

MINUTES

COUNCIL
THURSDAY, 12 JULY 2012
2.00 PM



PRESENT

Councillor Mrs Rosemary Kaberry-Brown Chairman

Councillor Bob Adams	Councillor Helen Powell
Councillor Mark Ashberry	Councillor Nick Robins
Councillor Ray Auger	Councillor Bob Russell
Councillor Harrish Bisnauthsing	Councillor Bob Sampson
Councillor Pam Bosworth	Councillor Susan Sandall
Councillor Teri Bryant	Councillor Bob Sandall
Councillor Paul Carpenter	Councillor Ian Selby
Councillor Mrs Frances Cartwright	Councillor Rob Shorrocks
Councillor George Chivers	Councillor Mrs Judy Smith
Councillor Michael Cook	Councillor John Smith
Councillor Kelham Cooke	Councillor Peter Stephens
Councillor Paul Cosham	Councillor Judy Stevens
Councillor Nick Craft	Councillor Ian Stokes
Councillor Alan Davidson	Councillor Adam Stokes
Councillor Breda Griffin	Councillor Brenda A Sumner
Councillor Reginald Howard	Councillor Mrs Jean Taylor
Councillor Vic Kerr	Councillor Mike Taylor
Councillor Jock Kerr	Councillor Jeff Thompson
Councillor Michael King	Councillor Frank Turner
Councillor Charmaine Morgan	Councillor Bruce Wells
Councillor David Nalson	Councillor Martin Wilkins
Councillor Mrs. Linda Neal	Councillor Rosemary H Woolley
Councillor John Nicholson	Councillor Raymond Wootten
Councillor Alan Parkin	

OFFICERS

Chief Executive (Beverly Agass)
Strategic Directors (Daren Turner, Tracey Blackwell)
Head of Legal and Democratic Services (Lucy Youles)
Principal Democracy Officer (Jo Toomey)

20. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bevan, Broughton, Miss Channell, Dilks, Higgs, Rowlands, Scott, Woods and Wren.

The chairman reported that Councillor Higgs was recovering well from recent surgery. The Chief Executive was asked to write to him with the best wishes of the Council.

21. DISCLOSURE OF INTERESTS

Councillor Morgan disclosed an interest in agenda item 10 (Notices of Motion given under Council Procedure Rule 12 – first notice of motion) as the new fundraiser for Grantham Foodbank.

During the meeting Councillor Bryant disclosed an interest in agenda item 10 (first notice of motion) because of the work he undertook for, and the contributions he made to, local voluntary organisations.

22. MINUTES OF THE MEETING HELD ON 3 MAY 2012

It was proposed and seconded that the minutes from the meeting held on 3 May 2012 be agreed as a correct record subject to the following amendment:

- Page 3, minute number 3, final paragraph: change “a notice without motion...” to “this notice without motion”

This was put to the vote and carried.

23. COMMUNICATIONS (INCLUDING CHAIRMAN'S ANNOUNCEMENTS)

The Council noted the Chairman’s engagements.

The Chairman expressed a vote of thanks to the Council’s officers and volunteers who helped with the Olympic torch relay on the three days it came into South Kesteven. Councillors watched a short film which showed the journey of the torch through the district. Councillors showed their congratulation and appreciation with a round of applause.

An estimated 85,000 people watched the torch pass through South Kesteven and took part in community events. A representative from one of the official Olympic sponsors had particularly noted the effort made in the district. As the event in Bourne was early in the morning, it was intended to be low-key however there was strong public support.

An Olympic themed cultural tour travelled to over 70 schools in the district, with a torch designed as part of a children’s competition.

A special presentation was made to officers who played key roles in co-

ordinating the Olympic torch relay in South Kesteven: Paul Stokes, Susie McCahon, Geoff O'Neill, Carol Drury, Pat Swinton, Phil Jordan and Mark Jones. Councillors once again showed their appreciation with a round of applause.

24. LOCAL GOVERNMENT BOUNDARY COMMISSION ELECTORAL REVIEW OF SOUTH KESTEVEN DISTRICT

Decision:

- 1. That the Council establishes a working group of Members to work with officers to develop proposals for the submission to the Local Government Boundary Commission for England relating to council size and revised warding arrangements***
- 2. That membership of the working group be five members***
- 3. To reflect the overall composition of the Council, that the working group consist of three members of the Conservative Group, one member of the Independent Group and one member of the Labour Group***
- 4. To appoint Councillors Bob Adams, Adam Stokes, Kelham Cooke, Alan Davidson and Reg Howard to the working group***

The Governance and Communication Portfolio Holder moved the recommendations in report number LDS071 on the Local Government Boundary Commission Electoral Review of South Kesteven, which was then seconded. He explained that a review was required, and that the Boundary Commission considered South Kesteven a priority as 13 of the district's 34 Wards had an electoral imbalance (either 10% more or fewer electors than the average of 1820).

The review would take place in two stages. The first stage would see the submission of a proposal on council size to the Boundary Commission. The second stage was a more detailed review of warding arrangements. All proposals needed the approval of Council before their submission to the Boundary Commission. All proposals had to be well-reasoned and based on evidence.

A working group was required to carry out detailed work on the proposals and make recommendations to Council. It was proposed that the working group consist of five members and be politically balanced (three Conservative, one Independent and one Labour Councillors).

The Conservative Group working party nominations were Councillor Bob Adams, Councillor Adam Stokes and Councillor Kelham Cooke. The Labour group nominated Councillor Alan Davidson as its representative and Councillor Reg Howard was proposed as the Independent Group's representative.

The recommendations as proposed and seconded were put to the vote and carried unanimously.

25. MEMBERS' CODE OF CONDUCT

Decision:

- 1. The Council adopts the draft Members' Code of Conduct attached as Appendix A to report number LDS072.**
- 2. The Council adopts arrangements to deal with complaints made about District Councillors set out in Appendix B to report number LDS072 and considers arrangements for dealing with complaints about parish and town councillors.**
- 3. That the Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the Members' Code of Conduct by district, town and parish councillors, with authority to delegate the function of dealing with the complaints relating to parish and town councillors to the relevant town or parish council where appropriate.**
- 4. The Council approves the appointment of Mr Fred Mann as the Independent Person and the Venerable Tim Barker as the reserve.**
- 5. That the Monitoring Officer be given delegated authority, after consultation with the Independent Person or reserve, to determine whether a complaint merits formal investigation and to arrange such investigation.**
- 6. That the Council disband the Standards Committee and delegate to the Review Board (see Constitution page 82) the authority to receive reports on investigation carried out into alleged failure to comply with the Members' Code of Conduct, to consider whether a complaint should be investigated as required by the Monitoring Officer, determine the outcome of investigations and report findings to Council as and when required by the Review Board.**
- 7. That the Monitoring Officer be instructed to seek resolution of complaints without formal investigation wherever practicable, and that the Monitoring Officer be given discretion to refer decisions on investigation to the Review Board where it is inappropriate for the Monitoring Officer to take the decision.**
- 8. Where an investigation finds no evidence of failure to comply with the Members' Code of Conduct, the Monitoring Officer is instructed to close the matter, providing a copy of the report and findings of the investigation to the complainant, to the Member concerned and to the Independent Person.**
- 9. Where the investigation finds evidence of a failure to comply with the Code of Conduct, the Monitoring Officer in consultation with the Independent Person is authorised to seek local resolution in appropriate cases with a summary report for information to the Council. Where such local resolution is not appropriate or not possible, the Monitoring Officer is to report the investigation findings to the Review Board for local hearing and determination.**
- 10. That the Council delegate to the Review Board such of its powers as can be delegated to take decisions in respect of a member who**

is found on hearing to have failed to comply with the Code of Conduct, such actions to include:

- Reporting its findings to Council [or the Town or Parish Council] for information.***
- Recommending to the Member's Group leader (or in the case of ungrouped Members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council.***
- Recommending to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities.***
- Instructing the Monitoring Officer to [or recommend that the Town or Parish Council] arrange training for the member.***
- Recommending to Council that the Member be removed [or recommend to the Town or Parish Council that the Member be removed] from all outside appointments to which he/she has been appointed or nominated by the authority [or by the Town or Parish Council].***
- Withdrawing [or recommend to the Town or Parish Council that it withdraws] facilities provided to the Member by the Council, such as a computer, website and/or email and internet access.***
- Excluding [or recommend that the Town or Parish Council exclude] the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee or sub-Committee meetings.***

11. That the Council adopt a Council Procedure Rule requiring Members to leave the room of any meeting which they attend where they have registered a disclosable pecuniary interest and/or have disclosed an interest in accordance with the Members' Code of Conduct in any item of business at that meeting. The proposed procedure rule will equate to the current code of conduct requirement that a member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of the business in which he/she has an interest, except where they are permitted to remain as a result of the grant of a dispensation.

12. That the Monitoring Officer be granted delegated authority to consider and determine applications for dispensations in accordance with the legislation relating to dispensations to allow Members to participate and vote in any decision where they have an interest. In the event that the Monitoring Officer is unable to determine such an application for dispensation, the Monitoring Officer is authorised to refer that application to the Review Board for consideration and determination.

13. The Council approves appropriate amendments to the Constitution to enable the approved provisions to be documented in the

Constitution.

In proposing the recommendations in report number LDS072 on the Members' Code of Conduct and Interests, the Governance and Communication Portfolio Holder amended recommendation 1.2 and 1.3, changing "parish and town councils" to "parish and town councillors". This was seconded.

The need to adopt a new Members' Code of Conduct was a requirement of the Localism Act. The proposed code of conduct had been considered by the Standards Committee and the Engagement Policy Development Group before its presentation to Council. It had three key parts: the code of conduct, the complaints procedure and requirement to appoint an Independent Person, and registration and disclosure of interests.

The Portfolio Holder stated the proposed Code of Conduct was based on the seven Nolan Principles for Public Life and explained changes in respect of registration and disclosure of interests. New arrangements were also required for dealing with complaints and the Council was required by the Localism Act to appoint an Independent Person. Applications were received from Mr Fred Mann who was nominated as the Independent Person and the Venerable Tim Barker who was nominated as the reserve. Their appointments were proposed for one year.

A vote of thanks was expressed to the former Standards Committee Chairman, Mr Chris Holtom CBE and Mr. Fred Mann as the former Vice-Chairman, for their many years of service. Councillors who had been involved with the Standards Committee commended Mr Holtom and Mr Mann on the way they led the process, the support they provided and their discretion and helpfulness. Councillors expressed their appreciation with a round of applause.

The Chairman conducted separate votes on each of the recommendations in the report to allow Councillors to propose any amendments.

Recommendation 1.1 was put to the vote and carried.

An amendment was proposed to recommendation 1.2:

"the adoption of arrangements to deal with complaints made about District Councillors set out in Appendix B and consider arrangements for dealing with complaints about parish and town councillors. However, it is not considered fair or just to require a member to have to seek a Judicial Review in order to appeal a decision given the high costs associated with this procedure. It is therefore recommended that an alternative independent appeals mechanism is identified."

This was seconded.

Councillors speaking in favour of the amendment argued that judicial review was prohibitively expensive and that any appeals mechanism should be

accessible to all in accordance with the principles for natural justice.

In speaking against the motion, Councillors highlighted the cost of creating an independent appeals panel for council taxpayers. It was further suggested that there was an opportunity for informal resolution by calling together interested parties and the Independent Person, as described in recommendation 1.9, which should reduce the need for appeal.

The Monitoring Officer explained that under the previous system there had been provision for review of a decision at the assessment phase only. After the Committee had determined a hearing following an investigation, the only method of recourse was Judicial Review. The Local Government Ombudsman could provide a complaint mechanism in instances where there was considered to be maladministration by the Council.

The amendment was put to the vote and lost. The recommendation as originally moved was put to the vote and carried.

Recommendation 1.3 (as amended by the Portfolio Holder), was put to the vote and carried.

Recommendation 1.4, appointing Mr Fred Mann as the Council's Independent Person and the Venerable Tim Barker as reserve, was put to the vote and carried.

Recommendation 1.5 was put to the vote and carried.

An amendment was proposed to recommendation 1.6, which was seconded:

Instead of using the Council's existing appeals panel, a new panel should be created comprising members drawn from each of the political party or groups to a maximum of one person per party or group.

The proposed scheme included the Council's appeal panel (any three members from the Licensing Committee and Resources PDG) as per page 82 of the Council's Constitution.

Councillors speaking in support of the motion stated that under the previous arrangements, the Standards Committee comprised one member from each political group, which they considered more reasonable and fair than the proposed panel. They also felt involving representatives from all political groups would increase the independence of the panel.

The amendment was put to the vote and lost. The recommendation as originally moved was put to the vote and carried.

15:35-15:55 The meeting adjourned

Recommendation 1.7 was put to the vote and carried.

Recommendation 1.8 was put to the vote and carried.

Recommendation 1.9 was put to the vote and carried.

Recommendation 1.10 was put to the vote and carried.

An amendment was proposed to recommendation 1.11, which was seconded. The amendment would replace the proposal for a Councillor to leave the room during discussion of an item in which they have an interest as defined by the Members' Code of Conduct with:

“Members may not take part in the discussion or vote if they have a disclosable pecuniary interest. There is no statutory requirement for members to leave a meeting if they disclose an interest. However, they should leave their place in the meeting.

It will be up to the discretion of the Member to decide whether it is appropriate to adjourn to the public area or whether it is appropriate to leave the room.

The decision of the Member should be recorded in the minutes.”

Councillors debated the amendment. Those speaking in favour of the amendment considered that Councillors should have the same rights as members of the public, who could be present during meetings when decisions were taken that had an impact on them. They also argued that Councillors should be permitted to listen to the debate and hear the decision, particularly when they are representing the electors in their Ward. This would allow Councillors to understand the reasoning behind any decision.

Those who spoke against the amendment suggested that the presence of an interested Councillor at a meeting could be seen to influence a decision or affect the openness of debate. Supporters of the amendment disagreed with this. Councillors also referred to perceptions of members of the public in respect of influence and bias within decision-making.

The Monitoring Officer explained that there would still be an opportunity for the granting of dispensations where 50% of councillors would be prevented from participating in a meeting because of interests.

The amendment was put to the vote and lost. The recommendation as originally moved was put to the vote and carried.

Recommendation 1.12 was put to the vote and carried.

Recommendations 1.13 was put to the vote and carried.

26. REPRESENTATIVES ON OUTSIDE BODIES

Decision:

The Council appoints Councillor Mrs Brenda Sumner as its second representative on the Local Government Association Urban Commission.

Report number LDS073 recommended that the Council appoint a representative to the Local Government Association Urban Commission. As agreed at the annual meeting of the Council 3 May 2013, Councillor Mrs Cartwright remained one of the Council's representatives on the body and held the voting rights.

Three nominations were proposed and seconded: Councillor Mrs Brenda Sumner, Councillor Alan Davidson and Councillor Harrish Bisnauthsing. Following a vote, Councillor Mrs Sumner was appointed as the Council's second representative on the Local Government Association Urban Commission.

27. QUESTIONS WITHOUT DISCUSSION

One question without discussion had been received and referred to the relevant Policy Development Group.

Question

To: Councillor Linda Neal, Leader of the Council

From: Councillor Rob Shorrocks

Do you think it appropriate that as Leader of the Council a PDG has to provide an answer about your own work and engagements and on reflection do you think you can provide further information on your work and engagements since the last full council meeting and have this published on the SKDC website for clear and public and access?

Could a response to the question be provided to me by email?

Referred to the Engagement Policy Development Group.

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

Decision:

That the Council rejects the motion:

It is proposed that South Kesteven District Council creates a Voluntary Sector Fund specifically for the use of voluntary sector organisations,

across the District, which are providing vital facilities to vulnerable residents.

The combination of high unemployment, cuts in welfare benefits and rising household costs is leading to an increase in the level of people in need of assistance from the Voluntary Sector to access the most basic life essentials.

Councillor Morgan proposed the motion:

“It is proposed that South Kesteven District Council creates a **Voluntary Sector Fund** specifically for the use of voluntary sector organisations, across the District, which are providing vital facilities to vulnerable residents.

The combination of high unemployment, cuts in welfare benefits and rising household costs is leading to an increase in the level of people in need of assistance from the Voluntary Sector to access the most basic life essentials”

The motion was seconded.

In proposing the motion, Councillor Morgan stated that voluntary organisations in the district that provided services for the most vulnerable residents were facing increased demand and finding it difficult to access funding. Attracting funding for existing projects was difficult and there was a lot of competition. A lot of initiatives were church-led or reliant on voluntary contributions from individuals. Similar concerns were echoed by other Councillors who spoke in favour of the amendment.

Referring to the draft Financial Outturn, she proposed that a fund be created from within the reserve which was set aside for unforeseen events.

During debate on the motion, Councillors highlighted national economic conditions, levels of unemployment, the number of part-time workers and the number of families living in poverty.

Members also considered future funding arrangements for the authority; further reductions in funding were expected over the next four-years.

The Council’s Budget included funding for the Lincolnshire Community Voluntary Service, which supported voluntary sector organisations and the Citizen’s Advice Bureau, from which individuals could seek support.

Some Councillors expressed concern that the proposed level of funding and its duration were not included in the motion. Several Councillors suggested that the support provided by voluntary sector organisations should be provided by the government, and funding for the services should not be the responsibility of a district council.

The Section 151 Officer stated that the 2012/13 budget had been agreed and

would require reports to Cabinet and Council by which point the budget cycle for 2013/14 would be underway. He suggested that if the motion was successful, provision for such a fund could be built into this.

There was a request for a recorded vote. However, failing to receive the support of ten Members as per Council Procedure rule 16.4, the request was refused. The proposal was put to the vote and lost.

Councillors Selby, Morgan, Shorrocks, Davidson, Powell, Ashberry and Wells requested that their votes for the motion be recorded. Councillor Peter Stephens requested that his vote against the motion be recorded.

Councillor Morgan withdrew her second notice of motion. The notices of motion submitted by Councillor Dilks were dismissed because he was not present at the meeting.

Decision:

That the Council rejects the motion:

- 1. “The council will, through its neighbourhood groups, consult widely with existing and would-be tenants and others on government proposals for secure tenancies, rents and housing benefit***
- 2. Seek the views and experience of private sector tenants, and provide support and advice in the face of high rents and housing benefit cuts.***
- 3. Provide a briefing for landlords on the impact of housing benefit changes and work with them to develop affordable pricing strategies***
- 4. Not replace existing or future secure tenancies with fixed term tenancies for existing and future tenants***
- 5. Ensure that proposed business plans for borrowing and investment in housing include a full equality and economic impact assessment on the impact of future rent policy and that full consultation is undertaken with tenants, neighbourhood groups and councillors.***
- 6. Ensure that the Housing Business Plan is discussed and approved by a full meeting of council.”***

Councillor Shorrocks proposed the motion:

- 1. The council will, through its neighbourhood groups, consult widely with existing and would-be tenants and others on government proposals for secure tenancies, rents and housing benefit***

2. Seek the views and experience of private sector tenants, and provide support and advice in the face of high rents and housing benefit cuts.
3. Provide a briefing for landlords on the impact of housing benefit changes and work with them to develop affordable pricing strategies
4. Not replace existing or future secure tenancies with fixed term tenancies for existing and future tenants
5. Ensure that proposed business plans for borrowing and investment in housing include a full equality and economic impact assessment on the impact of future rent policy and that full consultation is undertaken with tenants, neighbourhood groups and councillors.
6. Ensure that the Housing Business Plan is discussed and approved by a full meeting of council.

The motion was seconded.

In proposing the motion, Councillor Shorrocks referred to £18bn in benefit cuts that had been proposed by the government, which would particularly affect young people under the age of 25 and families with children with disabilities. He suggested that reducing benefits for young people could increase the number of homelessness applications made to the Council. He also highlighted a potential national impact, which could see people migrating to the district from more areas where the cost of living was greater. Consequently, the motion called for a full impact assessment that would constitute part of the Housing business plan.

Councillor Shorrocks also highlighted legislation that would give the Council the power to change the tenure of its tenancies. He asked the Council to protect secure tenancies. The motion also indicated the importance of consultation with tenants and landlords about changes to benefits and the potential impact of those changes. The Councillor seconding the motion highlighted a potential risk: that private sector rents would increase because of demand created by high house prices.

The Portfolio Holder for Good Housing highlighted work that the Council was doing, which he considered addressed the points raised in the motion. Work included reviewing strategies around housing including the management, maintenance and investment in the Council's housing stock as a result of the re-financing of the Housing Revenue Account (HRA). This would include consultation with key stakeholders including tenants. The Council was also preparing for the impact of welfare reform on council and private sector tenants and subsequent consultation. Councillors would have the opportunity to get involved with this policy development through the Council's policy development groups.

It was proposed and seconded that, in accordance with Council Procedure Rule 13(x), that the question be now put. This proposal was put to the vote and carried.

The proposed notice of motion was put to the vote and lost.

29. CLOSE OF MEETING

The meeting was closed at 17:24.