution to the Stamford Gateway Project should be dependent on a contribution being sought from Stamford Town Council and then that decision being rescinded.

RESPONSE: COUNCILLOR LINDA NEAL

I believe that it was perfectly legitimate for the Cabinet to ask Stamford Town Council to make a contribution. They make their choice as to whether they do or whether they don't.

QUESTION 3: COUNCILLOR MISS CHANNELL

Can Councillor Bryant confirm, in respect of the Cabinet decision to spend £350,000 of Council Tax Payers money on the Gateway Project of Stamford Vision, that the majority of

people who have spoken to him about this from the Stamford Ward he represents, support the spending of their money.

RESPONSE: COUNCILLOR TERL BRYANT

You asked how many people have spoken to me from my Ward on the Gateway Project. It has been 2 for the project with 1 undecided and 1 against.

BUT the people I have spoken to from Stamford not necessarily from my Ward have in the main been supportive of the project but they have expressed concerns over the Vision Group and its running of the project.

If Councillor Channell had been at the Open informal meeting that she referred to in her question to the Leader, she would have seen the Town Council, when members did not have to declare an interest under the stringent code we have to comply with, and having to leave the meeting, were in a ratio of about 3-2 in favour of the project.

I was also at the meeting of the Town Council when the decision to 'not fund' was made. Interestingly only 2 people spoke against the project and 5 spoke against Vision not even mentioning the project and 4 supported the Gateway Project. So having gathered the facts myself by speaking to some Stamford people and attending 2 meetings at which the town councillors spoke I had to support what is obviously the majority view not a view skewed by what was obviously an articulate vociferous few.

SUPPLEMENTARY QUESTION: COUNCILLOR MISS CHANNELL

Councillor Bryant, would you please explain why an un-elected body, which incidentally includes the Editor of The Stamford Mercury (how unbiased can it be expected to be?), is allowed to spend large amounts of our money on a project which is supported by no one. And I mean that, no one I have spoken to.

RESPONSE: COUNCILLOR TERL BRYANT

I am sorry, I didn't really understand the question. I am sure what Councillor Channel is saying, is that Stamford Vision is not a legal entity. I actually thought that it was a Town Centre Management Partnership under the guises of this Council, which was voted on and set up by this Council. I hope that answers your question.

QUESTION 4: COUNCILLOR STEPHEN O'HARE (put by the Chairman)

A slide presentation to councillors estimated a net lump sum receipt, should housing transfer proceed, of £36 million.

3 months later the independent financial consultants stated in writing that the estimated usable receipt would be £27.8 million.

Both used a starting figure of £48 million.

What is her comment about the difference ('loss') of £8million in just 3 months?

RESPONSE: COUNCILLOR MRS FRANCIS CARTWRIGHT

Most Councillors who have attended the briefings have understood that the actual receipt received from a Stock Transfer is dependent upon the offer we made to tenants.

QUESTION 5: COUNCILLOR STEPHEN O'HARE (put by the Chairman)

Previously she has confirmed that she knows that the contents of Your Home your choice Issue 1 October 2005 were fair, impartial and unbiased.

Does she feel able to confirm that the contents of that issue are accurate?

RESPONSE: COUNCILLOR MRS FRANCIS CARTWRIGHT

The only word which I can find in that issue which you could possibly dispute is "*December*" when referring to the Council meeting. However, this was true at the time of going to print and the meeting was only delayed to give all members the maximum opportunity to research the available information before making a decision.