

MINUTES

COUNCIL

THURSDAY, 18 OCTOBER 2012

2.00 PM



PRESENT

Councillor Mrs Rosemary Kaberry-Brown Chairman

Councillor Bob Adams
Councillor Mark Ashberry
Councillor Ray Auger
Councillor Jean Bevan
Councillor Pam Bosworth
Councillor Terl Bryant
Councillor Paul Carpenter
Councillor Mrs Frances Cartwright
Councillor Ibis Channell
Councillor George Chivers
Councillor Michael Cook
Councillor Kelham Cooke
Councillor Paul Cosham
Councillor Nick Craft
Councillor Alan Davidson
Councillor Phil Dilks
Councillor Breda Griffin
Councillor Reginald Howard
Councillor Vic Kerr
Councillor Charmaine Morgan
Councillor David Nalson
Councillor Mrs. Linda Neal
Councillor John Nicholson
Councillor Alan Parkin

Councillor Helen Powell
Councillor Nick Robins
Councillor Graddon Rowlands
Councillor Bob Russell
Councillor Bob Sampson
Councillor Susan Sandall
Councillor Bob Sandall
Councillor Trevor Scott
Councillor Ian Selby
Councillor Rob Shorrocks
Councillor John Smith
Councillor Mrs Judy Smith
Councillor Peter Stephens
Councillor Judy Stevens
Councillor Adam Stokes
Councillor Brenda A Sumner
Councillor Mike Taylor
Councillor Mrs Jean Taylor
Councillor Jeff Thompson
Councillor Bruce Wells
Councillor Paul Wood
Councillor Rosemary H Woolley
Councillor Raymond Wooten

OFFICERS

Chief Executive (Beverly Agass)
Strategic Director – Corporate Focus
(Daren Turner)
Strategic Director – Development and
Growth – Ian Yates

OFFICERS

Head of Legal and Democratic Services
(Lucy Youles)
Principal Democracy Officer (Jo Toomey)

40. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bisnauthsing, Broughton, Higgs, Jock Kerr, King, Jacky Smith, Ian Stokes and Wilkins.

41. DISCLOSURE OF INTERESTS

No interests were disclosed.

42. MINUTES OF THE MEETING HELD ON 13 SEPTEMBER 2012

It was proposed and seconded that the minutes from the meeting held on 13 September 2012 be agreed as a correct record. This was put to the vote and carried. Councillor Powell clarified an amendment she made as it was recorded under minute number 36. She had intended the second part of the amendment to read as follows:

“Certain car parks can be allocated only for commuters, leaving other car parks nearer to the shops solely for shoppers.”

43. COMMUNICATIONS (INCLUDING CHAIRMAN'S ANNOUNCEMENTS)

The Council noted the Chairman's engagements.

44. GRAVITY FIELDS

The Leader and the Grow the Economy and Economic Development Portfolio Holder gave a brief presentation on the feedback and achievements of the inaugural Gravity Fields Festival.

Particular thanks was given to the Festival Co-ordinator, Rosemary Richards. The Council showed its appreciation with a round of applause. All teams from across the council, together with internal and external volunteers, were also thanked for their contributions.

The aims of the Festival were building the reputation of the district, changing people's perception and putting the district on the map so people want to live, work and invest; feedback indicated that these objectives were achieved. Targets were exceeded for the number of schools and volunteers involved in the festival, together with the number of businesses. Councillors noted the feeling of local pride and support; 81% of ticket sales were from the local NG and PE postcodes.

Traders reported improved business and feedback from individuals was positive. The festival received positive press coverage in the national print media, television, local radio and support from the Grantham Journal. A souvenir brochure was presented to the Festival Co-ordinator and officers who made a significant contribution to the festival to thank them for their efforts:

- Festival Co-ordinator (Rosemary Richards)

- Economic Investment and Development Service Manager (David Mather)
- Head of Community Assets (Paul Stokes)
- Team Leader – Leisure and Amenities (Susie McCahon)
- Consultation and Engagement Officer (Fiona Truman)
- Corporate Health and Safety Advisor (Katherine Evans)
- Specialist HR Business Partner (Simon Collingwood)
- Legal Administrator (Clare Richardson)
- Strategic Director – Development and Growth (Ian Yates)
- Communications Officer (Chris England)

Councillors watched a DVD which showed highlights of the festival.

A number of Councillors all spoke on the success of the festival and their experiences, offering their congratulation and gratitude to all those involved; specific mention was made of the Guildhall Arts Centre box office staff.

Members complimented the quality, range, accessibility and affordability of the events. Councillors' highlights included the Cirque Bijou performance, which was part of the Transformation of the Town finale. In speaking about the potential legacy of the Festival, several Councillors hoped to see growth in the local economy in the medium to long term, not only during the festival.

In response to a question on the cost of the festival, the Chief Executive stated that the Council had budgeted £75k funding over two years. Additional funding was contributed by the arts council and other sponsors. Council noted that potential investors had shown interest in supporting future festivals. The Chief Executive added her thanks to everyone who had been involved in the Festival.

45. SCRUTINY COMMITTEE ANNUAL REPORT 2011/12

The Chairman of the Scrutiny Committee presented the Scrutiny Committee annual report for 2011-2012 to the Council for noting. He commented that it had been a challenging year and that the Committee had put in a lot of hard work as there were a lot of members who had no previous experience of scrutiny.

A number of Councillors thanked the chairman for his report and the committee for their work and the way in which it was conducted. Members noted the improvements that had been made to the Committee's operation and felt it was heading in the right direction. It was suggested that when the Committee carried out investigations, it should look deeper into the evidence base. To help the Council further understand the Committee's work, it was suggested the annual report could include a column listing outcomes, and that the report be presented to Council at an earlier meeting when it was more current.

Council noted the report.

46. REPRESENTATIVES ON OUTSIDE BODIES

Decision:

That Councillor Mike Taylor be appointed to fill the vacancy as the Council's representative on the Upper Witham Internal Drainage Board.

Report LDS079 asked the Council to consider appointing a Councillor to fill a vacancy which had arisen on the Upper Witham Internal Drainage Board. Councillor Mike Taylor was nominated to fill this vacancy; this was seconded. On being put to the vote, the proposition was carried.

47. AMENDMENTS TO THE CONSTITUTION

Decision:

The Council approves the recommendations made by the Constitution Committee at its meeting on the 24th September 2012 as follows:

1.1 Motions on Notice

The Constitution Committee recommends to Council that the Constitution be amended at clause 12.3 of page 128 to read:

Motions must be about matters for which the Council has a responsibility or which directly affect the district. The content of any motion on notice shall consist of one single subject matter. No motion on notice shall be debated in the absence of the member who has proposed the motion.

1.2 Neighbourhood Plans – Delegation

The Constitution Committee recommends to Council that the Constitution be amended to insert at page 105.3 the following delegation to the Head of Development and Growth:

Neighbourhood Planning

To take, after consultation with the relevant Portfolio Holder and the local ward member(s), decisions on the following matters, as defined in the Localism Act 2011 and Neighbourhood Planning (General) Regulations 2012 (or as may be amended):

- ***Applications to designate a Neighbourhood Area***
- ***Applications to designate a Neighbourhood Forum***
- ***To accept or decline repeat proposals for a Neighbourhood Development Plan or Neighbourhood Development Order***
- ***Validity and acceptance of proposals for a Neighbourhood Development Plan or Neighbourhood Development Order***

- **Appointment of person to carry out examination of a Neighbourhood Development Plan or Neighbourhood Development Order**

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

The Constitution Committee recommends to Council the amendments to the Constitution to incorporate the changes introduced by the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (the Regulations) as follows:

Page 63 – Proper Officer for Access to Information

**15.3 (h) – delete existing clause and replace with:
Publication of Notices relating to Key Decisions**

The Monitoring Officer will publish notices relating to key decisions in accordance with the provisions of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Page 90 – Delegation to the Chief Executive

Add new item 4 – To authorise the Head of Paid Service (or deputy) to grant dispensation in respect of any conflict of interest of any Member of the Cabinet declared at meetings of the Cabinet

Page 106 – List of Proper Officers and Designated Officers for Particular Functions

Column C - add reference to Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 for items relating to Monitoring Officer and officer responsible for background papers

Add new item –

Column A - Monitoring Officer

Column B – Recording of Executive Decisions

Column C – Local Government Act 2000; The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Page 143 – Access to Information Procedure Rules

Scope – add reference to regulations made in accordance with section 9G, 9GA and 105 Local Government Act 2000.

Page 144 – Access to Agenda and Reports before the Meeting

Add after ..and designated offices – “and on the Council’s website”.

Page 146 – Public Inspection of Background Papers

Add to 8.2 – which will also be available on the Council’s website.

Page 147 – Exclusion of access by the Public to Meetings

Add new paragraph at clause 10.5 as follows:

Where there is a requirement to hold a Cabinet meeting in private:

At least 28 clear days before a private meeting, the Cabinet must--

make available at the designated offices a notice of its intention to hold the meeting in private; and

(b) publish that notice on the website.

Any such notice must include a statement of the reasons for the meeting to be held in private.

At least five clear days before a private meeting, the Cabinet must--

make available at the designated offices a further notice of its intention to hold the meeting in private; and

(b) publish that notice on the website,

Any such notice must include--

(a) a statement of the reasons for the meeting to be held in private;

details of any representations received by the Cabinet about why the meeting should be open to the public; and

(c) a statement of its response to any such representations.

Where the date by which a meeting must be held makes compliance with this requirement impracticable, the meeting may only be held in private where the Cabinet has complied with Rule 16 (special urgency)

Page 155

Delete reference to the forward plan and replace with “Schedule of Decisions”

Page 156 and 157 - The Forward Plan

Delete pages 156 and 157 relating to the Forward Plan and replace with:

Schedule of Decisions

A key decision must not be made until a Schedule of Decisions has been published and made available for public inspection at the offices of the Council and on the Council’s website at least 28 clear days before the

decision is made which states:-

- (a) that a key decision is to be made on behalf of the local authority;**
- (b) the matter in respect of which the decision is to be made;**

where the decision maker is an individual, that individual's name, and title and, where the decision maker is a decision-making body, its name and a list of its members;

the date on which, or the period within which, the decision is to be made;

a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;

the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed are available;

that other documents relevant to those matters may be submitted to the decision maker; and

the procedure for requesting details of those documents (if any) as they become available.

Exempt information need not be included in the Schedule of Decisions and confidential information cannot be included.

Page 157 – General Exception

- (i) Delete “forward plan” and insert “Schedule of Decisions”**
- (ii) Insert “ the chair of the relevant Policy Development Group and....” before Scrutiny Committee**
- (iii) Insert “..... and on the Council’s website**

**Add (iv) As soon as reasonably practical after all the above have been satisfied, The Monitoring Officer must make available at the Council offices a notice setting out the reasons why compliance with procedure rule 14 is impractical; and
Publish that notice on the Council’s website**

Page 158 – Special Urgency

**Add after notifies in writing: ... the Chairman of the relevant Policy Development Group and...
Add further paragraph:**

As soon as reasonably practicable after the decision maker has obtained agreement under this rule that the making of the decision is urgent and

cannot reasonably be deferred, the decision maker must--

make available at the designated offices of the Council a notice setting out the reasons that the meeting is urgent and cannot reasonably be deferred; and

(b) publish that notice on the website.

Page 158 - Report to Council

(a) Delete forward plan and replace with Schedule of Decisions

Page 159 – Quarterly Reports on Special Urgency Decisions

Add further paragraph at 17.3

The Leader must submit at least one report under paragraph 17.3 annually to the Council.

Page 162 – Access to Documents – Policy Development Groups and Scrutiny Committee

Delete clause 24 and replace with new clause 24 as follows:

24.1 *A member of a Policy Development Group or Scrutiny Committee is entitled to a copy of any document which--*

(a) is in the possession or under the control of the Cabinet; and

(b) contains material relating to--

(i) any business that has been transacted at a meeting of a decision-making body of the Council;

(ii) any decision that has been made by an individual member of the Cabinet in accordance with executive arrangements; or

(iii) any decision that has been made by an officer of the authority in accordance with executive arrangements.

24.2 *Where a member of a Policy Development Group or the Scrutiny Committee requests a document which falls within paragraph 24.1, the Cabinet must provide that document as soon as reasonably practicable and in any case no later than 10 clear days after the Cabinet receives the request.*

24.3 *No member of a Policy Development Group or Scrutiny Committee is entitled to a copy--*

(a) of any such document or part of a document as contains exempt or

confidential information unless that information is relevant to--

**(i) an action or decision that that member is reviewing or scrutinising;
or**

(ii) any review contained in any programme of work of such a Policy Development Group or Scrutiny Committee or sub-committee of such a committee;

(b) of a document or part of a document containing advice provided by a political adviser or assistant.

24.4 Where the Cabinet determines that a member of a Policy Development Group or Scrutiny Committee is not entitled to a copy of a document or part of any such document for a reason set out in paragraph 24.3, it must provide the Policy Development Group or Scrutiny Committee with a written statement setting out its reasons for that decision.

Page 163 – Additional Rights of Access for Members

Delete clause 25 and replace with new clause 25 as follows:

25.1 Any document which-

(a) is in the possession or under the control of the Cabinet; and

contains material relating to any business to be transacted at a public meeting,

must be available for inspection by any member of the Council.

25.2 Any document which is required by paragraph 25.1 to be available for inspection by any member of the Council must be available for such inspection for at least five clear days before the meeting except that--

(a) where the meeting is convened at shorter notice, such a document must be available for inspection when the meeting is convened; and

(b) where an item is added to the agenda at shorter notice, a document that would be required to be available under paragraph 25.1 in relation to that item, must be available for inspection when the item is added to the agenda.

25.3 Any document which--

is in the possession or under the control of the executive of the local authority; and

(b) contains material relating to--

(i) any business transacted at a private meeting;

any decision made by an individual member in accordance with executive arrangements; or

any decision made by an officer in accordance with executive arrangements,

must be available for inspection by any member of the Council when the meeting concludes or where an executive decision is made by an individual member or an officer immediately after the decision has been made.

25.4 Any document which is required by paragraph 25.3 to be available for inspection by any member of the relevant local authority must be available for such inspection, in any event, within 24 hours of the conclusion of the meeting or the decision being made, as the case may be.

25.5 Paragraphs 25.1 and 25.3 do not require a document to be available for inspection if it appears to the proper officer that it discloses exempt information of a description falling within Part 1 of Schedule 12A to the 1972 Act (descriptions of exempt information: England).

25.6 Notwithstanding paragraph 25.5, paragraphs 25.1 and 25.3 do require the document to be available for inspection if the information is information of a description for the time being falling within--

paragraph 3 of Schedule 12A to the 1972 Act (except to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract); or

(b) paragraph 6 of Schedule 12A to the 1972 Act.

25.7 Where it appears to the proper officer that compliance with paragraph 25.1 or 25.3 in relation to a document or part of a document would involve the disclosure of advice provided by a political adviser or assistant that paragraph will not apply to that document or part.

25.8 The rights conferred by paragraphs 25.1 and 25.3 are in addition to any other rights that a member of a local authority may have.

Page 163

Add new paragraph 26

26 Reports to the local authority where the key decision procedure is not followed

26.1 Where an executive decision has been made and--

- (a) was not treated as being a key decision; and**
- (b) the Scrutiny Committee is of the opinion that the decision should have been treated as a key decision, that Committee may require the executive which is responsible for the decision to submit a report to the Council within such reasonable period as the Committee may specify.**

26.2 A report under paragraph 26.1 must include details of--

- (a) the decision and the reasons for the decision;**
- (b) the decision maker by which the decision was made; and**
- (c) if the executive are of the opinion that the decision was not a key decision, the reasons for that opinion.**

The Chairman of the Constitution Committee proposed the recommendations in report number LDS080 with three amendments:

- Page 2, recommendation 1.1 (Motions on Notice) – amend reference to page 28 to page 128
- Page 3, recommendation 1.3 (Page 90 – Delegation to the Chief Executive) – amend to read: *“To authorise the Head of Paid Service or deputy...”*
- Page 4, recommendation 1.3 (Page 156 and 157 – The Forward Plan), (c) – to remove the words *“if any”*

In proposing the recommendations, the Chairman of the Constitution Committee summarised the changes. The Neighbourhood Plans delegation would allow officers to make procedural decisions relating to the implementation of neighbourhood plans and orders in consultation with the relevant Portfolio Holder and Ward member. Under the Neighbourhood Planning (General) Regulations 2012, the authority was required to support the administer the examination of and referendum on any plans before their adoption. The ultimate decision on whether to bring a plan or order into effect would be a decision for full council.

The amendments proposed in recommendation 1.3 would update the Constitution with provisions introduced by the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The Chairman specifically highlighted the replacement of the Forward Plan with the Schedule of Decisions and the requirement to give 28 clear days notice of any key decisions or decisions taken at meetings from which the public would be excluded because exempt information would be discussed. Councillors’ attention was also drawn to a new requirement to publish all background papers for executive decisions on the Council’s website and new rules on the provision of documentation to the Policy Development Groups and Scrutiny Committee.

The recommendation on notices of motion was made following a referral from Council. In developing its recommendation the Committee considered arrangements in other local authorities, comments made during the Council meeting at which it was initially raised and feedback from individual Councillors. The Committee recommended that no change should be made in respect of the number of notices of motion that could be submitted however they should be on a single matter and if a councillor was absent from the meeting their notice of motion could not be debated.

The proposition was seconded.

A Councillor asked a question in respect of exempt information and the exclusion of the public. The Access to Information Procedure rules listed a number of topics where members of the public would be excluded during discussion (pages 148-154 of the Council's Constitution). These provisions were not new, however the requirement to advertise a meeting where a key decision would be taken from which members of the public would be excluded 28 days in advance was.

Separate votes were taken on each of the three recommendations and each was carried.

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

Councillor Wood withdrew his notice of motion with the assent of his seconder. He had submitted a written notice to the Chief Executive supported by more than five members in accordance with item 8 of the Council's Policy Development Group Procedure Rules on page 178 of the Council's constitution, which requested the matter be referred to the PDG Co-ordinating Group.

49. CLOSE OF MEETING

The meeting was closed at 15:35.