

MINUTES

COUNCIL

THURSDAY, 7 NOVEMBER 2013

2.00 PM



PRESENT

Councillor David Nalson Chairman

Councillor Bob Adams
Councillor Mark Ashberry
Councillor Jean Bevan
Councillor Harrish Bisnauthsing
Councillor Pam Bosworth
Councillor Robert Broughton
Councillor Teri Bryant
Councillor Paul Carpenter
Councillor Mrs Frances Cartwright
Councillor Ibis Channell
Councillor Michael Cook
Councillor Kelham Cooke
Councillor Paul Cosham
Councillor Nick Craft
Councillor Alan Davidson
Councillor Breda Griffin
Councillor David Higgs
Councillor Reginald Howard
Councillor Mrs Rosemary Kaberry-Brown
Councillor Vic Kerr
Councillor Jock Kerr
Councillor Michael King
Councillor Charmaine Morgan
Councillor Mrs. Linda Neal

Councillor Alan Parkin
Councillor Helen Powell
Councillor Nick Robins
Councillor Graddon Rowlands
Councillor Bob Russell
Councillor Bob Sampson
Councillor Bob Sandall
Councillor Susan Sandall
Councillor Trevor Scott
Councillor Ian Selby
Councillor Rob Shorrock
Councillor Jacky Smith
Councillor Judy Stevens
Councillor Adam Stokes
Councillor Mrs Brenda Sumner
Councillor Mrs Jean Taylor
Councillor Mike Taylor
Councillor Jeff Thompson
Councillor Frank Turner
Councillor Bruce Wells
Councillor Paul Wood
Councillor Rosemary H Woolley
Councillor Raymond Wooten

OFFICERS

Chief Executive (Beverly Agass)
Strategic Director (Tracey Blackwell)
Head of Legal & Democratic Services
(Lucy Youles)
Head of Finance (Richard Wyles)
Strategic Lead – Economic Development
& Regeneration (Corrine Garbett)
Community Safety & Licensing Service
Manager (Mark Jones)

OFFICERS

Senior Licensing Officer (Pam Robinson)
Elections & Democratic Services Team
Leader (Julie Edwards)
Environmental Health Services Manager
(David Price)
Environmental Protection Team Leader
(Pete Rogers)
Principal Democracy Officer (Jo Toomey)

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37. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Auger, Chivers, Dilks, Nicholson, John Smith, Mrs Judy Smith, Ian Stokes and Wilkins.

38. DISCLOSURE OF INTERESTS

Councillor Shorrocks stated he had a disclosable pecuniary interest in agenda item 7: Gambling – Statement of Principles, because he was advising a company with an interest in that item.

39. MINUTES OF THE MEETING HELD ON 12 SEPTEMBER 2013

It was proposed and seconded that the minutes of the meeting held on 12 September 2013 be agreed as a correct record. An amendment to the minutes was proposed and seconded, which would see the inclusion of the following text in minute number 32: Stamford Georgian Festival:

“Some Councillors commented on how long-term initiatives running throughout the year were required in addition to one-off events to promote the district and to encourage economic growth.”

The Councillor who proposed this amendment felt the addition would better reflect the debate on the Georgian Festival item. The Chief Executive advised members that the minutes of a meeting were meant to be a summary of discussions and not a verbatim account. On being put to the vote, the amendment was lost.

The minutes as originally proposed were put to the vote and approved.

40. COMMUNICATIONS (INCLUDING CHAIRMAN'S ANNOUNCEMENTS)

The Council noted the Chairman's engagements. The Chairman informed members that instead of a ghost walk in Stamford on 1 November 2013, which was cancelled, he attended a race evening in Grantham.

The Chairman introduced a brief film showing the highlights of the Georgian Festival that had taken place in Stamford between 27 and 29 September 2013. He told Members that the Council had received positive feedback from traders and businesses operating in the town. The Chairman added that the festival had achieved its objectives of increasing footfall in Stamford during the festival period, providing a quality event for residents and visitors and promoting the local economy. He also made reference to the Mallard Festival which had taken place in Grantham at the beginning of September 2013.

Following the film, the Chairman offered the thanks of the Council to all those who had helped with the organisation and running of the festival. He added that despite the tough financial times he was pleased that councillors and officers had the courage and imagination to put on such festivals.

Councillors were invited to ask questions and make comments. Several members complimented both the Mallard and Georgian Festivals. One Member requested that longer term economic outcomes were recorded.

Speaking about the Mallard Festival, one member reported receiving positive feedback from executives at the National Railway Museum.

Recognition was given to the contribution of the staff members who had volunteered their time to steward the Georgian Festival. Mention was also made of the other organisations and individuals who supported the festival with specific reference being made to the co-operation and contribution of Stamford Town Council.

There was some discussion about whether the DVD would be publicly available. It was intended that footage would be available on the council's website and on video streaming websites. It was suggested that copies of the DVD could go on sale; to test the market a small number of copies could be sold through Stamford Arts Centre where postcards celebrating the event were already available.

Those Councillors who had attended the festival said how much they had enjoyed it and that it had been appreciated by all generations. The suggestion was made that for events such as the re-enactment of the Stamford bullrun, a commentary might help visitors unfamiliar with the history of the town. It was further suggested that at future events, rather than burning the bull, it might be kept and exhibited.

The importance of measuring the longer-term benefits of festivals was re-emphasised, however one member did point out that certain outcomes were intangible and could not be specifically measured.

41. MEDIUM TERM FINANCIAL STRATEGY

Decision:

The Council approves the Medium Term Financial Strategy for the period 2013/14-2017/18.

In proposing the Medium Term Financial Strategy, which was appended to report number HOF256, the Portfolio Holder for Strategic Resources – Well Run Council thanked the staff who had supported the production of the document and the Resources PDG, which had spent time considering and developing the strategy. He reminded members of the increasing financial constraints that affected local authorities and asked Councillors to approve the document. The proposition was seconded. Support was echoed by another Councillor and further recognition was made of the financial climate, including the pressures for individuals as well as the authority.

A question was asked about the figures in the document relating to income

from the local retention of business rates. Officers stated that the figures were modelled on current policies of the Council and in adherence to national guidance. It was based on a static business rates base however an inflationary increase of 3% was applied year-on-year. Councillors noted that during 2013/14 the authority had not opted to join a pool for business rates however a decision had been taken to enter a Lincolnshire pool for 2014/15.

An additional question was asked on specific grants that from 2014/15 would be included in the revenue support grant and would no longer be ring-fenced. Some concern was expressed about assuring transparency in maintaining a link between where the funding came from and the impact on funding specific areas. Members were informed that the Council operated a system of priority-based budgeting. This would mean that grants historically linked to services would form part of the Council's main funding to drive forward priorities.

Members were reassured that the Council's priorities and services were driven by public consultation on priorities through a range of mediums which included public meetings in villages across the district and through the website. During the consultation exercises members of the public were asked to prioritise services. Full consultation would take place regarding any future changes in service provision.

Reference was made by members to the historic financial management of the authority, which they felt had left the council well-placed in relation to its peers. There was an acknowledgement that times would be difficult and the importance of delivering services for the benefit of the people who live, work and visit the district was recognised. Some concern was expressed over the longer-term outlook and the impact of reduced funding on service delivery.

On being put to the vote, the strategy was approved.

42. GAMBLING - STATEMENT OF PRINCIPLES

Decision:

That the Gambling Act 2005, Statement of Principles (as amended – 2014 and attached as Appendix A to report CSL043) be adopted as the Council's Gambling Policy, for implementation from 14 January 2014.

14:56: Having a disclosable pecuniary interest in this item of business, Councillor Shorrock left the meeting.

The Portfolio Holder for Corporate Governance and Communication proposed the Gambling Statement of Principles as appended to report number CSL043. He informed Members that the authority was required to consult, adopt and publish a new Statement of Principles every three years. The proposition was seconded, and on being put to the vote, it was approved.

15:00: Councillor Shorrock returned to the meeting

43. ELECTORAL REVIEW: LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND DRAFT RECOMMENDATIONS

Decision:

That the Council delegates authority to the Electoral Review Working Group to prepare and submit a response to the Local Government Boundary Commission for England's draft recommendations on Warding arrangements on the Council's behalf.

15:02: Councillor Jock Kerr entered the meeting

The Portfolio Holder for Corporate Governance and Communication proposed the recommendation in report number LDS112, which was seconded. Attached to the report was a summary of the electoral arrangements proposed by the Local Government Boundary Commission for England for South Kesteven. A schedule of the differences between the Commission's recommendations and the Council's proposal was also attached.

Any Councillor who wanted to make comments on the Local Government Boundary Commission for England's recommendations was asked to refer them to their Group's representative of the Electoral Review Working Group by Friday 15 November. This would give the group the opportunity to consider all comments and prepare a response for submission before the Commission's deadline of 6 January 2014. Members were also reminded that they were able to send individual responses to the Local Government Boundary Commission for England's consultation.

On being put to the vote, the proposition was carried.

44. LEADER'S REPORT ON URGENT DECISIONS

The Council noted the Leader's report (CAB017) which informed Members about an urgent key decision that had been taken. The decision agreed that the authority enter into a Lincolnshire "pool" for business rates for 2014/15.

45. UPDATE FROM CONSTITUTION COMMITTEE

Decision:

The Council approves the recommendations made by the Constitution Committee at its meeting on 23 September 2013 as follows:

- 1.1 It notes the amendment in the wording of the policy framework documents at Article 4 of the constitution to refer to the pay policy statement not the pay policy**
- 1.2 That the scheme of delegation to officers be amended to include the delegation of functions relating to the Scrap Metal Dealers Act 2013 as follows:**

Function:	Delegated to:
<i>Fee setting</i>	<i>The S151 Chief Finance Officer in consultation with the relevant portfolio holder</i>
<i>Administration & Enforcement of the Scrap Metal Dealers Act 2013 – including powers to enter and inspect premises (Section 16) and serve Notices under Schedule 1, Section 7 (proposals to refuse, revoke or vary licences)</i>	<i>Operations Director or anyone authorised by them in writing</i>
<i>Grant of a site or collectors licence with or without conditions</i>	<i>Operations Director or anyone authorised by them in writing</i>
<i>Refusal, revocation or variation of a site or collectors licence</i>	<i>Operations Director or anyone authorised by them in writing</i>
<i>Power to determine requests for an oral hearing following refusal, revocation or variation of a site or collectors licence</i>	<i>Licensing Committee</i>
<i>Power to make a closure order</i>	<i>Licensing Committee</i>

1.3 That the Articles, 1,18 and 19 be amalgamated to form Article 1 of the Constitution to read as follows:

ARTICLE 1 - THE CONSTITUTION

1.1 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.2 The Constitution

This Constitution, and all its codes and protocols, is the Constitution of the South Kesteven District Council and is called “the Constitution” for the purposes of this document. The Constitution sets out how the Council operates, how decisions are made and who makes them, the procedures to be followed, and the rules by which Councillors and officers are to abide.

1.3 Purpose of the Constitution

The purpose of this Constitution is to ensure:

- i) The Council provides community leadership, involving citizens in the democratic process,*
- ii) Councillors are assisted in effective representation,*
- iii) Decisions are taken efficiently and effectively, (providing reasons and permitting independent scrutiny) holding decision makers to account*

- publicly,*
iv) *Improvement in the delivery of services.*

1.4 Interpretation of the Constitution

This Constitution shall be interpreted in accordance with the laws of England and all words shall be given their natural meaning where appropriate.

1.5 Duty to monitor and review the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

1.6 Protocol for monitoring and review of the Constitution by Monitoring Officer

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order to better achieve the purposes set out above. In undertaking this task the Monitoring Officer will have regard to any legislative changes affecting the Constitution and may:-

- i) Observe meetings of different parts of the member and officer structure;*
- ii) Undertake an audit trail of a sample of decisions;*
- iii) Record and analyse issues raised with him/her by Members, officers, the public and other relevant stakeholders; and*
- iv) Compare practices in this authority with those in other comparable authorities, or national examples of best practice.*

1.7 Changes to the Constitution

- i) Changes to the Constitution will only be approved by the full Council after consideration of a report by the Monitoring Officer on the proposal by the Constitution Committee
This excludes changes which are statements of factual matters appertaining to the Council, such as its objectives and policy framework documents, some of these change from time to time by virtue of Council decisions, others, such as member and officer details occur without any decision of the Council being involved.*
- ii) Changes to the principles of the executive arrangements, and the various rules and codes would require adoption by or resolutions of the Council*

1.8 Suspension of the Constitution

(a) *Limit to suspension*

The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the Council to the extent permitted within those Rules and the law.

(b) *Procedure to suspend*

A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution as at Article 1.3.

(c) *Rules capable of suspension*

The following Rules may be suspended:

All of the Council Rules of Procedure except Rule 16.5 and 19.2.

1.9 Interpretation of Suspension

The ruling of the Chairman of the Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution as at Article 1.3.

1.10 Publication of the Constitution

- i) The Monitoring Officer will give a printed copy of this Constitution to each member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.*
- ii) The Monitoring Officer will ensure that copies are available for inspection at Council Offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.*
- iii) The Monitoring Officer will ensure that the summary of the Constitution is made widely available within the area, is published on the Council's website and is updated as necessary.*

The Council noted the amendment to the wording of the policy framework documents at Article 4 of the Constitution from "Pay Policy" to "Pay Policy Statement".

The Chairman of the Constitution Committee moved the recommendations 1.2 and 1.3 as detailed in report number LDS0110. The first recommendation would see the amendment of the delegation scheme to incorporate provisions under the Scrap Metal Dealers Act 2013, while the second amalgamated articles 1, 18 and 19 of the Constitution to form article 1. This was seconded and a separate vote was taken on each of the recommendations. When put to

the vote, both propositions were approved unanimously.

46. CLOSE OF MEETING

The meeting was closed at 15:07.