

MINUTES

COUNCIL

THURSDAY, 3 SEPTEMBER 2009

2.00 PM



PRESENT

Councillor Bob Adams Chairman

Councillor Ray Auger	Councillor Stuart McBride
Councillor Harrish Bisnauthsing	Councillor Andrew Moore
Councillor Pam Bosworth	Councillor John Nicholson
Councillor Robert Broughton	Councillor Alan Parkin
Councillor Paul Carpenter	Councillor Mrs Margery Radley (Vice-Chairman)
Councillor Mrs Frances Cartwright	Councillor Bob Sandall
Councillor Elizabeth Channell	Councillor Trevor Scott
Councillor George Chivers	Councillor John Smith
Councillor Nick Craft	Councillor Mrs Judy Smith
Councillor Mike Exton	Councillor Mrs Maureen Spencer- Gregson O.B.E.
Councillor Stuart Farrar	Councillor Ian Stokes
Councillor Mrs Joyce Gaffigan	Councillor Mike Taylor
Councillor John Harvey	Councillor Jeff Thompson
Councillor Robert Hearmon	Councillor Frank Turner
Councillor Trevor Holmes	Councillor Tom Webster
Councillor Reginald Howard	Councillor Andrea Webster
Councillor Mrs Maureen Jalili	Councillor Graham Wheat
Councillor Kenneth Joynson	Councillor Mike Williams
Councillor Mrs Rosemary Kaberry-Brown	Councillor Avril Williams
Councillor Albert Victor Kerr	Councillor Paul Wood
Councillor Reg Lovelock MBE.	Councillor Raymond Wooten
Councillor Peter Martin-Mayhew	

OFFICERS

Chief Executive (Beverly Agass)
Strategic Director (Ian Yates)
Corporate Head of Finance and Customer Services (Richard Wyles)
Finance Support Service Manager (David Scott)
Deputy Monitoring Officer (John Armstrong)
Principal Democracy Officer (Paul Morrison)
Democracy Service Manager (Lena Shuttlewood)



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38. PUBLIC OPEN FORUM

As there were no questions or requests to speak from the public, the meeting moved to the business to be transacted.

39. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Brough, Cook, Dawson, Helyar, Sam Jalili, Jock Kerr, Russell, Susan Sandall, Selby, Stephens, and the Leader – Councillor Mrs Neal.

40. DECLARATIONS OF INTEREST

No declarations of interest were made.

41. MINUTES

The minutes of the ordinary meeting held on 18 June 2009 were confirmed as a correct record subject to the replacement wording at minutes 24 as follows:

Councillor Joynson declared a personal interest in relation to that part of minute number 28 relating to Disabled Facilities Grants because he was a member of the British Polio Fellowship.

The minutes of the Extraordinary meeting held on 24 July 2009 were confirmed as a correct record subject to:

- An amendment to record that both Councillor Susan Sandall and Councillor Bob Russell had been present; and
- an amendment [in bold type] at minute 36, "Appointment of Chief Executive" the first sentence to read:

*Members had previously been circulated with report A1 prepared by the Chief Executive's **Appointment Panel**.*

42. COMMUNICATIONS (INCLUDING CHAIRMAN'S ENGAGEMENTS)

Circulated with the agenda was a list of the Chairman's engagements for the period 18 June to 3 September 2009. These were noted.

The Chairman made the following announcements:

(1) The Chairman referred to the unveiling of the memorial plaque on St. Peter's Hill Green, Grantham dedicated to service and civilian personnel who had lost their lives during conflict. The Mayor of Grantham had requested that

those members attending the ceremony on Sunday 6 September 2009 be on site at 10am prompt.

(2) Councillor Chivers would be undertaking a charity parachute jump in Turkey and invited members to sponsor him.

(3) Following the success of last year's event, the Chairman would be inviting members to join him for Christmas lunch at Belton Park Golf Club. The provisional date was 14 December.

(4) The Chairman advised members that he would be abseiling down St. Wulfram's church on 19 September to raise money for the church and the new war memorial on St. Peter's Hill. He welcomed any sponsorship members might wish to offer.

A member made reference to the proposed Christmas lunch and said whilst last year had been an enjoyable occasion, it had been disappointing that only a few officers joined members. She asked if consideration could be given to subsidising the cost of the meal for staff as it would be nice if more staff could meet informally with members. A number of members indicated their support for staff being encouraged to attend and the Chairman confirmed he would discuss the matter with the Chief Executive.

43. MEDIUM TERM FINANCIAL PLAN 2009/10 - 2012/13 AND SUPPLEMENTARY ESTIMATE 2009/10
DECISION:

- (1) To approve the Medium Term Financial Plan for the period 2009/10 to 2012/13 as appended to report number CHFCS61;**
- (2) To approve a further supplementary estimate in the current financial year of a maximum of £400,000 to meet the costs of the business rates and the management fee of the leisure centres and stadium in South Kesteven subject to Cabinet agreeing interim management arrangements at their meeting on 7 September 2009. This amount to be met from the capacity building, priority setting and service improvement reserve.**

Members had before them report number CHFCS61 attached to which was the Council's Medium Term Financial Plan (MTFP), a document which brought together the Council's financial position and demonstrated how the revenue and capital finance resources were organised in order to deliver the authority's priorities.

Before the officer began his presentation, the Deputy Leader reminded members that the report referred to in the agenda papers would not be discussed by Cabinet until Monday and that it was an exempt report.

The Assets and Resources portfolio holder moved the recommendations contained in the report CHFCS61, subject to the addition of the word “further” before supplementary estimate in the second part of the recommendation. The motion was seconded.

The Corporate Head of Finance and Customer Services explained that since the MTFP had been considered by Cabinet on 3 August 2009 (having previously been reviewed by the Resources PDG on 23 July) there had been clarification about the future delivery of the leisure services and the MTFP had been updated to include this issue. Before summarising the MTFP, the officer highlighted the present uncertainty surrounding the level of government grant that may be available to local authorities during the latter two periods of the plan. It was anticipated that the Government would reduce its public spending from 2011/12 the effect of which would be that the grant settlement would be significantly less in real terms than in previous years. The MTFP reflected this uncertainty and included financial modelling for a 5% and 10% reduction. Additional pressure would also be brought to bear by the requirement to meet increased efficiency savings.

After highlighting other key pressures on the Council’s finances, the Corporate Head of Finance and Customer Services advised that the Cabinet and senior officers would now be working towards the preparation of a balanced budget. There would be challenging times ahead based on a variety of potential scenarios and a degree of uncertainty. The MTFP would need to be kept up to date to meet changing circumstances and resources needed to be aligned to deliver the Council’s stated priorities. The officer advised that South Kesteven district council was better placed than many other authorities and public sector bodies both within and outside Lincolnshire because of its history of prudent financial management. This position afforded the Council a window of opportunity to gear itself up for the future and take the opportunities to ensure it was based placed to meet these challenges.

The Corporate Head was commended for the clarity of his report. Councillor Thompson spoke to the Council as the member appointed by it to the Leisure Trust. He referred to the issues behind the need to provide a supplementary estimate. The failure of the Leisure Trust to gain charitable status was, he asserted, due to the procrastination of the Charities Commission. The pursuit of the charitable status had been entirely at the expense of the contractor, Leisure Connection who had expended over £400,000. Over a year had passed and the Charities Commission had still not reached a decision. Leisure Connection could no longer afford to fund the process. Councillor Thompson stated he had made personal representations to the Charities Commission to demonstrate how the Leisure Trust could have delivered better services to the community through the Trust. However, the Commission had requested further information regarding the community benefit. Councillor Thompson acknowledged the position of Leisure Connection and had no criticisms of their decision in the circumstances.

Discussion then moved onto the content of the officer's report. A member expressed concern that the authority was facing a difficult situation through no fault of its own financial management. He was also concerned at the number of assumption made in the report and considered that the onus was now on members to make the necessary decisions. The member referred to the Cabinet's decision made on 3 August that a resources and efficiency plan should be developed in order to identify actions needed to ensure a balanced budget. This, he suggested, did not go far enough if the council were to avoid a situation of having to make drastic cuts. As an amendment, he proposed the following course of action: an in house team, comprising members and officers, undertake a review of all services. The amendment was seconded.

A member spoke in support of the amendment stating that it was non political. The whole council was facing a very difficult future and it was tribute to its past prudence that it was in a better position at this point than many others. The amendment, if carried, would help the council to maintain a better position.

In opposition to the amendment, several members including the Chairman of the Resources PDG, said there was no need for this measure. The Council already had an in house team in its PDG and this would only add another layer of work to what was already proposed. The Chief Executive sought clarification from the mover of the amendment. She advised that an amendment could not be made to a previously made decision of the Cabinet. The member confirmed that his proposal was to amend the first part of the recommendation in the report before members today. A vote was taken on the amendment and was lost.

Debate moved back to the original motion and after the Healthy Environment portfolio holder had responded to a member's concerns about the impact on the waste collection service as a result of withdrawing the bring site facilities, a vote was taken and the motion carried.

44. RECOMMENDATIONS FROM THE CONSTITUTION COMMITTEE DECISION:

- (1) The Council's existing Scrutiny Committee be designated the Council's Crime and Disorder Overview and Scrutiny Committee in addition to its existing role on scrutiny generally, and that the Constitution be amended as follows:**

Page 43 – clause 6.1 – Scrutiny Introduction

- In respect of its duty under the crime and disorder legislation, the Committee may co-opt additional members to serve on the committee in accordance with s.3 of the Crime and Disorder (Overview and Scrutiny) regulations 2009.**

Page 43 – clause 6.2 – Terms of Reference of the Scrutiny Committee

- **Discharge the functions of s.19 of the Police and Justice Act 2006 and the Crime and Disorder (Overview and Scrutiny) Regulations 2009.**

Page 44 – clause 6.4

- **Shall meet to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions as the committee considers appropriate but no less than once in every twelve month period.**
- **The Scrutiny Committee may co-opt additional members from those persons and bodies who are responsible authorities with the meaning of s.5 of the Crime and Disorder Act 1998, and from those persons and bodies with whom the responsible authorities have a duty to co-operate under section 5(2) of that Act (the “co-operating persons and bodies”) subject to the provisions set out in that regulation.**

The provisions of the Scrutiny Committee Procedure Rules at page 183 of the Constitution to be amended to include the relevant provisions of the Crime and Disorder (Overview and Scrutiny) Regulations 2009.

- (2) To endorse the recommendation of the Constitution Committee that delegated authority not be granted to the Corporate Head of Sustainable Communities to undertake prosecutions for offences under Section 1 of the Protection from Eviction Act 1977.**

The Chairman of the Constitution Committee presented the minutes from the committee meeting held on 13 July 2009 (copies of which had previously been circulated with the agenda) which contained two recommendations. The first related to the designation of the Scrutiny Committee as the Council’s crime and disorder overview and scrutiny committee which would be an addition to its existing remit. This recommendation had been subject to the comments of the scrutiny Committee who had subsequently supported the recommendation before the Council. The Chairman therefore moved the recommendation which was seconded. Members, noting this was a statutory requirement, supported the motion. A member emphasised the importance of the scrutiny function and requested that it received the necessary support it required to meet its ever increasing workload. The recommendation was moved, seconded and carried following a vote.

The second recommendation concern the committee’s decision not to grant delegated authority to the Corporate Head of Sustainable Communities to

undertake prosecution proceedings in respect of offences under section 1 of the Protection from Eviction Act 1977. The committee considered the existing mechanism of securing authority through the non key decision process was sufficient and should not be subject to further delegated authority. The Chairman of the Committee moved the recommendation and it was seconded.

Before moving to the vote on the second recommendation, a member asked for clarification on the final paragraph of the minutes which made reference to a further report the Monitoring Officer had agreed to make to the committee about portfolio responsibility for corporate governance.

As the Monitoring Officer herself was not present at full Council, Councillor Harvey explained he had requested the officer to clarify under whose portfolio responsibility corporate governance fell. The Chief Executive advised that this was an issue which needed clarification and would be reported back to the Constitution Committee in due course. However, this paragraph was not relevant to the recommendations before the Council at this meeting. Following this advice a vote was taken on the second recommendation and subsequently carried.

45. ANNUAL SCRUTINY REPORT

DECISION: To note the Annual Scrutiny report for the period May 2008 to April 2009.

The Chairman of the Scrutiny Committee, Councillor Joynson, presented the annual scrutiny report which provided a summary of the work undertaken by the committee during the course of the previous municipal year.

Councillor Joynson spoke on the difficulty the committee had in determining its remit but felt that central to its role was to try and speak for the community. He was of the opinion that central government had not helped to clarify this situation. Having said that, he did consider that although the committee did not have a specific end product, it did approach its work with a positive attitude and debates had covered important, interesting and relevant topics to society in a non partisan way. He defended any potential criticism that no call-ins had been made last year by stating that this was in fact indicative of the council working well.

Councillor Joynson emphasised the amount of work that was now being given to the scrutiny function by central government such as the crime and disorder duty. A danger of this is that the focus of the committee could become too thinly spread. He made a strong plea for the scrutiny committee to be properly resourced in order that it could deal with these increasing demands. Even so, the committee would inevitably have to prioritise its focus to certain areas. He concluded by saying that he would like to see more non committee members attend meetings and would be making specific invitations to members to attend

future meetings.

46. LEADER'S REPORT ON AN URGENT NON KEY DECISION

Report number CAB013 by the Leader was noted.

47. QUESTIONS ON NOTICE

No questions on notice from members had been received for this meeting.

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

DECISION: To endorse and support the motion by Councillor Mike Williams that opportunities and events be considered by the Chief Executive, Councillor Williams and any other interested members in order to facilitate members and staff interacting and getting to know each other better.

Councillor Mike Williams presented the following motion:

“It is well known that productivity increases when staff feel involved and connected to the organisation in which they work.

To help build positive and productive links between members and officers I would like to suggest to this Council that we should start arranging opportunities and events where staff and members can get together and get to know each other.

This is not a frivolous idea, as the more we know each other and the issues that we need to deal with; the better we will be able to work together for the benefit of the community. I hope the council will support it. I am open to suggestions.”

In support of his motion, Councillor Williams emphasised he considered this a serious issue. Although it was not possible to know everyone in a large organisation, Councillor Williams was concerned that there now so many officers whom members could either not put a face to a name or did not know even existed. Members and officers should be working more closely together and he invited any suggestions on how the authority could make this happen.

The motion was seconded by Councillor Farrar who expressed the view that anyone who opposed the idea was a miser. Several members indicated their support for the principle behind Councillor Williams' motion. A member mentioned when she had first joined the Council ten years ago, members and officers met together informally at the Christmas lunch. This opportunity had been appreciated by staff and the Assets and Resources portfolio holder suggested that the value and importance of this interaction was greater than the cost.

Another member suggested that colleagues should take up the opportunity to shadow officers. This was a good way to gain an understanding of how the “nuts and bolts” of the organisation worked. Another member spoke about the difficulty that those from the south of the district faced. Given the journey time to the headquarters, he would try to fit in as much business as possible during his visit but this often left very little time to get to see and talk informally with staff.

Councillor Williams thanked members for their support and said he had a few ideas for informal events which he had mentioned to the Chief Executive. He said that staff morale was now picking up and that this should now be built on.

49. CLOSE OF MEETING

The meeting closed at 3.38 p.m.