

MINUTES

COUNCIL

THURSDAY, 27 SEPTEMBER 2018

2.00 PM



SOUTH
KESTEVEN
DISTRICT
COUNCIL

PRESENT

Councillor George Chivers Chairman

Councillor Ashley Baxter
Councillor Stephen Benn
Councillor Mrs Frances Cartwright
Councillor Kelham Cooke
Councillor Phil Dilks
Councillor Barry Dobson
Councillor Damian Evans
Councillor Mike Exton
Councillor Tracey Forman
Councillor Helen Goral
Councillor Breda Griffin
Councillor Graham Jeal
Councillor Michael King
Councillor Ms Jane Kingman
Councillor Matthew Lee
Councillor Nikki Manterfield
Councillor Dr Peter Moseley
Councillor Nick Neilson
Councillor Nick Robins

Councillor Bob Russell
Councillor Bob Sampson
Councillor Jacky Smith
Councillor Peter Stephens
Councillor Judy Stevens
Councillor Adam Stokes
Councillor Ian Stokes
Councillor Mrs Sarah Stokes
Councillor Brian Sumner
Councillor Mrs Brenda Sumner
Councillor David Taylor
Councillor Rosemary Trollope-Bellew
Councillor Frank Turner
Councillor Hannah Westropp
Councillor Martin Wilkins
Councillor Paul Wood
Councillor Linda Wootten
Councillor Ray Wootten

OFFICERS

Chief Executive (Aidan Rave)
Strategic Director, Resources (Debbie Muddimer)
Strategic Director, Growth (Paul Thomas)
Assistant Chief Executive –
Transformation & Change (Lee Sirdifield)

OFFICERS

Assistant Director, Resources (Richard Wyles)
Solicitor to the Council (Lucy Youles)
Principal Democracy Officer (Jo Toomey)

34. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Adams, Ashwell, Bosworth, Broughton, Cook, R. Cooke, Coutts, Craft, Cunningham, Kaberry-Brown, Mapp, Powell, Selby, Judy Smith, Ward and Webster.

Members sent their best wishes to Councillor Mike Cook following a recent spell in hospital. The Council also sent its best wishes to Councillor Mrs. Kaberry-Brown.

35. DISCLOSURE OF INTERESTS

No interests were disclosed.

36. MINUTES OF THE MEETING HELD ON 26 JULY 2018

The minutes of the meeting held on 26 July 2018 were proposed, seconded and agreed as a correct record.

At previous meetings of the Council reference had been made to a planning enforcement issue which had led to Councillor Peter Stephens seeking retrospective permission for work to part of his property. At those meetings there had been calls for Councillor Stephens to make an apology to the Council. Councillor Stephens addressed the meeting and made his apology, saying that he regretted the situation. Members of the Council accepted Councillor Stephens' apology.

37. COMMUNICATIONS (INCLUDING CHAIRMAN'S ANNOUNCEMENTS)

The Council noted the Chairman's engagements.

38. AMENDMENTS TO THE BUDGET FRAMEWORK

Decision:

The Council approves

- 1. A revenue budget in 2018/19 of up to £100k for initial set-up costs and up to £500k as initial working capital for DeliverSK and to approve the use of the Council's local priority reserve to finance this budget amendment**
- 2. The necessary capital budget allocation as set out in paragraph 1.12 of exempt appendix 1 to report number CFM473 in order to proceed with the acquisition of a parcel of land in the South Kesteven area, and the associated capital financing costs in future years' revenue budgets**
- 3. That the Governance and Audit Committee is asked to consider any changes necessary to the Council's Treasury Management Strategy to allow the initial and future investments in DeliverSK activities and projects**

It was proposed, seconded and on being put to the vote agreed that the press

and public should be excluded from the meeting because of the likelihood that information exempt under paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) as contained in the exempt appendix to report number CFM473 would be disclosed to them.

14:11 – Members of the press and public left the meeting

The Cabinet Member for Finance introduced report number CFM473 and proposed the recommendations detailed in the report, adding that he wished a single vote to be taken on all recommendations. The proposition was seconded.

Several Members spoke in support of the acquisition of land in South Kesteven and the potential opportunities and advantages it presented.

Some reservations were expressed that a broader range of Members would not be involved in the selection of the private sector partner for DeliverSK. It was noted that the formation of the company had been considered in depth by the Growth Overview and Scrutiny Committee. Members were reminded that the proposed model for DeliverSK was not unique and in order to enable its formation to progress as swiftly as possible, the Chairman of the Governance and Audit Committee promised an early meeting at which the Committee would consider updates to the Treasury Management Strategy. Members recognised that the projects allowed the Council to proactively influence the economic development of the district.

14:31 – The meeting returned to open session and members of the press and public returned to the meeting

A request was made that a recorded vote be taken. As the request was supported by more than ten Members of the Council, in accordance with Article 4.13.4 of the Council’s Constitution, a recorded vote was taken.

For	Against	Abstain
Councillor Baxter		
Councillor Benn		
Councillor Cartwright		
Councillor Chivers		
Councillor K Cooke		
Councillor Dilks		
Councillor Dobson		
Councillor Evans		
Councillor Exton		
Councillor Forman		
Councillor Goral		
Councillor Griffin		
Councillor Jeal		
Councillor King		
Councillor Kingman		

Councillor Lee		
Councillor Manterfield		
Councillor Dr. Moseley		
Councillor Neilson		
Councillor Robins		
Councillor Russell		
Councillor Sampson		
Councillor Jacky Smith		
Councillor Stephens		
Councillor Stevens		
Councillor A Stokes		
Councillor I Stokes		
Councillor S Stokes		
Councillor Brenda Sumner		
Councillor Brian Sumner		
Councillor Taylor		
Councillor Trollope-Bellew		
Councillor Turner		
Councillor Westropp		
Councillor Wilkins		
Councillor Wood		
Councillor L Wootten		
Councillor R Wootten		
38	0	0

The proposition was carried.

39. OVERVIEW AND SCRUTINY COMMITTEE ANNUAL REPORT 2017/18

The Vice-Chairman of the Growth Overview and Scrutiny Committee presented the Scrutiny Annual Report 2017/18 on behalf of the Chairman of the Overview and Scrutiny Committee Chairmen. It provided a synopsis of the work undertaken by each of the five Overview and Scrutiny Committees during the 2017/18 municipal year. Another of the Chairmen also commended the document to the Council.

During debate, Members referred to the changes that had been made to the Overview and Scrutiny structure noting that 2017/18 was the first year in which the new arrangements had operated. Several Members who spoke stated that they felt that the arrangements had led to some improvement in the way that scrutiny was carried out while acknowledging that further improvements could still be made.

One Member spoke about difficulties he had experienced getting items included on agendas for Overview and Scrutiny Committees with some other Members agreeing that it could be made easier for Councillors to add items to Overview and Scrutiny Committee agendas. It was noted that any additional agenda items that Members wished to put forward would need to be prioritised in the context of other items on the Committee's work programme.

A suggestion was made that it might be appropriate to review the arrangements now they had been in place for a full year, including a review of good practice and how it might be shared across Committees. A number of Members spoke about the roles of scrutiny and how strong scrutiny leads to robust decisions.

A number of comments were made about the importance of fully engaging opposition Councillors and back bench Members of the administration. Several Members praised the way the Committees on which they sat were chaired and how they felt that all members of those Committees were given a fair chance to contribute.

The Council noted the contents of report number LDS294 and the contents of the Scrutiny Annual Report for 2017/18.

40. LEADER'S REPORT ON URGENT DECISIONS

The Council noted the contents of the Leader's report on urgent decisions (report number LDS320).

41. MEETINGS OF THE CABINET

Members noted the minutes of the Cabinet meeting held on 12 July 2018 as appended to report number LDS321.

One Member asked why the street lighting policy, which had been referred back to the Environment Overview and Scrutiny Committee had not been on the agenda for the first meeting following the Cabinet meeting at which it had been referred back. Members were advised that at that meeting of the Overview and Scrutiny Committee the Cabinet Member for Environment had given a robust and critical explanation of why the Cabinet had referred the matter back to the Committee. Members were also informed that a workshop had been organised to talk about those issues and that it was hoped that the amended report would be forwarded to Cabinet as soon as possible.

42. MEMBERS' OPEN QUESTIONS

Question 1

Councillor Dilks referred to a recent meeting of the Governance and Audit Committee at which Members heard about gas boilers that had been fitted. The boilers had a design fault which caused failure because of condensation issues. The Committee had asked that a letter be written to the company that manufactured the boilers asking what they were going to do to remedy the problem. Councillor Dilks asked the Cabinet Member for Housing whether the letter had been written, whether he could have a copy and whether the boilers had been fitted in accordance with the manufacturer's instructions.

The Cabinet Member for Housing stated that he would expect the boilers to

have been fitted in accordance with the manufacturer's instructions. He was not aware whether the letter had been written but committed to finding out and e-mailing an answer to Councillor Dilks.

A subsequent speaker referred to the same issue and stated that it should be a top priority for the Council to ensure that the most vulnerable people in the community were protected. The Leader responded, saying that he would ask the Cabinet Member for Housing and the relevant Director to urgently address the issue to form a plan of what was wrong, what action was being taken and the associated timescales.

Question 2

Councillor Ian Stokes addressed a question to the Cabinet Member for Environment which concerned the different rules that applied to the separation of refuse and recycling across the county, querying how members of the public were supposed to know what they were and were not able to recycle.

The Cabinet Member for Environment made reference to a new strategy that had been agreed by members of the Lincolnshire Waste Partnership; one of its aims was to overcome these challenges. He stated that plastics presented the biggest challenge, with several different categories, some of which were recyclable while others were not. The partnership was working towards a common set of recyclable streams in the future. He added that the 'reduce' strand of the waste hierarchy was key and referred to shopping practices that could support reductions in packaging materials, in turn reducing the materials for disposal.

While the Cabinet Member said that there was no simple answer, he reassured Members that the Council had a strong voice in the partnership and was pushing its agenda with regard to making recycling easier and in turn making it more efficient and valuable.

Question 3

Councillor Ray Wootten posed a question to the Leader. In doing so he referred to the instruction made by the Minister for Health to United Lincolnshire Hospitals Trust and the Clinical Commissioning Group to produce a plan for future services at Grantham Hospital which should be submitted by December 2018. Councillor Wootten asked the Leader whether he agreed with residents, campaign groups and Councillors that they needed to be consulted on the plans and that the hospital's accident and emergency department should return to a 24-hour service as soon as possible.

The Leader of the Council referred to a recent letter he had written with the Leader of Lincolnshire County Council providing full political support for a return to 24-hour accident and emergency provision and urging for plans for the hospital to be published. He added that he was disappointed that the Minister for Health had had to intervene but said that he looked forward to receiving

proposals as soon as possible. He highlighted support across for the Chamber for the return of 24-hour provision as well as his frustration about the lack of engagement so far on the future of health services.

Question 4

Councillor Forman asked the Cabinet Member for Housing why the results of the Tenants' Survey that was completed in July would not be presented to Cabinet until November 2018.

The Cabinet Member for Housing explained that the results of the survey had been analysed and evaluated and he felt that the appropriate amount of time had been taken to produce a good quality document.

Question 5

Councillor Baxter referred to the appointment of a communications consultant and asked whether, given the costs associated with the post, it constituted good procurement practice and value for money.

The Cabinet Member for Growth and Communications stated that this question had been answered previously and was clear that the Council procured employees in a variety of different ways, with consultants forming a part of that. She added that she did believe that the use of this consultant constituted value for money, it was unfair to target one individual in this way and that it was a convention that would continue to be used where applicable.

43. NOTICES OF MOTION GIVEN UNDER ARTICLE 4.9:

(1) Councillor Phil Dilks

Decision:

In the spirit of working to do everything within its power to eradicate this and recognising recent changes in the way projects and services may be delivered, the Council resolves to work with contractors, Police and H M Revenue and Customs to deal with instances of modern slavery and to build on its existing Public Statement. The Council further undertakes to request the Communities Overview and Scrutiny Committee review the Council's existing commitments, including those set out in the Equality and Diversity Annual Position Statement 2017 and propose any further recommendations as appropriate.

Councillor Dilks proposed his motion:

In the spirit of working to do everything within its power to eradicate this and recognising recent changes in the way projects and

services may be delivered, the Council now resolves to take the lead in strengthening and building on its existing public statement on Modern Slavery.

Specifically, the Council will take the following actions:

- 1. Ensure that all those employed to procure goods and services for the Council -including those working for Gravitas Housing Limited, InvestSK, DeliverSK and any other company set up by the Council – are trained through the Chartered Institute of Procurement and Supply's (CIPS) online course on Ethical Procurement and Supply to understand modern slavery*
- 2. Require all contractors and private sector partners of Gravitas Housing Limited, InvestSK, DeliverSK, - and any other company or partnership set up by the Council - to comply fully with the Modern Slavery Act 2015, wherever it applies, with contract/partnership termination as a potential sanction for non-compliance.*
- 3. Challenge any abnormally low-cost tenders or offers to work in partnership with the Council - or with companies set up by the Council - to ensure they do not rely on the potential contractor or partner practising modern slavery.*
- 4. Write into agreements and contracts with the Council's suppliers and potential partners that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one.*
- 5. Require tendered contractors and partner companies working with the Council - whether directly or through Gravitas Housing Limited, Invest SK, Deliver SK or any other company set up by the Council - to adopt a whistle-blowing policy which enables their staff to blow the whistle on any suspected examples of modern slavery.*
- 6. Publicise the Council's whistle-blowing system for staff and those working for companies set up by the Council to blow the whistle on any suspected examples of modern slavery.*
- 7. Regularly review all such contractual spending and partnerships to identify any potential issues with modern slavery.*
- 8. Highlight for suppliers to the Council and partners in companies set up by the Council any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed.*

9. *Refer for investigation via the National Crime Agency's national referral mechanism any contractor or partner working with the Council or its companies, which may be identified as a cause for concern regarding modern slavery.*

10. *Report publicly on the implementation of this policy annually.*

In so doing, he made reference to statistical information about the extent of modern slavery in the UK and measures that had recently been announced to protect people from slavery. He added that Councils had an important role to play in tackling modern slavery including identifying and supporting victims and making sure the organisation's purchasing power was used correctly. He explained that he had brought the motion as a chance for the Council to show that it cares about the issue, to raise awareness and to make a commitment to fight the issue. He explained that a similar motion had been passed by other local authorities in the country, adding that he did not think it was an issue about which the Council should turn a blind eye.

The motion was seconded and the seconder referred to a recent modern slavery case in Lincolnshire. Reference was made to the conditions in which victims were forced to live and how the problem was so serious because the signs were often hidden. The seconder also referred to a section from the Council's Contract and Procurement Procedure Rules, which state that the Council is committed to ensuring contractors and suppliers adhere to the highest standards of ethics.

Some support was expressed for the motion but not the actions that were proposed. Reference was also made to modern slavery cases from other parts of the country and indicators of modern slavery. Further statistical information about the modern slavery helpline was also shared. One speaker said that the Council should do everything it could to ensure that modern slavery was eradicated and that passing a motion to that end would not be sufficient.

An amendment to the motion was proposed and seconded:

In the spirit of working to do everything within its power to eradicate this and recognising recent changes in the way projects and services may be delivered, the Council resolves to work with contractors, Police and H M Revenue and Customs to deal with instances of modern slavery and to build on its existing public statement. The Council further undertakes to request the Communities Overview and Scrutiny Committee review the Council's existing commitments, including those set out in the Equality and Diversity Annual Position Statement 2017 and propose any further recommendations as appropriate.

One Member spoke against the amendment, saying that it brought little by

way of substantive action and that the original motion proposed sensible measures that would result in more than just a vote.

The proposer of the original motion said that with reluctance he would support the amendment as he did not want the issue to be political and the Council's stance to be cross-party.

On being put to the vote, the amendment was carried and became the substantive motion. The substantive motion was put to the vote and carried.

(2) Councillor Ashley Baxter

Decision

The Council did not support the motion put by Councillor Baxter

Councillor Baxter proposed his motion:

This Council notes the continued and increasing use of ad hoc workshops and briefings to discuss Council policies, programmes and progress.

These meetings take place behind closed doors and, in many cases, they are called at short notice at the direction of Committee Chairs without reference to Committee members or other Councillors.

Therefore the Council recommends:

- 1. Councillor briefings and workshops will be held in public unless the content is likely to be exempt under Para 3 of Schedule 12A of the Local Government Act 1972 (as amended).*
- 2. Details of time, date, venue and subject area of workshops and briefings will be publicised to all Members, and the wider public, at least two working days before they take place.*
- 3. Action notes and recommendations from committee workshops will be presented to the next available formal meeting of the relevant committee.*

Councillor Baxter referred to working group meetings where access to Members was restricted to a particular Committee and the way the action notes from those meetings were shared with the wider Member cohort and members of the public. While there was recognition that some of the information discussed at meetings and contained in action notes might contain information that was exempt and should therefore not be disclosed to the public, he indicated that it should be made clear that a meeting had taken place. Specific reference was made to a workshop held by the

Shareholder Committee in January 2018, the action notes from which had only recently been published. Reference was also made to a future workshop meeting about wellbeing, which had been organised in association with the Communities and Wellbeing Overview and Scrutiny Committee and to which all Members of the Council had been invited. He suggested that it was a topic that members of the public may also find of interest. Unless a meeting was to deal with exempt information, he felt that they should be open to the public and that the public should know that the meeting had taken place. The motion was seconded and the sentiment of ensuring public access to meetings of the Council was reiterated.

A number of Members spoke against the proposition. During debate some concerns raised by Members included distinguishing those meetings at which it might be appropriate for the public to attend and those where it would not, with specific reference being made to briefings for Committee Chairmen. Comments were also made about how the workshop structure facilitated full debate on complex issues where sensitive proposals could be fully considered without fallback for any individual Councillor. It was noted that any policy considered in a workshop session would still go to a meeting of an Overview and Scrutiny Committee for public debate and consideration.

Several Members referred to measures that had been put in place to improve openness and transparency by the administration that came into place in May 2017, including Members' open questions at Council meetings, the introduction of Councillor briefings, publishing Cabinet papers as part of the Council agenda and changes to the Overview and Scrutiny Committee structure. Reference was also made to future plans to webcast meetings.

As the proposer of the motion, Councillor Baxter was given the opportunity to sum up. In doing so he referred to the distinctions between meetings of Group Leaders, briefings for Chairmen, meetings held in exempt session and workshops. He also spoke about Councillor briefings and making information available that could benefit everybody, saying in some instances that the subjects covered in the briefings duplicated information that was also being made available through the Council's public meeting programme.

The motion was put to the vote and lost.

44. CLOSE OF MEETING

The meeting closed at 15:52.