

MINUTES

COUNCIL

THURSDAY, 18 JUNE 2009

2.00 PM



PRESENT

Councillor Bob Adams Chairman

Councillor Ray Auger
Councillor Harrish Bisnauthsing
Councillor Christine Brough
Councillor Robert Broughton
Councillor Paul Carpenter
Councillor Mrs Frances Cartwright
Councillor Elizabeth Channell
Councillor George Chivers
Councillor Michael Cook
Councillor Nick Craft
Councillor Alan Davidson
Councillor Mike Exton
Councillor Stuart Farrar
Councillor John Harvey
Councillor Robert Hearmon
Councillor Trevor Holmes
Councillor Reginald Howard
Councillor Mrs Maureen Jalili
Councillor Kenneth Joynson
Councillor Mrs Rosemary Kaberry-Brown
Councillor Albert Victor Kerr

Councillor Reg Lovelock MBE.
Councillor Peter Martin-Mayhew
Councillor Andrew Moore
Councillor Mrs. Linda Neal
Councillor Benjamin Newcombe-Jones
Councillor John Nicholson
Councillor Alan Parkin
Councillor Mrs Margery Radley (Vice-Chairman)
Councillor Bob Russell
Councillor Susan Sandall
Councillor Bob Sandall
Councillor Trevor Scott
Councillor Ian Selby
Councillor Mrs Judy Smith
Councillor John Smith
Councillor Ian Stokes
Councillor Mike Taylor
Councillor Jeff Thompson
Councillor Frank Turner
Councillor Graham Wheat
Councillor Raymond Wootten

OFFICERS

Strategic Director (Ian Yates)
Acting Strategic Director (Tracey Blackwell)
Corporate Head, Finance & Customer Services (Richard Wyles)
Corporate Head, Sustainable Communities (Teena Twelves)

OFFICERS

Legal Services Manager - Monitoring Officer (Lucy Youles)
Human Resources & Organisational Development Service Manager (Joyce Slater)
Principal Democracy Officer (Paul Morrison)
Scrutiny Support Officer (David Lambley)



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22. PUBLIC OPEN FORUM

Question 1 – from Mr S Hewerdine:

I would like to know if, when the accounts are published, the report is going to be written in a succinct and clear manner and not laced with the usual “political jargon”. For example, in the Grantham Journal dated Friday 22 May 2009, an article makes reference to a payment of £5,052.50 for “specialist legal advice”. What on earth is this “specialist legal advice” and why should we – the general public – have to be paying for it when the council already has its own legal advisors?

Reply from Councillor Taylor:

Thank you for your question. I would respectfully advise that the annual statement of accounts is produced within a statutory framework and in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom – A Statement of Recommended Practice produced by CIPFA, which is the Chartered Institute of Public Finance and Accountancy, which sets out proper accounting practices required for the Statement of Accounts.

The Council is mindful of the complexity of the statement of accounts and annually produces a summary of accounts publication, which has been externally accredited with a crystal mark for plain English.

In relation to your enquiry regarding the details of specialist legal advice I am informed that you have been provided with a full copy of the response.

Mr S Hewerdine’s supplementary question:

As Resources and Assets portfolio holder, Councillor Mike Taylor, best value is important. Can you please tell me why the position of Chief Executive is being internally advertised and would it not be best to have a wider choice of applicants if advertised nationally, or is the reason being if it stays in house a lower salary would be offered, i.e. saving public money, would then the cabinet have cross panel of Councillors of all political groups on the interview panel make the final decision on the applicants experience so we have a committed Chief Executive who the public would have faith in, so restoring confidence in this administration and have value for money. Thank you.

Councillor Adams:

Before I call on Councillor Taylor I have to say, Mr Hewerdine, that is not a supplementary question as I’m sure you’re well aware it doesn’t relate to the original question in any way, shape or form. I will ask Councillor Taylor if he wishes to respond. If he does not wish to respond he is quite within his legal right.

Reply from Councillor Taylor:

As in line with the Constitution, Mr Chairman, there is no relation to the original question I have got no comment.

Question 2 – from S Hewerdine:

I understand the South Kesteven District Council pay around £21,000 per year to Buckminster Trust for the rights to have a market in Grantham. Has the Council got any future plans to buy back the rights? If not, will the Council ask Buckminster – in light of the downturn in trade due to the global recession – to freeze the rent for at least two years in order to encourage more market traders to participate? I feel that if the cost of having a stall on the market continues to rise then more people will drop out and eventually we will end up without a market.

Reply from Councillor Cartwright:

Thank you for your question. The Council working with the Market Working Group and the local business community and the Market Traders Federation has considered a range of options to help revitalise the markets across the district.

The Council is fully aware of the current economic climate and the difficult trading conditions for businesses and traders and is working hard to offer support during this period. For example the market stall rents have not been increased for the last two years.

The Council has previously made enquiries in respect of the purchase of the Market Rights without success and it is a proposal that may be considered again in the future. The owner of the market rights has agreed to a less than inflation increase for this financial year.

Mr S Hewerdine's supplementary question:

Basically you have answered my question, has the Council got any plans to send out questionnaires to the market traders in how to encourage trade in Grantham?

Reply from Councillor Cartwright:

We do consult with the market traders all the time as part of normal practice, we've sought to minimize costs ourselves by reviewing operating practices and this has included looking at increasing income by providing additional and specialized markets and we do everything we can to encourage the markets.

23. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs Bosworth, Dawson, Mrs Gaffigan, Sam Jalili, Vic Kerr, McBride, Mrs Spencer-Gregson, Tom

Webster, Andrea Webster, Mike Williams and Avril Williams.

24. DECLARATIONS OF INTEREST

Councillor Joynson declared a personal interest in relation to minute number ## as he was a member of the British Polio Fellowship.

25. MINUTES

The Minutes of the meeting of the Council held on 23 April 2009 were confirmed as a correct record, subject to an amendment at minute number 11 to include Councillor Cook as being a member of the Resources Policy Development Group.

26. COMMUNICATIONS (INCLUDING CHAIRMAN'S ENGAGEMENTS)

Circulated with the agenda was a list of the Chairman's engagements for the period of 23 April 2009 to 17 June 2009. These were noted.

The Chairman drew particular attention to the visit on 17 June to the Rotary Club's Swimathon Presentation Evening at the Central School. It was reported that over £36,000 had been raised last year and it was pleasing to see the number of people who were enthusiastically involved with the project.

27. SUPPLEMENTARY ESTIMATES 2009/10

DECISION:

1. To approve the following Supplementary Estimates in respect of the following:
 - a. General Fund – Capital Programme of £4.589M 2009/10 as noted in appendix A of report number CHFCS49
 - b. General Fund Revenue estimate increase of £180k
 - c. Supplementary estimate for LABGI Income be approved for £193,849.62 and this be used to support economic development related initiatives, in line with Council priorities. The details of this to be delegated to the Corporate Head of Sustainable Communities and the Economic Development Portfolio Holder
 - d. Housing Revenue Account – Capital Programme of £4.631M for 2009/10 and £5.425m for 2010/11 as noted in appendix B of report number CHFCS49
 - e. Housing Revenue Account – Revenue increase of £654K
2. General Fund - Summary Revenue Estimate 2009/10 and Reserves Statement as attached at appendix C of report number CHFCS49
3. Capital Financing Statement attached at appendix D of report number CHFCS49
4. Housing Revenue Account – Revenue Account summary 2009/10

as attached at appendix E of report number CHFCS49.

Report number CHFCS49 was presented by the Portfolio Holder for Resources and Assets. It was noted that the fourth bullet point on page four should have stated “explore the possibility of ground source heating pumps”. The recommendations in the report were then moved and seconded.

The Corporate Head for Finance and Customer Services then explained the contents of the report, drawing Members’ attention to several key points:

- The Leisure Trust had not yet been granted charitable status by the Charity Commission which meant that the Council was still liable for the business rates on leisure premises until the Trust was granted charitable status.
- The Council had been awarded £193,849.62 of LABGI funding which was proposed to be used to support economic development initiatives which aligned with the “good for business” priority plan.

A debate took place and a number of issues were raised. Members expressed concern at the delay in the Leisure Trust being awarded charitable status and questioned whether the Council should seek an explanation from the Charity Commission. It was confirmed to Members that the issue was a matter for the Leisure Trust itself as it was responsible for the application. Councillor Thompson, who was to be the Council’s representative on the Leisure Trust management board explained that the application had been made in September 2008. No reply to the application had been received, although an answer from the Charity Commission had been promised in January 2009 and then in March 2009. It was now expected that an answer would be shortly forthcoming. A question was raised as to who would be responsible for how the LABGI funding would be spent. It was confirmed that proposals for spending this money would be made by the relevant Portfolio Holder and Corporate Head.

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

28. RECOMMENDATIONS FROM THE CONSTITUTION COMMITTEE DECISION:

- 1. To make the following amendments to Delegated Authority at Part 3 of the Constitution to include:**

Housing

- 1. to authorize grants under the Housing Grants, Construction and Regeneration Act 1996 as implemented under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 with the exception of discretionary Disabled Facilities Grants**

to include an additional delegation to the Corporate Governance and Housing Portfolio Holder:

Discretionary Disabled Facilities Grants

- 2. That the Council's Constitution be amended to take account of the new Councillor Call for Action (CCfA) process. The Constitution to be amended to include at page 189 after Call in a new item 12a**

12a. Councillor Call for Action (CCfA)

- 1. Any member of the Council can refer to the Scrutiny Committee, any 'local government matter' which is relevant to the functions of that committee.**
 - i. local government matter" means - any matter relating to the functions of the authority which affect the member's area or any individual who lives or works in that area which is not an excluded matter"**
- 2. If a member wishes to refer a Councillor Call for Action to the Scrutiny Committee they must complete the approved Councillor Call for Action pro-forma and submit this to the Scrutiny Officer.**
- 3. The Scrutiny Officer in conjunction with the Chair of the Scrutiny Committee will assess whether the Councillor has completed the necessary checklist and if so will place the request on the agenda for the next meeting. Where approval for inclusion on the agenda is unlikely because the criteria have not been met, the Chairman will liaise with the Member raising the Call for Action. If there is disagreement the Call for Action will not be submitted to committee for determination.**
- 4. Prior to considering the request Members of the Scrutiny Committee will first confirm that the call for action is valid and meets the criteria in the checklist.**
- 5. The member raising the call for action will then be asked to present in person the issue before the committee. Should the member be unable to attend then they may request another councillor from their ward to present on their behalf. If no ward councillor is able to be present the committee will defer the item to a future meeting. The presentation should include an indication of what they would see as a satisfactory resolution**

6. Members will then consider the call for action and agree what they will do to resolve the issue. This may include calling witnesses (including portfolio holders, officers or external representatives). In making any recommendations for a solution on the matter before them, regard should be had to the resource implications for the Council.
7. Having considered and resolved the call for action as agreed the Committee will report the outcome to the member raising the call for action.
8. The matter should not be being separately considered by another local authority.

Insert into Constitution under Terms of Reference, Scrutiny Committee new point (v) on page 44.

(v) To consider Councillor Calls for Action.

3. To refer Members' Job Descriptions to the Scrutiny Committee
4. To make the following amendment to the Development Control Committee Delegation, (shown underlined) at page 79:

(Please note that as well as the amendment at a), points b) - f) have been reproduced for clarity)

The Development Control Committee shall only have delegated power to refuse an application against the clearly expressed advice from Development control Services Manager if it has acted in accordance with the following:

- a) If any such motion is put and seconded, the members so proposing and seconding the motion shall express the necessary planning reason for the motion at the meeting for consideration of the matter. If no such reasons are provided or the Development Control Lead Professional considers that the reasons given are not valid planning reasons or cannot be supported by evidence then the rules detailed below at clause 2(b), (c), (d), (e) and (f) shall prevail.
- b) If any such motion is put and seconded, the Chairman or Vice-Chairman shall before any vote is taken, inform the Committee and the public of these provisions.
- c) On first consideration the Committee is not empowered to determine the application against the officer recommendation. If the Committee is minded to do this it

must pass a resolution stating that on the basis of the consideration to date it is minded to refuse and therefore requires to defer a decision pending the receipt and consideration of further information clarifying the proposed reasons for refusal and the planning officers' responses to those reasons.

- d) This vote must be recorded and all members who support it must within the next five working days provide to the Development Control Services Manager, the planning reasons for their view and the evidences that supports it.
- e) The application shall be placed on the agenda for consideration at the next Development Control Committee. At this meeting the Development Control Committee shall have the power to determine the application, but, before doing so the Development Control Lead Professional (Services Manager), having assessed the information provided to him, shall inform the Committee whether, in his opinion, the reasons advanced are substantial enough for the authority to defend the decision at an inquiry. In light of this additional information members may then determine, without being fettered by their vote at the previous meeting.
- f) The second vote must also be recorded and any member who votes to refuse the application in contravention of the officer recommendation must be willing to appear for the authority and give evidence regarding the reasons for their decision at any planning inquiry.

5. The Constitution Committee recommends to Council the following amendments to Local Choice Functions (page 87-89) in the Constitution:

- 17. The approval of key human resources and organisational development strategies and policies that have significant financial implications e.g. remuneration/pay, pensions, redundancy.
 - Decision Making Body – Cabinet
 - Delegation of function – The member with responsibility for human resources and organisational Development.
- 18. The approval of operational human resources and organisational development policies, working procedures, protocols.
 - Decision Making Body – The Head of Paid Service and their

management team

- **Delegation of function – a list of powers delegated to the Chief Executive is to be found on page 90 of this Constitution**

& pages 175/176 under Consultation at 2.4 to include on the list

- **Key human resources and organisational development strategies and policies that have significant financial implications**

The list of powers delegated to officers on page 90 to be updated in respect of the responsibilities of the Chief Executive

1. All functions as Head of Paid Service, including the approval of operational human resources and organisational development policies, working procedures, protocols. The Head of Paid Service may delegate such approvals to the management team.

and the responsibilities of the Corporate Head of Finance and Customer Services (Chief Finance Officer)(S151 Officer) to include:

5. To make the appropriate financial arrangements and/or payments to mitigate risk, including litigation or risk management situations, taking such action as may be required for each situation/case based on appropriate professional opinion and advice.

The minutes of the meeting of the Constitution Committee of 27 April 2009 and 18 June 2009 were presented to Council by the Chairman of the Constitution Committee. It was agreed that the Council would discuss and vote on each recommendation from the Constitution Committee separately.

Decision number 1 relating to changes to the Scheme of Delegation was moved and seconded. On being put to the vote the motion was duly carried.

Decision number 2 relating to Councillor Calls for Action was moved and seconded. On being put to the vote the motion was duly carried.

Decision number 3 relating to Members' Job Descriptions was moved and seconded. It was reported that the descriptions had been before the Policy Development Groups in order to seek the opinion of as many Members as possible. Members questioned where the need for job descriptions had come from. They had initially come from the priorities previously approved by Council and a set of tasks agreed by the Cabinet. A number of Members spoke to state that they did not see the point of Members' job descriptions and that this had

been the prevailing mood at the various Policy Development Group meetings, although it was noted that the descriptions did set out responsibilities that could be used as a basis for criticizing Councillors who were under performing and also to provide the general public with knowledge of the responsibilities of the various roles within the Council were. Members noted that it was the electorate who provided their mandate and assessed if they had the right attributes to undertake the role of Councillor. The Monitoring Officer stated that Members' Job Descriptions had come before the Council as it was part of the action plan for the code of good governance.

An amendment was moved and seconded to scrap Members' Job Descriptions in their entirety. On being put to the vote the motion was duly carried as a result of the Chairman's casting vote. The amendment now became the substantive motion. On being put to the vote the motion was defeated.

The Council then returned to the original motion to refer Members' Job Descriptions to the Scrutiny Committee. On being put to the vote the motion was duly carried.

Decision number 4 relating to the Development Control Committee was moved and seconded. It was clarified by the Monitoring Officer that the amendment removed the reference to a trial period and formalized the arrangements that were in place at the time. Some Members expressed concern that the arrangements placed too much control in the hands of officers rather than the elected Members of the Development Control Committee. Members of the Development Control Committee confirmed that they were in favour of the arrangements and confirmed that they were responsible for making the decisions, not an officer. Members of the Committee were of the opinion that the system was the most appropriate at the present time. On being put to the vote the motion was duly carried.

Decision number 5 relating to Local Choice Functions was moved and seconded. On being put to the vote the motion was duly carried.

29. REPRESENTATIVES ON OUTSIDE BODIES

DECISION:

- 1. To appoint Councillor Stokes to act as a substitute for Councillor Craft on the Grantham Growth Point Strategic Board.**
- 2. To confirm the appointment of Councillor Taylor as substitute for Councillor Mrs Cartwright on the Grantham Growth Point Strategic Board in his capacity as Assets and Resources Portfolio Holder.**
- 3. To appoint Councillor Mrs Cartwright to represent the Council on the Local Government Association Urban Commission and to hold the voting rights.**
- 4. To appoint Councillor Turner to represent the Council on the Local Government Association Urban Commission without voting rights.**
- 5. To appoint Councillor Nicholson as the Council's representative to**

the Stamford Endowed Schools.

Report number DEM028 was presented by the Portfolio Holder for Access and Engagement.

It was moved and seconded that Councillor Stokes act as substitute for Councillor Craft on the Grantham Growth Point Strategic Board. On being put to the vote the motion was duly carried.

It was moved and seconded that Councillor Taylor act as substitute for Councillor Mrs Cartwright on the Grantham Growth Point Strategic Board in his capacity as Assets and Resources Portfolio Holder. On being put to the vote the motion was duly carried.

Councillors Mrs Cartwright and Bisnauthsing were nominated and seconded to represent the Council on the Local Government Association Urban Commission and to hold the voting rights. On being put to the vote Councillor Mrs Cartwright was selected to represent the Council.

Councillors Turner and Bisnauthsing were nominated and seconded to represent the Council on the Local Government Association Urban Commission without voting rights. On being put to the vote Councillor Turner was selected to represent the Council.

Members considered the appointment of a representative to the Stamford Endowed Schools. Questions were raised as to why the existing arrangement of nominating a Governor to the schools could not be maintained. This was due to the governing body changing its constitution. Many independent schools were streamlining the number of governors and the appointment of a Council representative to the Stamford Endowed Schools would allow a link to be maintained. The importance of the link was emphasised by Members, particularly as the Stamford Endowed Schools were a major employer in the town.

Councillors Nicholson and Mrs Maureen Jalili were nominated and seconded to represent the Council to the Stamford Endowed Schools. On being put to the vote Councillor Nicholson was selected to represent the Council.

30. LEADER'S REPORT ON URGENT NON KEY DECISIONS

The report numbered CAB012 by the Leader of the Council was noted.

31. MODIFICATION ORDER TO PLANNING PERMISSION SO8/1318 DECISION:

That a modification order be made in respect of planning application reference S08/1318 in the form of the draft order attached at appendix 1 of report number CHSC20.

The recommendation made in report CHSC20 was moved and seconded. On being put to the vote the motion was duly carried.

32. QUESTIONS ON NOTICE

No questions on notice were received.

33. CLOSE OF MEETING

The meeting closed at 3:26 pm.