

MINUTES

COUNCIL

THURSDAY, 22 NOVEMBER 2018

2.00 PM



SOUTH
KESTEVEN
DISTRICT
COUNCIL

PRESENT

Councillor George Chivers Chairman

Councillor Bob Adams
Councillor Duncan Ashwell
Councillor Ashley Baxter
Councillor Mrs Pam Bosworth
Councillor Robert Broughton
Councillor Mrs Frances Cartwright
Councillor Michael Cook
Councillor Kelham Cooke
Councillor Rachael Cooke
Councillor Nick Craft
Councillor Felicity Cunningham
Councillor Phil Dilks
Councillor Barry Dobson
Councillor Mike Exton
Councillor Helen Goral
Councillor Breda Griffin
Councillor Graham Jeal
Councillor Michael King
Councillor Ms Jane Kingman
Councillor Matthew Lee
Councillor Dr Peter Moseley
Councillor Nick Neilson

Councillor Helen Powell
Councillor Robert Reid
Councillor Nick Robins
Councillor Bob Russell
Councillor Ian Selby
Councillor Jacky Smith
Councillor Mrs Judy 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 Mrs Andrea Webster
Councillor Hannah Westropp
Councillor Paul Wood
Councillor Linda Wootten
Councillor Ray Wootten

OFFICERS

Chief Executive (Aidan Rave)
Strategic Director (Debbie Muddimer,
Paul Thomas)
Solicitor to the Council (Lucy Youles)

OFFICERS

Assistant Director, Resources (Richard
Wyles)
Principal Democracy Officer (Jo Toomey)

45. PUBLIC OPEN FORUM

Question 1

From: Katie Burris, Grantham

To: Councillor Matthew Lee, the Leader of the Council

SKDC have a policy and procedure for events taking place on SKDC land, on which the Boxing Day event takes place. Why have the Belvoir Hunt Plc not completed the SKDC 'Events Application Pack' which includes a risk assessment and liability insurance; as per your own guidelines?

In his response the Leader explained that while the event took place on land owned by SKDC the event was managed by the Belvoir Hunt. The document transferring the land to the SKDC predecessor (the Mayor Alderman and Burgesses of Grantham) included a right to use the land for horse sports. He added that the organisers were in the process of submitting the event application form to SKDC, which would include a risk assessment. It was also the responsibility of the organisers to ensure that they had the necessary public liability insurance in place and to ensure the health, safety and welfare of all involved including participants and members of the public.

Supplementary question:

On Boxing Day 2016 one of the hounds was hit by a taxi on the road. This could have been a disaster if the car had swerved into the crowd. Is this not reason enough to ensure the roads are closed and thorough risk assessment is completed? Why isn't the road being closed?

The Leader explained that South Kesteven District Council did not have responsibility for road closures. It was the responsibility of the event organiser to apply for a road closure, which would then be determined by Lincolnshire County Council.

Question 2

From: Katie Burris, Grantham

To: Councillor Matthew Lee, the Leader of the Council

SKDC is supporting this event at the request of the Charter Trustees as SKDC is providing the land, barriers and SKDC equipment and staff to clean up after the event. Do the Charter Trustees have their own liability insurance or is this covered by SKDC liability insurance?

The Leader confirmed that the Council had its own public liability insurance which would respond if a claim was made against the Council as the land and property owner however it could not be held liable for the actions of others. It was a question for the Charter Trustees whether they had their own public liability insurance.

Question 3

From: Nicholas Bradley, Foston

To: Councillor Matthew Lee, the Leader of the Council

The Dogs (Fouling of Land) Act 1996 and the Anti-social Behaviour, Crime and Policing Act 2014 create an offence of the failure to pick up dog mess because of the risk to public health. Who is responsible for this legal requirement and has this been addressed in the planning of the event [the meeting of the Belvoir hunt]?

In his response, the Leader stated that it was a requirement for dog owners to clean up after their dogs. Arrangements would need to be made by dog owners to pick up any fouling otherwise the owners would be liable for a fixed penalty notice. The organisers of the event would be expected to consider how it will deal with any dog fouling.

Supplementary question:

Will SKDC staff be responsible for the disinfection of the area after the event and are they aware of the requirement to use a DEFRA approved disinfectant after an animal gathering event?

The Leader responded, stating that the event did not meet the definition of an “animal gathering event” under the Animal Gatherings Order 2010 as it did not include cattle, deer, goats, sheep or pigs, therefore no specific disinfection was required.

Question 4

From: Nicholas Bradley, Foston

To: Councillor Matthew Lee, the Leader of the Council

[In respect of the Belvoir Hunt] will SKDC Environmental Health or Charter Trustees be responsible for the ‘please wash your hands after touching the animals’ signs as per the new legislation covering public health and the risk of zoonotic diseases to members of the public?

The Leader explained that the Health and Safety Executive issued guidance for preventing or controlling ill health from animal contact at visitor attractions, including temporary events. The organiser had legal duties under health and safety legislation to protect visitors and would need to address this issue as part of its risk assessment.

Supplementary question:

Have the SKDC Environmental Health department been involved in this?

Anyone seeking to hold an event on the Council's land could contact the Environmental Health Team for advice but it is the responsibility of organisers to ensure that any necessary measures were in place.

Question 5

From: Chris Noon, Grantham

To: Councillor Ray Wootten

SKDC regulations require an application for a temporary event notice. One of the stipulations being: serving alcohol to members of a private club. I would consider the Mayor serving alcohol to the Belvoir Hunt 'members of a private club.' The Belvoir Hunt also collects charity money in buckets. They also require a street collection licence as per SKDC regulations. Therefore, will the Charter Trustees be responsible for applying for the event notice and the street collection licence as they are hosting the event by invitation to the Belvoir Hunt and its supporters.

Councillor Ray Wootten responded to the question, stating that a temporary event notice was not required for this event because the supply of alcohol was free of charge and not restricted to members of the hunt. He added that an application did need to be made for a street collection licence, which could be done free of charge by submitting an online form. After the event the charity or organisation would need to submit a return showing the amounts collected and any expenses incurred.

He confirmed that an application for a street collection licence had been received that morning [22 November 2018].

Supplementary question:

Who has applied for the street collection licence? And who do I approach to get a copy of it?

Councillor Wootten stated that the application for a street collection licence had been submitted by the Belvoir Hunt; anyone wanting to view a copy of the application could ask the Council.

Question 6

From: Chris Noon, Grantham

To: Councillor Linda Wootten

The Boxing Day Hunt Meet is described as an 'event' in which the dogs are not 'working or being used for sporting purposes.' Therefore, the legislation covering the 'Control of Dogs Order 1992' and the exemption in the Act of not being required to wear a collar or lead do not apply.

Therefore, the dogs are dangerously 'out of control in a public place' as per the 'Dangerous Dogs Act' which states 'your dog is considered dangerously out of control if it; injures someone or makes someone worried that it might injure them.' Is SKDC or the Charter Trustees taking responsibility for this risk?

Councillor Linda Wootten stated that under the Control of Dogs Order 1992 there was a further exemption under 2(a) for "any pack of hounds", so they were specifically exempted from the requirements to wear a collar with ID while in a public place. It was the responsibility of event organisers to have health and safety arrangements in place to control risks.

Supplementary question:

Have SKDC or the Charter Trustees done their own risk assessment or taken this into consideration and who do we approach to get a copy of it?

In response to the supplementary question, Councillor Linda Wootten responded that the Council had not undertaken its own risk assessment however the Belvoir Hunt had informed the Council that it would be submitting an event application form, alongside which a risk assessment had to be supplied.

Clarification was made that, to request to review a copy of the risk assessment following its submission, contact could be made through the Chief Executive.

46. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Benn, Coutts, Evans, Forman, Kaberry-Brown, Manterfield, Mapp, Morgan, Sampson, Turner, Ward and Wilkins.

47. DISCLOSURE OF INTERESTS

No interests were disclosed.

48. MINUTES OF THE MEETING HELD ON 27 SEPTEMBER 2018

The minutes of the meeting held on 27 September 2018 were proposed, seconded and agreed as a correct record.

49. COMMUNICATIONS (INCLUDING CHAIRMAN'S ANNOUNCEMENTS)

The Council noted the Chairman's engagements.

(a) South Kesteven - best kept village

The Cabinet Member for Environment referred to a South Kesteven best kept village competition, which the Council had run with the Council for Protection of Rural England alongside a countywide competition. The adjudication criteria considered

village appearance and condition, green spaces, public premises, private premises, religious buildings and memorials, business premises and overall community effort.

Two of the winners and two of the runners up had also won their categories in the Lincolnshire event, which had been run by the Campaign for the Protection of Rural England.

Members of the Council were invited to congratulate the winners and runners up across each of the different categories as they were presented with their certificates both for the South Kesteven and Lincolnshire competitions:

- Class 1 (villages with a population between 100 and 1,000) winner: Harlaxton (also the winner of the Lincolnshire award for the same category)
- Class 1 runner up: Denton (also the runner-up for the Lincolnshire award for the same category)
- Class 2 (villages with a population between 1,001 and 2,500) winner: Claypole (also the winner of the Lincolnshire award for the same category)
- Class 2 runner up: Great Gonerby (also the runner-up for the Lincolnshire award for the same category)
- Large village/small town winner: Market Deeping

(b) Apportionment of seats on committees

The Leader stated that there was urgent business to be considered at the meeting and requested a recess so that he could speak to the other Group Leaders about the item. The adjournment would also allow Members time to read report number LDS332, which was circulated at the meeting.

14:30 to 14:42 the meeting adjourned.

When the meeting reconvened the Leader explained that report LDS332 had been brought before the Council because Councillor Broughton had given written notification that he was moving from the Independent Group to the Conservative Group. This change affected the Council's political balance; consequential adjustments had to be made so that membership of the Council's committees complied with political balance rules.

It was proposed, seconded and on being put to the vote, AGREED that the following appointments are made to the membership of the Council's Committees:

1. Councillor Broughton to fill the Conservative seat on the Licensing Committee and the Alcohol, Entertainment and Late Night Refreshment Committee
2. Councillor Dilks to fill the Independent Group seat on the Licensing Committee and the Alcohol, Entertainment and Late Night Refreshment Licensing Committee (this seat was gifted)

3. Councillor Sampson to remain on the Constitution Committee
4. Councillor Craft to replace Councillor Baxter on the Shareholder Committee
5. The Conservatives to continue to gift one seat on the Chief Executive's Appeal panel to the Independent Group

(c) Budget Council meeting - 2019

The Chairman stated that he had received a request to change the date of the Budget Council meeting from Thursday 28 February 2019 to Friday 1 March 2019 to ensure that information from all precepting authorities was available when the Council agreed its Budget. The proposed change of date was to prevent calling an additional meeting in the event that not all precept information had been received by the date on which the Council was due to determine its Budget.

Consequently it was proposed, seconded and, on being put to the vote, AGREED that the Council meeting scheduled for Thursday 28 February 2019 be moved to Friday 1 March 2019.

50. REVIEW OF POLLING DISTRICTS AND POLLING PLACES

The Chief Executive presented report number LDS329 in his capacity as Returning Officer. He explained that the Council was required to carry out compulsory reviews of polling arrangements every five years. He added that while the current review was required to be completed by January 2020 it had been conducted at this time so that changes could be implemented prior to the district and parish council elections in May 2019. He gave an overview of the consultation process that was followed.

While the review indicated that most polling arrangements worked well, the Chief Executive highlighted that seven changes to polling places had been proposed in response to feedback that had arisen at recent elections or where other venues were no longer available. Changes were also proposed in respect of three polling district boundaries. Consultation had indicated a need for an additional polling station in Stamford St. Mary's Ward, which would continue to be explored. In conclusion the Chief Executive stated that, if approved, the changes would take effect from 1 December 2018.

In proposing the recommendations in report LDS329, reference was made to the extent of the consultation that had been undertaken. Members also noted that there were some instances where proposals included moving some polling stations away from schools. The recommendation was seconded. Both the proposer and the seconder expressed their thanks to the team for their work in conducting the review.

On being put to the vote, it was AGREED:

1. To approve the proposals setting out changes to polling places as detailed in paragraph 2.2 of report LDS329.

2. To approve the proposals setting out changes to polling districts as detailed in paragraph 2.3 of report LDS329.
3. To approve the revised polling districts for the Stamford St. Mary's Ward and delegates authority to the Chief Executive as the Returning Officer to approve any additional polling station in consultation with the Ward Members.
4. That the approved revised polling districts and polling places take effect from the publication of the Electoral Register on 1 December 2018.

51. COMMUNITY GOVERNANCE REVIEW - CORBY GLEN PARISH COUNCIL

The recommendations in report LDS328 were proposed and seconded. Reference was made to the feedback that had been received from local residents and the projected increase in electorate. Support was also expressed from the local Ward Member. On being put to the vote, the proposition was approved and Council AGREED:

1. That the number of members on Corby Glen Parish Council is increased from seven to nine.
2. To the making of the draft Reorganisation Order, as set out at Appendix 1 to report number LDS328, in accordance with the Local Government and Public Involvement in Health Act 2007.

52. ESTABLISHMENT OF A WORKING GROUP TO UNDERTAKE A REVIEW OF COUNCIL COMMITTEES IN PREPARATION FOR THE MUNICIPAL YEAR FROM MAY 2019

In proposing the recommendations in report number LDS331, the Deputy Leader referred to the scrutiny arrangements that had been introduced in April 2017 and the timing of the review of the way all of the Council's committees operated to ensure any revisions were in place in time for the 2019/20 municipal year. As part of his proposition the Deputy Leader announced those Committee Chairmen who would sit on the working group: the Chairmen of the Growth and Communities and Wellbeing Overview and Scrutiny Committees, the Development Management Committee, the Shareholder Committee and the Governance and Audit Committee. He added that the working group would also consider any changes in respect of other committees, including the Development Management Committee. The proposition was seconded.

During debate on the item, clarification was sought about whether it was still the intention that Opposition Group Leaders would sit on the working group, as only Committee Chairmen were named during the proposer's speech. It was confirmed that Group Leaders would still form part of the working group; specific reference had been made by the proposer to the Committee Chairmen as they were not listed within the report.

A number of Members stated that they welcomed the review and looked forward to improving the way in which the Council's committees operated. One Member asked whether the review could look at how unaligned Members might be granted a seat on the Council's committees. Speakers highlighted the value of both pre- and post-decision scrutiny, while reference was made to scrutiny of the draft Budget for 2018/19 where it was considered the current arrangements had worked well. Comments were also made about the value of independent chairmanship of scrutiny.

In summing up, the Deputy Leader stated that any Member who wished to feed any items into the review could contact him.

On being put to the vote, the proposition was AGREED:

1. That a working group of nine Members of the Council, consisting of:
 - Councillor Kelham Cooke, the Deputy Leader of the Council (Cabinet Member with responsibility for governance)
 - Councillor Robert Reid, the Chairman of the Growth Overview and Scrutiny Committee
 - Councillor Martin Wilkins, the Chairman of the Development Management Committee
 - Councillor Barry Dobson, the Chairman of the Shareholder Committee
 - Councillor Ray Wootten, the Chairman of the Communities and Wellbeing Overview and Scrutiny Committee
 - Councillor Ian Stokes, the Chairman of the Governance and Audit Committee
 - Councillor Phil Dilks, the leader of the Labour Group
 - Councillor Paul Wood, the leader of the Independent Group
 - Councillor Nick Craft, the leader of the SK Independent Group

be appointed to undertake a review of the committees of the Council in preparation for the municipal year from May 2019.

2. That the findings and recommendations of the working group be reported to Council on 1 March 2019.

53. ARTICLE 4 DIRECTION - STAMFORD

The Cabinet Member for Growth and Communication presented report number DM16 which proposed an Article 4 Direction covering Stamford Conservation Area to protect its appearance. The introduction of an Article 4 Direction had been subject to public consultation, with the comments being considered by the Growth Overview and Scrutiny Committee, which had made recommendations in support of the Article 4 Direction to Cabinet, which in turn also endorsed the introduction of a Direction. The recommendation in the report was proposed and seconded.

Support was expressed by several Members who represented Wards in Stamford, recognising the significance of its heritage. The measure was considered to be

proportionate; providing protection without stifling growth. A comment was made that following the implementation of the Direction in Stamford any lessons learned could be applied to other towns and villages where similar protections may be beneficial.

In response to a question, the Cabinet Member for Growth and Communications stated that there had been no single occurrence that had been the catalyst for the Article 4 Direction.

A vote was taken and the proposition was carried. Council AGREED to confirm the designation of an Article 4 Direction for Stamford Conservation Area as attached at Appendix 1 to report DM16 and the cancellation of the existing Warrenne Keep Article 4 Direction, both effective from 1 December 2018, together with the introduction of a fee of £206 for each planning application arising from the Direction and with any income surplus generated from the Article 4 Direction ring-fenced for future investment on the area covered by the Direction.

54. MEETINGS OF THE CABINET

Members noted the minutes of the Cabinet meetings held on 6 September 2018 and 4 October 2018 as appended to report number LDS330.

At the Cabinet meeting held on 6 September 2018, a question had been asked about the introduction of a Saturday market in Market Deeping. The Cabinet Member for Visitor and Retail Economy updated Members stating that the County Council consultation on the Road Closure Order was underway and confirmed that arrangements were on track for the market to be delivered by Easter 2019.

A question was also asked about whether, following the Cabinet's decision to form a grounds maintenance company, a non-executive director had been appointed and if so, who they were and whether they were remunerated. The Cabinet Member for Environment responded that as yet no one had been appointed and no decisions had been made about how the non-executive directorship would work.

55. MEMBERS' OPEN QUESTIONS

Question 1

Councillor Wood referred to a question that had been put to the Cabinet Member for Housing at the last meeting of Council. The question related to the fitting of gas boilers that had subsequently been found to have a design fault. Councillor Wood asked the Cabinet Member for Housing what action had been taken since the last meeting of Council.

The Cabinet Member for Housing stated that enquiries were progressing and that the Council had written to the manufacturer and other stakeholders; a response was still awaited. The Cabinet Member for Housing agreed to forward to Councillor Wood the information that had been shared with Councillor Dilks following his question at the last meeting of Council.

Question 2

Councillor Craft asked where he could find out which charities and good causes had benefited from LotterySK and how much they had been given.

The Deputy Leader stated that this information should be published on the charities and good causes page of the LotterySK website, committing to check and confirm directly to Councillor Craft.

Question 3

Councillor Baxter referred to a recent economic summit held at Grimsthorpe Castle. He stated that he had been advised that as the capacity at the summit was not sufficient to accommodate all Councillors, the Leader would speak to the Council about the event. Councillor Baxter enquired when information about the event would be shared with Councillors.

The Leader stated that he continued to talk about the summit and the Council's growth ambitions at all sorts of meetings. He added that he would respond to requests from Councillors to address them about the summit. He said he had received positive feedback from the business community and expressed disappointment that the only negativity he had experienced in respect of the event had been from within the Council Chamber.

Question 4

Councillor Selby asked whether, given the strong feelings that Margaret Thatcher could provoke, the Leader agreed that there should be a local referendum on whether her statue should be brought to Grantham.

The Leader referred to Baroness Thatcher's achievements as an international stateswoman and the longest-serving Prime Minister of the twentieth century. She was also the first woman and the first scientist to become Prime Minister. He related the link to her scientific work with what was emerging as the unique selling point for Grantham. He added that in his time, Sir Isaac Newton was equally as controversial.

The Leader concluded by saying that a commitment had been made that no public money would be spent on the erection of the statue, nor would he consider spending public money on a referendum.

Question 5

Councillor Peter Stephens referred to compensation that was being requested by Network Rail in respect of the Grantham Southern Relief Road and asked how negotiations were proceeding.

The Leader stated that he would be happy to write to all Councillors giving details of how matters were progressing, highlighting the importance of the Southern Relief Road for the delivery of other developments in Grantham.

56. NOTICES OF MOTION GIVEN UNDER ARTICLE 4.9:

(a) Councillor Phil Dilks

Councillor Dilks proposed his motion:

This Council resolves that all current and future applications relating to major sites are referred to the Council's Development Management Committee for determination.

In presenting his motion, Councillor Dilks made reference to a recent major planning application that had been determined by officers under delegated authority. While this was acceptable under the Council's Constitution he asked that whether, in the future, all major applications be brought before the Development Management Committee. He referred again to the recent application, which he felt would have benefitted from consideration by the Development Management Committee as it would have provided a forum for local interested parties to attend and put forward their views. He believed that this would have provided greater transparency and accountability of decision-making, and would help ensure the protection of the Council's reputation.

The motion was seconded. The seconder referred to his experience of the Development Management Committee and how he had believed that all major applications were automatically considered by the Committee. He mentioned that some of the applications considered by the Committee were minor in scale when compared to the major application determined under delegated powers. He reiterated previous sentiments that had been expressed about transparency.

Those Members who spoke in favour of the motion further referred to the recent application determined under delegated authority; they referred to a pre-application briefing that had taken place between the developer and Committee Members, at which it was intimated that the application would be brought before the Committee. Members did not feel that it was appropriate for the Committee Chairman to decide which major applications should be considered by the Committee.

Members who spoke against the proposition referred to the Constitutional provision that allowed any Member to call-in any application for consideration by Committee. Frustration was expressed by some of the speakers who had had applications within their Ward about which there was no local concern, called to Committee by Councillors from other parts of the district. Reference was also made to the professional expertise of the Council's planning officers. One Member stated the wording of any change to the scheme of delegation would need to be carefully considered to ensure that it was accurately defined, noting that the terminology used

in the motion referred to “major sites” whereas the nationally laid out definition was “applications for major developments”. It was suggested that any changes to the Committee’s responsibilities as set out in the Scheme of Delegation could be considered as part of the review of the Council’s Committees, which had been agreed at this meeting. This would provide a formal process could be followed to ensure clarity and accuracy and that all appropriate parties were consulted.

There was also some concern that taking all major applications to Committee may swamp it with unnecessary applications, particularly when considering the timescales within which major applications should be determined and within the context of the Council’s growth agenda. This was rebutted by supporters of the motion who used the St. Peter’s Hill public realm project as an example of a major application that was brought before the Committee and determined within a short period of time.

The proposer of the motion was given the opportunity to sum up. He stated that while he recognised the Council’s growth ambitions, determination of applications still needed to follow a procedure. He queried the existence of the Development Management Committee if it was not to consider major applications. He once again highlighted the minor nature of some of the applications that were currently brought before the Committee. The proposer acknowledged that the wording could be tightened, referring to applications rather than sites, and amended his proposition (with the support of his seconder) to:

This Council resolves that all current and future applications relating to major applications are referred to the Council’s Development Management Committee for determination.

In accordance with Article 4.13.4 of the Council’s Constitution, a request was made that a recorded vote be taken however the request was not supported by the required ten Members of the Council. A vote was taken by show of hands on the revised motion, which was lost and the Council AGREED to not support Councillor Dilks’ notice of motion.

57. CLOSE OF MEETING

The meeting was closed at 16:04.