



MINUTES

COUNCIL

THURSDAY, 26 OCTOBER 2006
2.00 PM

PRESENT

Councillor G Taylor (Chairman)

Councillor R Auger
Councillor H Bisnauthsing
Councillor D Brailsford
Councillor T Bryant
Councillor P Carpenter
Councillor Mrs F Cartwright
Councillor E Channell
Councillor G Chivers
Councillor N Craft
Councillor Mrs D Dexter
Councillor M Exton
Councillor D Fisher
Councillor Mrs J Gaffigan
Councillor Y Gibbins
Councillor S Hewardine
Councillor R Howard
Councillor F Hurst
Councillor J Hurst
Councillor K Joynson
Councillor A Kerr
Councillor J Kirkman
Councillor R Lovelock M.B.E.
Councillor P Martin-Mayhew

OFFICERS

Chief Executive
Members Services Manager (Deputy
Monitoring Officer)
Service Manager Environmental Protection
Corporate Head of Finance and Resources

Councillor A Moore
Councillor M Nadarajah
Councillor Mrs L Neal
Councillor J Nicholson
Councillor A Parkin
Councillor S Pease
Councillor Mrs A Percival
Councillor Mrs M Radley
Councillor N Radley
Councillor I Selby
Councillor John Smith
Councillor Mrs Judy Smith
Councillor L Steptoe
Councillor I Stokes
Councillor M Taylor (Vice-Chairman)
Councillor F Turner
Councillor T Webster
Councillor G Wheat
Councillor A Williams
Councillor M Williams
Councillor P Wood
Councillor Mrs A Woods

OFFICERS

Director of Tenancy Services
Scrutiny Officer
Strategic Directors (3)
Licensing Officer

74. COUNCILLOR JOHN WILKS

The Chairman referred to the recent sad death of Councillor John Wilks, Mayor of Grantham and a Member of South Kesteven District Council for many years. Members stood in silent tribute to his memory.

75. PUBLIC OPEN FORUM

Question from Mrs Mary Patrick, Essex Road, Stamford, to Councillor Mrs Neal.

Mrs Patrick:

Councillor Mrs Neal, as Leader of the Council, do you consider it important that tenants receive the same standards of service over Christmas.

Reply (Councillor Mrs Neal):

Yes Mrs Patrick I most certainly agree. Their needs are very different at this time, for example in respect of twin bin collections side waste will be collected. This demonstrates that the Council is prepared to go the extra mile over the Christmas period.

Mrs Patrick (supplementary question):

Mrs Neal, the reason I have asked is that the Essex Road complex in Stamford will not receive the same standard of service, for example there is a lunch club which meets once a month on a Sunday which is not able to take place.

At this point the Chairman advised Mrs Patrick that she was making a statement and not asking a question.

Councillor Mrs Neal stated that if Mrs Patrick had asked for the further information referred to at the beginning, she could have provided Mrs Patrick with an answer.

76. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Fines, Helyar, Mrs Jalili, Mrs Kaberry-Brown, Sandall, Shorrock, Thompson and Mrs Wheat.

77. DECLARATIONS OF INTEREST

Councillor Kirkman asked whether Members of the Shadow Board of South Lincolnshire Homes had an interest to declare in respect of item 15 (3). It was advised that there was an interest to declare and Councillors Kirkman, Mrs Percival, Turner and M Williams therefore declared personal and prejudicial interests in agenda item 15(3) (motion from Councillor O'Hare regarding the current business plan of South Lincolnshire Homes).

Councillor Stokes declared a personal interest in item 15(1) (wall in Dysart Park, Grantham)

78. MINUTES OF THE ORDINARY MEETING HELD ON 7TH SEPTEMBER 2006 AND THE EXTRAORDINARY MEETING HELD ON 12TH OCTOBER 2006.

The minutes of the meetings held on 7th September and 12th October 2006 were signed as a correct record by the chairman subject to the following:-

7th September – Councillor John Hurst was not present at the meeting, Councillor Fereshteh Hurst was present at the meeting

Minute 62 page 4 Councillor Wood moved an amendment not Councillor Mrs Woods.

12th October 2006 – Margery not Maureen Radley

Minute 70, page 2, Councillor Wood not Woods

Minute 72 page 4, 4th paragraph “the Portfolio Holder had expressed very strong concerns at the extreme offence given”

Recorded vote page 7 should read 24 against. Also on page 7 the debate then “returned” not “return”.

Councillor Gibbins asked why her comments regarding TUPE had not been minuted. The Chief Executive advised that the minutes were not a verbatim record of what took place but a summary of the proceedings.

Councillors Kirkman and Turner wished it to be recorded that they took no part in the voting or discussion on the minutes of the meeting held on 12th October 2006

79. COMMUNICATIONS (INCLUDING CHAIRMAN'S ENGAGEMENTS)

The Chairman advised that Councillor Howard was now the Leader of the Independent Group. In response, Councillor Howard replied that the Independent Group by definition could not have a Leader. The Chief Executive stated that if there was no leader, then there were remuneration issues to be considered.

Councillor Mike Williams stated that he had with him some quiz sheets, the proceeds would go towards the Chairman's charities, the Bomber Command Association and the Lincolnshire Air Ambulance.

Councillor Craft advised that a paper on shaping acute services in Lincolnshire entitled Creating the Future would be considered by the Healthy Environment Development and Scrutiny Panel at their next meeting which would be held on Tuesday 7th November at 2.30 pm at the Meres Leisure Centre, Trent Road Grantham. Any Member who wishes to submit any comments about the consultation is welcome to do so through the DSP.

The Chairman welcomed Geoff Plummer, new Strategic Director from who had been recruited from the Welland SSP, to the meeting. Mr Plummer then briefly addressed the meeting.

A question was asked as to who was now the Father of the House, this was thought to be either Councillor Thompson or Councillor Howard.

The Chairman announced that there would be an Extraordinary Meeting of the Council on Thursday 30th November 2006 to discuss Members allowances.

(Later note: The meeting would be at the conclusion of the meeting agreed at minute 87 which commences at 2.00pm)

80. APPORTIONMENT OF SEATS ON COMMITTEES FOLLOWING CHANGES TO THE POLITICAL COMPOSITION OF THE COUNCIL.

DECISION:

1 That this Council approves the allocation of seats as set out in appendix B to report CEX354

2 That the following changes to Committee and Panel Memberships to be made:-

- **Councillor Mrs Gaffigan to be appointed to Development Control Committee**
- **Councillor Howard to replace Councillor Mrs Gaffigan on the Community DSP**
- **Councillor Mrs Gaffigan to be appointed to the Engagement DSP Councillor Mrs Williams to remain on the Engagement DSP.**

The Council had before them report CEX 354 of the Chief Executive which was necessary because Councillor Mrs Gaffigan had left the Independent Group and joined the Liberal Democrat Group. This had an impact on the political balance of the Council and the Chief Executive was therefore required to report this change to the Council so that consequent adjustments could be made to the committee membership. The proposals were duly moved, seconded and carried.

81. DRAFT CORPORATE PLAN

DECISION:

- 1 **That the Council approves the Draft Corporate Plan for 2006/2009;**
- 2 **The Council agrees that any further minor contextual amendments to the plan be delegated to the Chief Executive in consultation with the Leader prior to publication;**
- 3 **That photographs of the Leader and Chief Executive be included in the introduction.**

The Council had before them report SD6 of the Strategic Director (B Agass) on the Council's Corporate Plan for 2006/2009. The Council now had more freedom and flexibility to undertake their corporate planning and reporting more in line with their organisational need. The Corporate Plan was a high level document from which anyone visiting the district for the first time could see key facts about:-

- The make-up of the district
- The organisation and how we work
- Highlights of what has been achieved by the Council to date
- How we have set about agreeing our priorities
- What we plan to do to deliver our priorities

Councillor Carpenter confirmed that the Corporate Plan had been produced on recycled paper.

The motion was duly moved, seconded and carried.

82. REVIEW OF CAPITAL PROGRAMME

DECISION:

That the Council approve the revised Capital Programme attached as appendix A to report CHFR21

The Council had before them report CHFR21 of the Corporate Head of Finance and Resources which reviewed the Capital Programme for 2006/7 to 2008/9. It has previously been approved at the Budget Setting meeting in March 2006. In moving the report, the Portfolio Holder paid a tribute to Miss Marshall and her team for all their hard work.

Councillor Wood expressed concern at the thrust of the report and the recommendation that the shortfall of financial capacity was met from Housing Capital receipts to provide an internal financing option rather than borrowing from external sources. It was proposed that this approach would be a short term measure taken whilst the Council in conjunction with its advisors considered the longer term financial issues.

Councillor Wood proposed as an amendment that the report not be accepted and instead capital receipts be used in 2006/7, 2007/8 and 2008/9, that borrowing be reduced accordingly and the capital programme be amended.

The Section 151 Officer commented on the robustness of the proposals and the amendment and advised that Councillor Wood would need to elaborate on his amendment and provide quantified details on how the capital programme would be amended by his proposal. In the light of the comments of the S151 officer, the Chief Executive advised that the Council could not accept an amendment that was too vague to be implemented. Councillor Wood therefore moved as an amendment that the report be deferred in its entirety and brought back to the next Council meeting. After further discussion, the amendment was put to the vote and lost.

Following further debate, the original motion was duly moved, seconded and carried.

83. GAMBLING ACT 2005: DRAFT STATEMENT OF PRINCIPLES

DECISION:

That, following the consultation exercise, the Council adopt as policy the Draft Statement of Principles as the Council's statement of principles under the Gambling Act 2005.

The Council had before them the Report ENV362 of the Environmental Protection Manager which advise that Section 349 of the Gambling Act 2005 required the Licensing Authority to consult on, publish and adopt a three year Statement of Principles for the area, which may be subject to periodic revision. The Act was due to take effect on 1st February 2007. There was a three month public consultation period which was required before the Statement of Principles could be adopted, this must be in place before the 1st January 2007. The guidance only required the Licensing Authority to "consult widely".

The Draft Statement of Principles had been the subject of an equality impact assessment, a copy of which was circulated at the meeting. In response to a question, the Environmental Protection Manager confirmed a number of groups who included among their clients local disabled people had been consulted, this included Mencap, Help the Aged, The Salvation Army and MIND.

The motion was duly proposed, seconded and carried.

Council adjourned at 3.30pm for tea and reconvened at 3.50pm.

84. **CHANGES TO THE CONSTITUTION: RECOMMENDATIONS FROM THE CONSTITUTION & ACCOUNTS COMMITTEE ON:**

DECISION:

- 1 The action notes from the Resources DSP and recommendations from the contract and tendering report conducted by PricewaterhouseCoopers be accepted.
- 2 The revised contract procedure rules be adopted and incorporated within the Councils Constitution.
- 3 That the requirements for non key decisions taken by individual Portfolio Holders under delegated powers to be reported to the next available Cabinet meeting be deleted from the Constitution.
- 4 The planning panel pilot be terminated.
- 5 That the scheme of delegation to the Development Control Services Manager as set-out in pages 81 - 83 of the constitution be amended, the existing paragraphs numbered 1 and 2 (a) to (j) of the Constitution shall be replaced with the following wording:

All decisions, responses or determinations arising in relation to applications, approval of reserved matters, prior approvals, consents and consultations, submitted to or received by the Council in accordance with all Town and Country Planning, Listed Building and related or associated legislation (including subordinate legislation and any consolidation, re-enactment or amendment thereto) shall be delegated to the Development Control Services Manager, except in the following situations:

1. Any application for planning permission which, in the opinion of the Authorised Officer is a departure from the Development Plan or an emerging replacement plan, and where the intended officer decision is permission/consent.
2. Any application for planning permission, approval of reserved matters, conservation area consent or listed building consent where a Member of the Council has requested in writing to the Development Control Manager that the application be considered by Committee. All requests shall be on the appropriate pro-forma and shall be submitted within three weeks of the circulation of details of the application.

The request shall include a statement outlining material planning reasons why the proposal needs to be considered by Committee, The Development Control Manager shall have the power to decline the request if in their opinion the reasons do not constitute material planning reasons.

All requests will be acknowledged in writing, and the reasons for the application being referred will be included in the officer report to the Development Control Committee.

3. Any application or consultation or like matter where the Authorised

Officer considers a decision should be taken by Committee.

4. Any application submitted by or on behalf of a Councillor of the authority (or their spouse or partner) or by or on behalf of a member of the Council's staff or their spouse or partner).
5. Any application submitted by or on behalf of the Council for its own developments, except for the approval of routine minor developments to which no objection has been received.
6. In those cases where statutory time limits are involved for making decisions or taking action, for example in cases of agricultural buildings, demolitions, telecommunications determinations and notifications of works to trees in Conservation Areas, where non determination within a set period automatically gives consent; any objections received will be considered by the Authorised Officer and at their discretion efforts will be made to resolve the objection before the expiry period. However, the existence of the objection will not alter their authority in these instances to make a decision.

6 The provisions of the constitution are clarified to ensure that no Committee established by the Council has the power to establish a panel for the purpose of advising officers on the exercise of authority delegated to them by Council.

7. That the amendments set out in the appendix attached in report DLS084 to the Constitution and Accounts Committee on the 26th October 2006 be approved for inclusion in the Constitution subject to the following amendments:

- *Any reference to the Head of Environmental Health and Licensing to be changed to the Corporate Head of Healthy Environment;*
- *Environmental Health Practitioners should read Environmental Health Officers;*
- *That page 21 3. Should read The Corporate Head of Healthy Environment;*
- *Page 26 Member Services Manager should read Service Manager Democracy;*
- *Page 25 under AUTHORISED OFFICERS it should read The Corporate Head of Sustainable Communities and the Corporate Head of Healthy Environment and officers designated in writing.....*
- *The bottom paragraph on page 25 should read the Corporate Head of Sustainable Communities and the Corporate Head of Healthy Environment and officers designated in writing by them are.....*

8 That minor amendments required to update the officer designations throughout the Constitution, which follow from the amendments detailed in the appendix attached to report DLS084 are carried out forthwith.

The Council had before them the minutes of the Constitution and Accounts Committee meetings held on the 20th September and the 26th October 2006. Contained within the minutes were a number of recommendations to Council on constitutional issues. In particular the Committee had recommended the termination of the Planning Panel as its legality was open to question.

There was considerable discussion on whether or not the Panel was lawful, its status as a panel and whether it actually took decisions or simply made recommendations to the officers, many Members were of the opinion that the Panel had been a very useful mechanism for expediting the planning process. Concern was expressed that under what was proposed officers would be making decision without the recourse to elected members. Councillor Kirkman moved as an amendment that this be referred back to the Constitution and Accounts Committee for further consideration when they had received reports for the Development Control Committee. Following further clarification and discussion, the amendment was withdrawn before being put to the vote. The recommendations were duly moved, seconded and carried.

85. CHANGES TO COUNCIL POLICIES ON PENSION AND COMPENSATION PAYMENTS

DECISION:

That Council approve the following changes to the Council's pension and compensation policies to take effect subject to the relevant statutory instruments being approved and subject to the statutory notice period of thirty days having expired:

- 1) That compensation payments for redundancy are calculated using the statutory scheme with a multiplier of 2.2 to actual salary, thereby limiting the maximum eligibility to 66 weeks. Consideration of any enhancement beyond the current 66 weeks up to the maximum discretionary allowable of 104 weeks would be considered on the grounds of compassion which is defined as "Situations of severe personal distress resulting from non-financial circumstances affecting the individual or close relative leading to unavoidable financial hardship".**
- 2) That the compensation payments for redundancy continue at the statutory level, as at present, for those employees aged 50 and above whose redundancy effects a release of their pension.**
- 3) That the Chief Executive is given delegated authority to determine whether the provisions relating to compassion should be applied.**
- 4) That any retirements under the rule of 85 and regulation 31 that require the employer's consent are only acceded to where that particular application can be shown to the satisfaction of the Chief Executive to be in the interest of the efficiency of the service.**
- 5) That any applications under section 26 of the regulations for early retirements on the grounds of efficiency are decided by the Chief Executive, with advice from the Monitoring Officer, Section 151 officer, and HR Manager on a case by case basis to ascertain whether they are in the interest of the efficiency of the service, with any appeal coming to a member panel.**
- 6) In paragraphs 4) and 5) above, efficiency shall include (but not be limited to) both financial savings and/or quantifiable quality improvements judged on a case by case basis.**

Council had before them report CEX353 of the Chief Executive which advised that on the 1st October 2006 new regulations had come into force aimed at tackling age discrimination in employment. One of the main effects of these regulations was to require a change in the way the Council calculated compensation payments to employees when posts were declared redundant.

Councillor Craft referred to the differences between the private sector and local government, in the private sector redundancy was usually brought on by a shortage of cash and companies used the statutory capping rate per week. In his view this should be used in local government. He also observed that there was no reference to the main stakeholder in the initial equality impact assessments, namely the tax payers.

After discussion, the motion was duly moved, seconded and carried.

(At 5.03pm the Chairman of the Council (Councillor Gerald Taylor) vacated the chair during this item as he had a prior engagement in Lincoln. The Vice Chairman (Councillor M Taylor) took the chair for the remainder of the meeting).

86. UPDATE ON PROGRESS REGARDING ISSUES ARISING AS A RESULT OF THE LOCAL PENSION SCHEME

DECISION:

To note the actions of the Chief Executive in responding to the issues in this case.

The Council had before them report CEX357 of the Chief Executive in relation to this matter.

The motion was duly moved, seconded and carried.

87. LARGE SCALE VOLUNTARY TRANSFER - COUNCIL MEETING TO CONSIDER THE RESULT OF THE LSVT BALLOT OF TENANTS.

DECISION:

That an Extraordinary meeting of the Council be called to be held at 2.00 pm on 30th November 2006, to determine action relating to the future of the Housing Stock following the formal receipt of the result of the Tenants Ballots.

The Council had before them report TSE13 of the Director of Tenancy Services which advised that an Extraordinary Meeting of the Council would be necessary after the close of the Ballot of Tenants and the receipt of the result.

The motion was duly moved, seconded and carried.

88. QUESTIONS WITHOUT DISCUSSION

Four questions had been submitted prior to the meeting. Verbatim details of the questions, together with supplementary questions and answers, are set out in the appendix to these minutes.

89. NOTICES OF MOTION GIVEN UNDER COUNCIL PROCEDURE RULE 12:

(1) From Councillor Fereshte Hurst

DECISION: Not to support the motion submitted by Councillor Fereshte Hurst

Councillor Fereshte Hurst had submitted the following Notice of Motion:-

“That Council agrees to make supplementary financial provision to replace the recently necessarily demolished wall in Dysart Park, Grantham, to the extent of £9,174.50 plus VAT, by levying a one-off additional council tax charge, estimated to be £1.16 at Band D, applicable in the Grantham Special Expense area only”

It was confirmed by the Chief Executive that the wall was on private land. There was considerable discussion on the merits or otherwise of the motion, the concerns of residents and security issues were taken into account. It was suggested that to act on the Motion would set a precedent for any future instances of a similar nature.

During the course of the above debate, the Council, having sat for three hours, voted to continue with the meeting.

The Motion was put to the vote and lost.

(2) From Councillor Stephen O'Hare

Two motions had been submitted by Councillor Stephen O'Hare for consideration, however, Councillor O'Hare not being present, his group leader (Councillor K Joynson) decided not to proceed with these motions.

90. CLOSE OF MEETING

The meeting concluded at 5.26pm

COUNCIL 26TH OCTOBER 2006

QUESTIONS WITHOUT DISCUSSION

QUESTION 1

TO: COUNCILLOR MRS FRANCES CARTWRIGHT

Why were members of the council at the extraordinary meeting on Thursday 12th October not told the precise dates and details of the stock transfer ballot? Is this an appropriate way to treat democratically elected members of council?

COUNCILLOR ROB SHORROCK

REPLY: COUNCILLOR MRS CARTWRIGHT

The question as to when the ballot would start was not asked during the last Council meeting.

QUESTION 2

TO: COUNCILLOR MRS FRANCES CARTWRIGHT

Can the portfolio holder explain what would happen if South Lincolnshire Homes fails to meet what it promises in the offer document? How will we know and what could SKDC do about it?

COUNCILLOR ROB SHORROCK

REPLY: COUNCILLOR MRS CARTWRIGHT

Had you absorbed all the information that has been provided Cllr Shorrock, you would know by now that the housing corporation and SKDC will be regularly monitoring SLH's performance against their commitments to tenants.

QUESTION 3

TO: COUNCILLOR TERL BRYANT

In 1975 did this council then have the resources to cover the total amount it spent over the following 30 years?

COUNCILLOR STEPHEN O'HARE

REPLY: COUNCILLOR BRYANT

I do not have any information relating to 1975 and am unable to answer the question because I do not understand it.

QUESTION 4

TO: COUNCILLOR MRS FRANCES CARTWRIGHT

A number of councillors were told by a member of the Stock Transfer Team, at a meeting which she attended, that the terms of the Stage 2 letter would have to be agreed by the shadow board of South Lincolnshire Homes before it could be agreed by the Council. The Stage 2 letter was agreed by the Council on the 12th October 2006, in a meeting which finished by 3,30 pm.

According to the staff newsletter on stock transfer, the shadow Board of South Lincolnshire Homes did not agree to the terms of the stage 2 letter until their meeting which started at 5pm on the 12th October 2006, that is after the council meeting had finished.

Would she care to comment about this apparent misinformation being given to councillors by officers?

COUNCILLOR STEPHEN O'HARE

REPLY: COUNCILLOR MRS CARTWRIGHT

This was not misinformation. Agreement was obtained to the terms of the Stage 2 letter from the Chairman and the Vice Chairman of South Lincolnshire Homes, under their delegated authority, prior to the Council meeting on the 12th October.