

# MINUTES

COUNCIL

THURSDAY, 13 SEPTEMBER 2012

2.00 PM



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## PRESENT

Councillor Mrs Rosemary Kaberry-Brown Chairman

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

Councillor Helen Powell  
Councillor Graddon Rowlands  
Councillor Bob Russell  
Councillor Bob Sampson  
Councillor Susan Sandall  
Councillor Bob Sandall  
Councillor Trevor Scott  
Councillor Ian Selby  
Councillor Mrs Judy Smith  
Councillor Jacky Smith  
Councillor John Smith  
Councillor Adam Stokes  
Councillor Ian Stokes  
Councillor Brenda A Sumner  
Councillor Mrs Jean Taylor  
Councillor Mike Taylor  
Councillor Jeff Thompson  
Councillor Bruce Wells  
Councillor Martin Wilkins  
Councillor Paul Wood  
Councillor Rosemary H Woolley  
Councillor Debbie Wren

## OFFICERS

Chief Executive (Beverly Agass)  
Strategic Director – Corporate Focus  
(Daren Turner)  
Strategic Director – Development and  
Growth (Ian Yates)  
Head of Legal and Democratic Services  
(Lucy Youles)

## OFFICERS

Property Development Manager (Neil  
Cucksey)  
Legal Executive (Shelley Hardy)  
Principal Democracy Officer (Jo Toomey)  
Economic Development and Investment  
Service Manager (David Mather)  
Gravity Fields Festival Director  
(Rosemary Richards)

### **30. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Bisnauthsing, Chivers, Cooke, Griffin, Higgs, Jock Kerr, Parkin, Shorrocks, Stephens, Stevens, Turner and Wootton.

### **31. DISCLOSURE OF INTERESTS**

No interests were disclosed.

### **32. MINUTES OF THE MEETING HELD ON 12 JULY 2012**

It was proposed and seconded that the minutes from the meeting held on 12 July 2012 be agreed as a correct record subject to the following amendment:

- Page 8, minute number 25 – to amend the fourth from last paragraph to read: *“The Monitoring Officer explained that there would still be an opportunity for the granting of dispensations where 50% of councillors would currently be prevented from participating in a meeting because of interests.”*

This was put to the vote and carried.

### **33. COMMUNICATIONS (INCLUDING CHAIRMAN'S ANNOUNCEMENTS)**

The Council noted the Chairman's engagements.

### **34. BOUNDARY COMMISSION - ELECTORAL REVIEW**

Professor Paul Wiles CB (Lead Commissioner) and Richard Otterway (Review Officer) from the Local Government Boundary Commission for England gave a presentation to councillors summarising the reasons behind and the methodology for the pending electoral review of the district.

- The Local Government Boundary Commission for England was independent of government and political parties and directly accountable to Parliament through the Speaker's Committee.
- The Commission was responsible for reviewing local authority electoral arrangements, administrative boundaries and structure, and would make recommendations which would be implemented by Parliament.
- The criteria for starting an electoral review were: 30% of Wards had an electoral variance of more than 10% of the average and/or one Ward had a variance of more than 30% of the average.
- 38% of Wards in South Kesteven had an electoral variance greater than 10% of the average.
- The review would decide the total number of councillors (council size), number of Wards, names of Wards and boundaries of Wards.
- The criteria for the review were electoral equality (taking account of a

five-year forecast of the electorate size), community identity and effective and convenient local government.

- The review could not consider Parliamentary constituency boundaries, current district Wards, local political implications of recommendations, school catchment areas, postcodes or addresses, or polling districts.
- The only potential impact of the review on parishes was if a parish was divided between district Wards, in which instance parish Wards would be created.
- The council size would determine the number of Councillors elected; the starting point was the electorate divided by the number of councillors and determining the optimum ratio between the two.
- As part of the preliminary work on council size, the Council would need to determine whether it had the right council size or whether it should increase or decrease based on demands on elected members' time, if it could operate more effectively with a different number of councillors, considerations of political management and governance, councillors' representative role and their representation of constituents.
- The Council was required to submit its council size proposals in draft by 14 December 2012. Final proposals needed submitting by 11 January 2013.
- The submission would be put out to public consultation and the Commission would use this and the responses to determine a 'minded to' council size.
- The Commission would then invite proposals for Warding patterns based on the 'minded to' council size. Draft recommendations would be published and subject to further consultation. The Commission would then publish final recommendations which would be implemented by Order in the Houses of Parliament.
- Submissions on council size and proposed warding arrangements needed detailed rationale, accurate electorate figures and a robust methodology for forecasting growth. It would also need to provide good electoral equality.
- Representations needed to be backed by evidence; the most effective representations would suggest alternatives, take account of statutory requirements and consider the consequences of alternatives across the widest possible area.

Councillors put questions to Professor Wiles and Mr Otterway.

The Local Government Boundary Commission for England would work with local parishes, telling them about the review and how they could get involved. A councillor expressed concern that Grantham would not be included as it did not have a parish or town council. The Commission reassured that involvement from all public bodies and interested groups would be welcomed.

In response to further questions, councillors were advised that there was no national average ratio between councillor and electorate. Ratios reflected each distinct area; for example, it was likely the councillor/electorate ratio would be higher in urban city areas than rural districts. The council size was also

determined by the number of councillors required to successfully conduct the business of the Council.

Councillors highlighted Grantham's Growth Point status and commented that the electorate could increase as a result of major planned development. A robust methodology was required to project electorate figures five years from the end of the review to future-proof any new arrangements.

Commission representatives explained that the Warding proposals usually received higher numbers of consultation responses than proposals for council size. The more consultation responses received (positive and negative), helped determine whether the Commission's proposals were right for the area.

It was highlighted that the review was based on the number of registered electors, not the population of an area. There was some concern that the number of registered electors may be affected by the introduction of individual voter registration.

The Commission representatives explained that there were no preconceptions either about the future council size or whether Wards should be single or multi-member.

Consultation would be as widespread as possible. The Commission would work with the district council to use its communication outlets, for example newsletters, distribution lists and the website. Discussions would also take place with the local media, both radio and print. Information leaflets would be made available for parish councils and a meeting would be arranged for interested parties (including parish councils).

The Chairman thanked Professor Wiles and Mr Otterway for their presentation and councillors showed their appreciation with a round of applause.

### **35. GRAVITY FIELDS FESTIVAL**

The Chairman welcomed the Economic Development and Investment Service Manager (David Mather) and the Gravity Fields Festival Director (Rosemary Richards), who gave a presentation on the Gravity Fields Festival.

The festival, which was to run between 21 September 2012 and 28 September 2012 would see the council working with over thirty public, private and third sector partners. The partners came from a range of science, arts and heritage backgrounds. In total there would be over 100 events taking place at 18 different venues in and around Grantham.

A copy of the Festival listings had been provided to all councillors and a mocked-up version of the souvenir programme was circulated.

Some of the events were highlighted, including a special display by the

National Portrait Gallery at Belton House, a dramatic audio walking tour which would be serialised on the radio, an exhibition of Ladybird science paintings, award winning and new creative and dramatic work, a range of talks and the closing event – the Transformation of the Town.

A varied publicity programme had been undertaken locally and nationally, including major newspapers, radio broadcasters and magazines. Over 150,000 leaflets had been distributed at a range of locations, and billboards and posters had been put up in and around Grantham and neighbouring towns.

Several councillors expressed their thanks to the team who were working on the project and their excitement and pride about the opportunities and experiences the festival would provide. Councillors praised the accessibility of events in respect of affordability and the wide variety of venues. It was hoped that all Councillors would support the festival.

The festival was raising the profile of Grantham and was being used as a selling point to encourage businesses to consider coming to the town. The marketing for the festival also encouraged visitors to explore other parts of the district.

One councillor questioned whether the subject could have been dealt with as a briefing outside the council meeting for those members who were interested. The consensus was that Members had found the presentation interesting and informative.

The Chairman expressed the Council's thanks for the presentation and encouraged all councillors to take part in the festival. Councillors could view full details of the festival on the website [www.gravityfields.co.uk](http://www.gravityfields.co.uk).

*15:46 to 16:05 – the meeting adjourned. (Councillors Bob and Susan Sandall did not return to the meeting).*

## **36. CIVIL PARKING ENFORCEMENT - OFF-STREET PARKING PLACES ORDER**

### ***Decision:***

***The Council adopts the South Kesteven District Council Civil Enforcement Off-Street Parking Places Order 2012, as attached at Appendix 1 of report number PD003 (with the substitution of the map of Wharf Road car park, Stamford circulated at the meeting) to commence on a date to be determined by the Secretary for Transport on the approval of the application by Lincolnshire County Council for Civil Parking enforcement powers for Lincolnshire. Such an Order will be adopted to replace the South Kesteven District Council (Off-Street Parking Places) Order 2009 and the South Kesteven District Council (Off-Street Parking Places (Pay and Display) Order 2010.***

The Portfolio Holder for Grow the Economy – Economic Development advised the Council that the Department for Transport had confirmed the handover of parking enforcement powers to Lincolnshire County Council would happen on 30 November 2012. In preparation, the county council was consolidating its on-street parking Orders; district councils were undertaking a similar exercise for their off-street parking Orders. Enforcement would primarily become the responsibility of local authorities however the police would retain responsibility for enforcing endorseable offences. Consultation on the draft Parking Orders for South Kesteven had taken place and no objections were received. The Portfolio Holder moved the recommendations in report number PD003, which were seconded.

An amendment to the recommendation was proposed and seconded:

1. *“I would like to propose that the first 2 hours are totally free for shoppers. To help the traders get more money coming into the town and spending time – not rushing ‘in and out’*
2. *Certain car parks can be allocated only for commuters, leaving other car parks solely for shoppers.”*

The Monitoring Officer confirmed that the proposed amendment was an amendment of the proposed order and could be proposed as an amendment to the recommendation however if the amendment was approved the matter would need deferring for a fresh round of consultation on new draft Orders.

Councillors speaking against the amendment suggested that its consideration would be more appropriate as part of the review of fees and charges. The Chairman of the Resources Policy Development Group said new proposals should be put before members of this PDG for consideration.

Those speaking for the motion highlighted the potential advantages for the local economy.

In accordance with Council Procedure Rule 13(x) it was proposed and seconded that the question be now put. A vote was taken on this proposition and carried. The amendment was then put to the vote and lost.

The Grow The Economy – Economic Development Portfolio Holder agreed to amend her original proposition that the recommendation be approved subject to the substitution of the plan for Wharf Road car park in Stamford with one circulated at the meeting; the circulated map was the same as the one on which consultation took place.

Discussion ensued on the labelling of the map for the Arnoldfield car park in Gonerby Hill Foot and the potential for confusion; the sign post for Running Furrows was on the opposite side of the road to its location on the map. The map was an ordinance survey map and could not be altered. It was suggested that this could be remedied by the addition of a sign on the opposite side of the road.

One councillor questioned why Wyndham Park car park was included in Part 2 of the Order and not Part 1. Part 1 covered pay and display car parks, Part 2 covered free parking. Under Part 1 of the Order enforcement officers could enforce against the non-payment of parking charges or failing to park in accordance with the parking Order. Under Part 2, enforcement could only take place against the latter. Enforcement officers would have maps which highlighted whether car parks would be enforced under provisions in Part 1 or Part 2 of the Order.

Councillors discussed the dual role of parking officers, who would carry out enforcement work in South Kesteven on behalf of both the district and county councils. The officers would need to change their badge and the ticket book to identify the enforcement authority. Councillors questioned whether enforcement officers could wear both badges. Officers indicated that this was not possible; the enforcing authority would be clearly distinguishable. It was queried whether an enforcement officer displaying the wrong badge when issuing a ticket could invalidate that ticket; officers stated this was a potential point of challenge but would not necessarily invalidate a ticket.

Some Members questioned why Orders for Bourne were not included. The draft Orders covered Grantham and Stamford; Bourne car parks were not currently regulated under any parking Order and car parks were free so there was nothing against which to enforce.

The recommendation as modified was put to the vote and carried.

### **37. QUESTIONS WITHOUT DISCUSSION**

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

#### Question

To: Councillor John Smith: Green, Healthy and Arts Portfolio Holder

From: Councillor Charmaine Morgan

Given the significant level of activity by North Kesteven District Council in complying with relevant Legislation to protect and enhance biodiversity, how are SKDC meeting their statutory Biodiversity Duty?

Where is SKDC's Biodiversity Evidence Base kept for reference by relevant parties including councillors, council officers, members of the public and developers?

What budget has been set aside in relation to this activity?

*Referred to the Communities Policy Development Group*

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

**Notice of Motion submitted by Councillor Dilks**

**Decision:**

***That the Council rejects the motion:***

***“This motion seeks to improve the openness, accountability and efficiency of the Council and assist elected Members in carrying out their responsibilities in representing local residents.***

***Council notes that a Public Open Forum of up to 30-minutes is set aside at the start of each Council meeting for any resident of the District to question the administration, subject to written notification no later than 72-hours prior to the meeting.***

***The resident may reasonably expect to receive an answer at the meeting as well as a reply to a supplementary question.***

***Questions from Councillors are also required to be submitted within a similar time-frame, but are then treated very differently to questions from residents.***

***All questions from councillors are currently referred to ‘the relevant Policy Development Group’ irrespective of who they are directed to, delaying a reply for several weeks or even months.***

***In contrast, a councillor could expect a quicker reply by lodging a request under the Freedom of Information Act.***

***Council resolves to tackle this issue by tasking its Constitutional Committee to consider appropriate amendments to the Rules of Procedure to be voted on at the next Annual Meeting of the Council, thus ensuring that in seeking information, councillors are not more disadvantaged than the residents they are elected to represent.”***

Councillor Dilks proposed the motion

***“This motion seeks to improve the openness, accountability and efficiency of the Council and assist elected Members in carrying out their responsibilities in representing local residents.***

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*The resident may reasonably expect to receive an answer at the meeting as well as a reply to a supplementary question.*

*Questions from Councillors are also required to be submitted within a similar time-frame, but are then treated very differently to questions from residents.*

*All questions from councillors are currently referred to 'the relevant Policy Development Group' irrespective of who they are directed to, delaying a replay for several weeks or even months.*

*In contrast, a councillor could expect a quicker reply by lodging a request under the Freedom of Information Act.*

*Council resolves to tackle this issue by tasking its Constitutional Committee to consider appropriate amendments to the Rules of Procedure to be voted on at the next Annual Meeting of the Council, thus ensuring that in seeking information, councillors are not more disadvantaged than the residents they are elected to represent."*

The motion was seconded.

In presenting his motion Councillor Dilks explained that he hoped to improve openness and accountability, and remove the anomaly that saw members of the public getting answers to their question (plus a supplementary question) at the council meeting to which they were put. He asked that the Constitution Committee consider appropriate amendments to the Rules of Procedure which could be voted on at the annual council meeting in 2013. The motion was seconded.

Those speaking in favour of the motion stated they felt it would improve transparency and indicated that it would be easier to represent their constituents by getting 'on the record' answers in a timely manner. They also stated that Councillors should not have to look through Policy Development Group records to find answers to their questions. Some Councillors expressed their concern that a one-to-one scenario did not provide an open view of the question or response.

Councillors speaking against the motion highlighted the access to Portfolio Holders, PDGs, Committees and officers that was available to Members. They refuted claims that sending questions to PDGs was pushing issues 'into the long grass'. Questions were considered at the next possible PDG meeting, answered, minuted and published.

Councillor Dilks summed up and reemphasised that in bringing the motion to council his intention was to improve openness, accountability and transparency.

There was a request for a recorded vote. However, failing to receive the

support of ten Members as per Council Procedure rule 16.4, the request was refused. The motion was put to the vote and lost.

**Notice of Motion submitted by Councillor Dilks**

**Decision:**

***That the Council rejects the motion:***

***“This Council resolves that each SKDC Committee and Policy Development Group be invited to provide a short report on its work over the previous year to be presented to the Annual Meeting of the Council.”***

Councillor Dilks proposed the motion

*“This Council resolves that each SKDC Committee and Policy Development Group be invited to provide a short report on its work over the previous year to be presented to the Annual Meeting of the Council.”*

The motion was seconded.

Councillor Dilks introduced his notice of motion and explained that he felt annual reports from each of the Committees and Policy Development Groups would help explain to the electorate what the council was doing. This was seconded.

Councillors speaking against the motion stated that the minutes from all public meetings were published on the website and would be made available to anyone requesting them.

The motion was put to vote and lost.

**39. CLOSE OF MEETING**

The meeting was closed at 17:14.