

MINUTES

COUNCIL

THURSDAY, 11 SEPTEMBER 2014

2.00 PM



PRESENT

Councillor Reginald Howard Chairman

Councillor Bob Adams
Councillor Mark Ashberry
Councillor Ray Auger
Councillor Harrish Bisnauthsing
Councillor Pam Bosworth
Councillor Terl Bryant
Councillor Paul Carpenter
Councillor Mrs Frances Cartwright
Councillor Ibis Channell
Councillor Michael Cook
Councillor Kelham Cooke
Councillor Paul Cosham
Councillor Nick Craft
Councillor Phil Dilks
Councillor Breda Griffin
Councillor Vic Kerr
Councillor Michael King
Councillor Charmaine Morgan
Councillor Dr Peter Moseley
Councillor David Nalson
Councillor Mrs. Linda Neal
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 Jacky Smith
Councillor John Smith
Councillor Peter Stephens
Councillor Judy Stevens
Councillor Ian Stokes
Councillor Adam Stokes
Councillor Mrs Brenda Sumner
Councillor Mike Taylor
Councillor Mrs Jean Taylor
Councillor Jeff Thompson
Councillor Frank Turner
Councillor Bruce Wells
Councillor Paul Wood
Councillor Raymond Wooten

OFFICERS

Chief Executive (Beverly Agass)
Strategic Directors (Steve Ingram, Daren Turner)
Executive Manager, Corporate (Lucy Youles)

OFFICERS

Head of Community Assets (Paul Stokes)
Head of Property Development (Neil Cucksey)
Principal Democracy Officer (Jo Toomey)

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26. PUBLIC OPEN FORUM

Question 1

To: Councillor Paul Carpenter
Portfolio Holder: Communication and Corporate Governance

You will hopefully remember that I asked this question at a previous meeting but you refused point-blank to answer it, so I have once again had to make the 60-mile round trip from the Deepings in order to participate in this democratic spectacle.

I understand from talking to District Councillors that these full council meetings are largely ceremonial occasions but is it not ridiculous and farcical that I can come here at relatively short notice, and ask almost any question I like and expect an answer on the day, when my democratically elected representatives are denied the opportunity of open questions and answers at Full Council and therefore isn't it time elected Councillors were allowed to ask and answer questions at Council meetings?

From: Mr. A. Baxter, Deeping St. James

Response (transcript)

Thank you...Mr Chairman...may I ask your indulgence, please, to make a comment before I answer the question? My comment is that unfortunately it was left to myself to suggest that the supplementary question was actually a second question and according to our Constitution that would not be allowed. I actually took that as a prompt, and I thank Mr Baxter for this, because it set my mind thinking that perhaps members of the public who wish to speak are not aware of what they can and cannot do, so I instigated a public speaking protocol which should help people through these matters and to that end, I thank Mr Baxter because that started this ball rolling and every member of the public who wishes to speak now will be able to see this, which will help them through the process.

Now, if I may, that was not my answer, but this is, Mr Chairman: had you stayed for the full Council meeting last time, Mr Baxter, you will have heard an amendment put forward to our Constitution from Councillor Dilks, which was on the very same subject as your question is today. That was heavily debated, both sides of the Chamber, points were made and eventually that amendment was put to the vote. Because I thought it was an important issue, I personally asked for a recorded vote. That amendment was lost. All the names of the people who voted and which way they voted are minuted and there for all the public to see. That to me is a democratic process, and that is what happened at the last meeting. Thank you.

Supplementary Question (transcript)

I haven't had a chance to look through to see how you personally voted, I'd be interested to know, but that is not my supplementary question and I hope that you'll answer the supplementary question this time; regardless of the Constitution I hope you'll answer it, but the question is: why are you so afraid, all you people who voted, all you people who support this Constitution that prevents each other asking questions about topical issues in South Kesteven, why are you so afraid of questions being asked and answered, after all, the Prime Minister faces questions every week; what makes you so special?

Response (transcript)

I'm happy to answer that if that's okay. I don't think anyone is afraid. Part of the debate actually stated that people can ask questions any time they wish. In fact one or two members mentioned that they saw Cabinet members, asked questions, discussed subjects and they got an answer. Why I particularly voted against this was that I see that this is not always to be used as just questions. I have been a member of the County Council and saw this in action; we got political speeches, we got comments that were trying to trip up people. I don't think that was in the true manner that we should conduct this Council. This Council may change its mind. If it does it will go through the democratic process and anything that was agreed would change the Constitution. I would actually like to thank you for being a member of the public that has taken such an interest in the way we work because most members of the public that come here tend to be interested in a planning application that doesn't suit them or whether their bins get emptied or not, so it's quite refreshing; I compliment you on your interest in local democracy, so thank you.

Question 2

To: Councillor Mrs Frances Cartwright
Portfolio Holder: Grow the Economy – Economic Development

Following the sale of land in the heart of Market Deeping by South Kesteven District Council in 2006, the current owners New River Retail Ltd are preparing new retail development and new car parking arrangements in the town centre.

I appreciate the need for both the landlord and the local shopkeepers to earn an income, but I hope you will agree that any parking restrictions should be for the benefit of local shops and customers.

Will the Council please commit to help to mitigate the impact on any changes to parking arrangements in the Deepings in the following ways:

- a) Assist the Deepings community in lobbying New River Retail Ltd to ensure car parking arrangements remain in the best interests of shops and customers in the Deepings, including the retention of a suitable, free-

of-charge, long-stay car park area.

- b) Support the implementation of residents' parking schemes on Stamford Road, Godsey Lane, Dixons Road, Clover Road, and other parts of the Deepings if and when they become necessary?

From: Mr. A. Baxter, Deeping St. James

Response (transcript)

The operations of New River Retail Ltd, in respect of the way that the company manages their assets, would normally be a private matter for them. However, in this instance, when the Council originally sold the land in question, it imposed an applicable covenant regarding the nature of the on-going parking arrangements. The Council will therefore, when considering its response to any proposals to change the covenanted parking arrangements, will have to take into account whether any such changes have appropriately taken into account the interests of all those who may be affected.

We are aware of the situation in Market Deeping and officers have been communicating with the owners regarding this issue. We have also been liaising with the Town Council - and we have informed the Town Council that the current owners of the car park acknowledge that the covenant states that up to 4 hours free parking should be made available in accordance with the terms of the transfer of the land in 2006.

In terms of additional potential residents' parking schemes, the Council will work with all its partners to appropriately consider and facilitate wherever feasible appropriate new local solutions. However we obviously cannot commit to supporting any schemes that have not yet been developed. Each scheme will have to be considered on its merits.

Supplementary question (transcript)

Thank you for that, which I think was an expression of support for the local community to ensure decent parking arrangements. Some of the residents locally, particularly on Stamford Road, have lobbied the Town Council previously about parking permits and have received, I wouldn't say little help, they've received information from the district council that more or less said it's impossible to set up a residents' parking permit scheme. Now that is going to get worse as a result of any arrangements in the town centre, it's also got worse because of a local gym that has opened and other developments in the town centre so can you commit to speaking or asking officers to reconsider their opinion about a residents' parking permit on Stamford Road?

Response (transcript)

I will say that I can only say that a residents' parking scheme has to be supported by a certain percentage of the residents in each street and we have

these arrangements set-up so that this can be done. If the residents in a particular street apply to the officer and they fulfil the criteria, we will consider a residents' scheme.

14:15: Public Open Forum closed

27. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bevan, Broughton, Chivers, Davidson, Mrs Kaberry-Brown, J Kerr, Nicholson, Shorrocks, Mrs Judy Smith, Wilkins and Woolley.

28. DISCLOSURE OF INTERESTS

Councillor Bryant disclosed a non-pecuniary interest in agenda item 7 ('Capital Investment – Park Air Systems') because he used to work there.

29. MINUTES OF THE MEETING HELD ON 10 JULY 2014

The minutes of the meeting held on 10 July 2014 were proposed, seconded and agreed as a correct record.

30. COMMUNICATIONS (INCLUDING CHAIRMAN'S ANNOUNCEMENTS)

The Council noted the Chairman's engagements.

Agenda items 6, 7 and 8 were introduced and proposed simultaneously. For the purposes of the minutes the summary of debate will be separated and included with the relevant item, together with the decision relating to that agenda item. (separate votes were taken on each item).

31. ST PETERS HILL DEVELOPMENT - BUDGET ALLOCATION & PROJECT UPDATE

Decision:

That the Council notes the progress made on developing the St Peter's Hill scheme and agrees to amend the allocation in the General Fund Capital Programme for this scheme to £4.95m from the £6.1m currently allocated to 'Town Centre Projects – St Peter's Hill Development' for the period 2014/15-2016/17.

The Portfolio Holder for Strategic Resources – Well Run Council proposed the recommendation in report number PD021 (which was seconded), requesting a revision to the General Fund Capital Programme. The Budget approved by Council on 3 March 2014 included an allocation of £6.1m for 'Town Centre Projects – St Peter's Hill Development' for 2014/15 to 2016/17. Changes to proposed onsite provision and further work on costings identified a reduced

budget requirement for the project of £4.95m.

Members spoke in support of the proposed cinema development however some expressed disappointment that more information had not been made available to Councillors and that there had not been more public input in developing proposals for the site.

Detailed costings, anticipated commercial yield and lease terms could not be shared as they were subject to ongoing negotiations and consequently commercially sensitive information. Members were assured that officers were undertaking detailed work with a potential contractor to better understand costs and the delivery timeframe and that work developing the business case and financial modelling was ongoing.

The proposition was put to the vote and carried unanimously.

32. CAPITAL INVESTMENT - PARK AIR SYSTEMS

Decision:

That the Council amends the General Fund Capital Programme for 2014/15 and 2015/16 to include up to £495,000 from New Homes Bonus Funding over the two financial years to be invested in the extension to Premises at Northfields Industrial Estate, Market Deeping.

In proposing the recommendations in report number PD022, the Portfolio Holder for Strategic Resources – Well Run Council informed Members that the proposed adjustment to the General Fund Capital Programme for 2014/15 and 2015/16 would help retain a company of world-renown in Market Deeping. The proposition was seconded.

A number of Members spoke in favour of the proposals and the Council's broader economic development priority. Particular comment was made about the importance of providing high-quality, skilled jobs in the district.

In response to a question officers informed Councillors that the project would be funded by New Homes Bonus as it was the Council's policy to invest this funding in support of Council priorities.

Information on any payback clause, detailed figures on anticipated commercial yield and lease terms could not be shared as they were subject to ongoing negotiations and consequently commercially sensitive information.

One member queried the exact name of the company; officers stated that they would clarify the registered name and ensure it was used on documents.

The proposition was put to the vote and carried unanimously.

33. PROPOSED CHANGE TO THE HOUSING REVENUE ACCOUNT CAPITAL PROGRAMME 2014/15 FOR PROVISION OF LED LIGHTING IN COMMUNAL AREAS

Decision:

That the Capital Programme for the Housing Revenue Account be amended to include an allocation of £775k for 2014/15 to provide LED lighting in communal areas of sheltered housing schemes.

The Portfolio Holder for Strategic Resources – Well Run Council proposed the recommendations in report number RIM0340, which would see an adjustment to the Housing Revenue Account Capital Programme to support a project that would provide LED lighting in the communal areas of sheltered housing schemes. Members were informed that the expected payback period on the investment was three-years. The proposition was seconded.

As well as the financial savings that would be made, reference was also made to the broader environmental benefits.

The proposition was put to the vote and carried unanimously.

34. UPDATES FROM CONSTITUTION COMMITTEE

Decision:

That the Council approves the following changes to the Constitution:

1.1 Powers Delegated to officers

Amendment of the Constitution to delegate to the Executive Manager Environment (formerly Operations Director) and the Head of Housing and Neighbourhood the authority to use the powers set out in the Anti-social Behaviour, Crime and Policing Act 2014 (which comes into force on 20th October 2014), as follows:

- *Constitution – Part 3 Operations Director – ‘Waste Services’ - amend to Executive Manager Environment and at paragraph 1, after “...in respect of the following statutes” insert:-*

“including the provisions as provided and amended by the Anti-Social Behaviour, Crime and Policing Act 2014”

- *Constitution – Part 3 – Operations Director ‘Waste Services’ - amend to Executive Manager Environment and at the end of paragraphs 3,4 and 5 insert:*

“as provided and amended by the Anti-Social Behaviour, Crime and

Policing Act 2014”

- *Constitution – Part 3 – Operations Director – amend to Executive Manager Environment and at ‘Community Safety’ remove paragraph 1 and replace with:*

“Authorised and to authorise officers to exercise any of the powers in relation to anti-social behaviour as set out in the Anti-Social Behaviour, Crime and Policing Act 2014 (and any amendments) and authorised to delegate power to officers and Lincolnshire Police (including Police Community Support Officers) to issue Fixed Penalty Notices on behalf of the Council.”

- *Constitution – Part 3 “Head of Housing & Neighbourhoods” at the end of paragraph 12 insert:*

“including the provisions as provided and amended by the Anti-Social Behaviour, Crime and Policing Act 2014”

1.2 Council Procedure Rules

Members’ Conduct - delete clause 21.7 at page 138 – ‘Recording of meetings’

1.3 Protocol Concerning the Recording of Public Meetings in the Council Chamber.

- a) At page 305 delete the words – “it is intended that Council Procedure Rules will be amended to preclude any other form of audio recording of meetings when the official system is operative.”*
- b) At page 305 – paragraphs 5 and 6 – ‘Ownership’, add the words “made by the Council” after the word “recordings”*

The Chairman of the Constitution Committee proposed the recommendations in report number LDS134. He explained that the recommendations that related to the Anti-Social Behaviour, Crime and Policing Act 2014; the amendments had been brought to this meeting of the Council so that delegations were in place in preparation for the Act coming into force on 20 October 2014. He informed Councillors that the legislation was designed to help officers deal with incidents more effectively and provide better protection for victims and the wider community. He also informed Members that at its meeting on 8 September 2014, the Committee also considered changes to the Constitution that were required by the Openness of Local Government Bodies Regulations 2014, which came into force on 5 August 2014 and permitted anyone attending meetings of the Council to record, film, photograph and use social media during Council meetings.

The Councillor seconding the proposition highlighted how the provisions within the Anti-Social Behaviour, Crime and Policing Act simplified the powers already in place, reducing 19 powers to 6, many of which related to civil enforcement.

Two Councillors spoke in favour of the principle behind the requirements of the Openness of Local Government Bodies Regulations 2014 so long as meetings were not disrupted. It was highlighted that Councillors who chose to take advantage of these provisions needed to ensure they paid full attention to the decisions they were making. It was suggested that any devices should be used in silent mode and that, as a courtesy, anyone intending to record might notify those present.

A vote was taken on the part of the proposition that related to the Anti-Social Behaviour, Crime and Policing Act 2014, which was carried unanimously.

A vote was then taken on the parts of the proposition that related to the Openness of Local Government Bodies Regulations 2014, which was also carried unanimously.

35. CLOSE OF MEETING

The meeting was closed at 14:58.