



# MINUTES

## ORDINARY MEETING OF THE COUNCIL

2<sup>nd</sup> September 2004  
2.00 p.m.

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### PRESENT

Councillor Graham Wheat in the Chair

Councillor Auger  
Councillor Bisnauthsing  
Councillor Mrs Bosworth  
Councillor Bryant  
Councillor Burrows  
Councillor Carpenter  
Councillor Mrs Cartwright  
Councillor Miss Channell  
Councillor Conboy  
Councillor Craft  
Councillor N Dexter  
Councillor Mrs D Dexter  
Councillor Fines  
Councillor Fisher  
Councillor Mrs Gaffigan  
Councillor Genever  
Councillor Gibbins  
Councillor Helyar  
Councillor Hewerdine  
Councillor Howard  
Councillor Fereshteh Hurst  
Councillor John Hurst  
Councillor Joynson  
Councillor Mrs Kaberry-Brown  
Councillor Kerr

Councillor Kirkman  
Councillor Martin-Mayhew  
Councillor Morris  
Councillor Nadarajah  
Councillor Mrs Neal  
Councillor Nicholson  
Councillor O'Hare  
Councillor Parkin  
Councillor Mrs Margery Radley  
Councillor Norman Radley  
Councillor Sandall  
Councillor Selby  
Councillor Mrs Judy Smith  
Councillor John Smith  
Councillor Mike Taylor  
Councillor Gerald Taylor  
Councillor Turner  
Councillor Waterhouse  
Councillor Mrs Mary Wheat  
Councillor Wilks  
Councillor Avril Williams  
Councillor Mike Williams  
Councillor Wood  
Councillor Mrs Woods

### OFFICERS

Chief Executive  
Director of Finance and Strategic Resources  
Corporate Manager, Democratic & Legal  
Services (Monitoring Officer)

### OFFICERS

Scrutiny Officer

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**36. PUBLIC OPEN FORUM**

(2.00 p.m. – 2.21 p.m.)

Prior notice in accordance with Council Procedure rule 10.3 had been given of the following questions put by members of the public:-

*(Owing to the time constraint of the Public Open Forum and the number of questions received, the Chairman allowed all questions but stated that for the first five questions, which all related to Bourne, the relevant Portfolio Holder would give a conglomerate answer after all questions had been put)*

**Question: Roland Stevens, 20 West Road, Bourne.**

If SKDC received a planning application for a bypass or relief road with associated housing to run around the west side of Bourne through a section of Bourne Woods and joining up with the A15 to the north of Bourne, would they consider this favourably?

**Question: Penny Stevens, 20 West Road, Bourne, PE10 9PU**

With the amount of land already earmarked for development in and around Bourne is it the Council's long term plan to allow unlimited opportunity for increased housing, or can they assure the people of Bourne that the locally rare grazing meadow and woods to the west of Bourne will be maintained as a green belt separating the housing of Bourne from Bourne Woods?

**Question: Mr. V. Roberts, 5 Sycamore Close, Bourne, Lincs. PE10 9RS**

What is the Council's position with regard to any possible future proposal for housing developments on Greenfield land, with particular reference to such Greenfield sites where there may be ancient woodland?

**Question: Mrs. S. Jones, 17 Mill Drove, Bourne, Lincs.**

What would be the Council's position regarding a relief road or bypass being routed on the rural western side of Bourne, when most of the traffic requires a north/south route via the industrial area on the eastern side of Bourne?

**Question: Mr. T. Bates, 22 Fir Avenue, Bourne, Lincs. PE10 9RY**

Given the current growth in the population of Bourne, what would be the Council's position on proposals to reduce the area available for amenity and recreation associated with Bourne Woods and adjacent grassland buffer zones?

**Response: Councillor John Smith: Portfolio – Economic**

Thank you Mr Chairman. Mr and Mrs Stevens, Mr Roberts, Mrs Jones and Mr Bates:

When I read the headlines in the Bourne Local suggesting that a road and housing were proposed to be put alongside and through Bourne Woods, it was with horror and total disbelief. The friends of Bourne Woods, via their letters and questions have I pleased to note, have expressed similar concerns so my thanks you for that support. I welcome the opportunity you have given me to state that Kevin Stannard, who is the forest district manager, has authorised me to say, yes, a developer approached them about a year ago, that was given no encouragement and has not contacted them since. As the Cabinet Member with the responsibility for overseeing Development Control and Planning Policy, I cannot prejudice, for reasons of probity, any planning application which might be made in the future. However, I can say that the Lincolnshire Transport Plan, the Lincolnshire Structure Plan and the Local Development Plan make no provision for a Bourne northwest bypass through or close to Bourne Woods. Also, the latest proposed housing allocations for South Kesteven would not allow sufficient new housing at Bourne to produce the capital necessary for such a road. Planning permission already exists for more than two thousand houses at Bourne, mainly at Elsea Park, and apart from development of some relatively small sites, I hope that you would agree with me, that there is no requirement for a larger amount more at this time. A new South Kesteven Local Plan, in the process of being produced, had to be held in abeyance on the advice of the Government Office for the East Midlands because of altered regional planning guidance regarding the amount of housing provision in Lincolnshire, delay in the adoption of the county Structure plan and the introduction of a new Planning and Compulsory Purchase Act by the Government itself. The first stage deposit of that Local Plan, which had already been to public consultation, is likely to form the basis of the Local Development documents under the new Act. It has a core policy which said the visual quality and amenity value of the environment of the Plan area will be conserved and enhanced. Included in the environment policies, it went on to say development proposals will only be permitted where they maintain existing woodland, trees, hedgerows and other wildlife habitats, watercourses and other natural features. There is much merit in the suggestion that a future north south bypass should be on the eastern side of Bourne by the industrial areas and the district council

are laying the foundations for that by developing the land to the east of the A15 Elsea Park roundabout and giving the opportunity for the first small section of such a road to be constructed.

**Supplementary Question: Mr Stevens**

Thank you for that answer. That is quite reassuring what you have told us. I think in a way you have really already answered the question I would have liked to have asked which was: how would the Council view a similar application to the east of Bourne where the amenity value of the land is far less than to the west? I think you have already answered that. Thank you.

**Supplementary Question: Mrs Stevens**

My response would be just a general one in this matter and that is: how can the people of Bourne best make their views known to the Council about future developments in and around Bourne? We always have letters in the Bourne Local and that is one way of it but is there another way other than meeting with the Council like this that we can actually, as a group of people in Bourne, who are concerned about developments, let people know how we feel? Thank you.

**Supplementary Question: Mr Roberts**

I reiterate Mr Stevens' comments of thanks for those helpful words. I do have a supplementary question, however: Bearing in mind the natural beauty of Bourne Woods, which I think we would all agree with, would the Council support an application for statutory protection for the area?

**Supplementary Question: Mrs Jones**

Would the Council support a public consultation on any proposals that might affect Bourne Woods?

**Supplementary Question: Mr Bates**

It sounds quite encouraging from what I have heard so far but there is one question I would like to ask: is there any circumstance that would lead the Council to agree to such proposals regarding the woods or the edge of the Woods?

**Response: Councillor John Smith**

Thank you all for those ideas, I did think about the east possible future bypass of Bourne and that is something which I think that I would personally support and when we come to producing our Local Development documents and talking about Bourne, I think that is something we can consider about putting in. Regarding public

consultation: when we do produce the Local Development documents, there will be the opportunity for consultation and you will be able to come and say what you think about it. And of course, any planning application received, you have statutory rights to make your comments about anyway. Regarding Mr Roberts, about statutory protection, of course the Local Development documents will give a degree of that in itself. You are asking whether we would support any proposal for statutory protection and of course we will give that sympathetic consideration but I cannot answer for the Council as a whole but certainly by what I have already told you and what the thoughts are, I think you probably realise what the answer is likely to be. Are there any circumstances? I have learnt never to say, no, there are never any circumstances. I think they are extremely highly unlikely and certainly in the next years during which this plan, these documents that come into being up to 2021, I am pretty sure that the support you want will be there. Following that, one can never tell but I would hope that that could be continued.

**Question: Ray Lee, 53 Lincoln Road, Stamford, Lincs.** *(In Mr Lee's absence, the Chairman read the question)*

In respect of Wharf Road Car Park Stamford can Councillor Auger assure the people of Stamford and surrounding villages that there is every intention by SKDC to keep all of that site for use as a public car park?

**Response: Councillor Ray Auger: Portfolio – Environment**

Thank you Chairman. At this moment in time I can confirm that it is our, our being this Council, intention to maintain the current level of car park provision on the site. There will be a report to Cabinet on Monday 6<sup>th</sup> September regarding certain remedial works on the site. I cannot predict the Cabinet's response but this will be discussed at a meeting that members of the public are entitled to attend. That is 10.30a.m. 6<sup>th</sup> September.

**37. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Chivers, Mrs Jalili, Lovelock, Pease and G Thompson.

**38. DECLARATIONS OF INTEREST**

Councillor Sandall declared a personal interest in Item 8 (Capital Programme 2004/5) as a member of the Blackstone and Social Club.

**39. MINUTES**

To approve the minutes of the annual meeting held on 27<sup>th</sup> May 2004.

Councillor Mrs Bosworth commented that, in the Appendix to the minutes, the reference to a lavish lunch and a party (page 41, minute 34(4)) in Councillor Fereshteh Hurst's question was not accurate. Councillor J Hurst commented that this was matters arising which set a precedent.

**40. COMMUNICATIONS**

**DECISION:**

**To Welcome back Councillor N Dexter following his recent illness.**

Councillor N Dexter was heartily welcomed back to the Council Chamber by the Chairman on behalf of all Members following his recent serious illness.

Councillor Dexter thanked Members for their kind salutations.

There were no other announcements but the Chairman reminded Members that copies of last year's photograph could be ordered at tea from the Civic Officer

With regard to the schedule of engagements, the Chairman advised that Councillor Joynson had attended two local events as neither himself nor the Vice Chairman had been available and that his attendance at the Lincolnshire Youth Games at the Meres Leisure Centre had been on Sunday 20<sup>th</sup> June not Saturday 19<sup>th</sup> June.

**41. NOTICES OF MOTION:**

**(i) Councillor MIKE TAYLOR**

**DECISION: To not support the motion proposed by Councillor Taylor.**

The following motion had been proposed by Councillor Mike Taylor:

"That it is recommended to the Cabinet there are no further increases in car parking charges within Grantham until such times as all areas within SKDC that have car parking facilities have charges implemented and brought up to the same levels that exist in Grantham."

Councillor Auger stated that such a decision would have to be based on financial considerations; the set up costs would amount to £5-8,000 per unit (depending on the size of the car park); the charges would not cover operating costs; and therefore he would not support the motion as it was unsustainable and moved that the Council should not support this

motion. Councillor Burrows commented that if you could afford to run a car, you could can afford car parking charges, everyone should pay a fair charge throughout the District. Councillor Nicholson, in seconding Councillor Auger's proposal, stated that he would expect charges to vary according to demand, there should not be a levelling off of charges in the District. Councillor Waterhouse stated that to introduce charges in Bourne would inhibit the development of Bourne Town Centre. He urged the Council to vote against the motion. Councillor O'Hare observed that the cost of installing the necessary equipment in Bourne would be a one-off charge to the District Council. There was an inequality in the District as regards car parking charges.

A request for a recorded vote was made and supported in accordance with Council procedure rule 16.4. The names of members voting either for, against of abstaining from the motion of Councillor Mike Taylor are recorded below:-

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAIN</b>
Councillor Bisnauthsing	Councillor Auger	Councillor Howard
Councillor Burrows	Councillor Mrs Bosworth	Councillor Kerr
Councillor Miss Channell	Councillor Bryant	Councillor Selby
Councillor Craft	Councillor Carpenter	Councillor G Taylor
Councillor Mrs Dexter	Councillor Mrs Cartwright	Councillor Wood
Councillor N Dexter	Councillor Conboy	
Councillor Genever	Councillor Fines	
Councillor Gibbins	Councillor Fisher	
Councillor Hewerdine	Councillor Mrs Gaffigan	
Councillor F Hurst	Councillor Helyar	
Councillor Kirkman	Councillor J Hurst	
Councillor O'Hare	Councillor Joynson	
Councillor Parkin	Councillor Mrs Kaberry-Brown	
Councillor M Taylor	Councillor Martin-Mayhew	
Councillor Wilks	Councillor Morris	
Councillor A Williams	Councillor Nadarajah	
	Councillor Mrs Neal	
	Councillor Nicholson	
	Councillor Radley	
	Councillor Mrs Radley	
	Councillor Sandall	
	Councillor J Smith	
	Councillor Mrs Smith	
	Councillor Turner	
	Councillor Waterhouse	

	Councillor G Wheat	
	Councillor Mrs Wheat	
	Councillor M Williams	
	Councillor Mrs Woods	
<b>17</b>	<b>29</b>	<b>4</b>

The motion was therefore lost.

**(ii) NOTICE OF MOTION: COUNCILLOR J WILKS**

**DECISION: The South Kesteven District Council requests the Local Government Association to**

- (a) Consider whether or not the Cabinet system has given any greater value to officers, members or the wider community;**
- (b) Consider whether a review of the current and previous decision making practices may better assist local authorities in meeting the legitimate demands of their electorates;**
- (c) To make appropriate representations to the Government.**

Councillor Wilks stated that in his view the Cabinet structure was causing concern throughout the country. The present system was one less efficient than the previous one. It had been imposed by Central on local government, as a result seven members of the Cabinet could ignore the other 51 members of the Council. Councillor Wilks was uneasy about the way portfolio holders could spend hundreds of thousands of pounds of council tax payers money. He was also uneasy about the scrutiny system where nothing was recorded and there was no formal voting. He believed that the new structures had resulted in a loss of local democracy and decision making was now done by a small number of people.

Councillor Williams seconded the motion as he had strong reservations about the Cabinet system as it currently operated.

Councillor John Hurst agreed with the motion but not on his comments on the new scrutiny system, he had recently chaired a DSP meeting that had been bursting with participation and democracy, what was needed in his view though was strong local government which included a shadow cabinet. He would produce evidence that a shadow cabinet was constitutionally possible.

Councillor Waterhouse stated that he supported the motion but would anybody listen to us? Also the Council had seen a draft CPA report but not a final one. In his view the Council was becoming more officer led and he questioned the value of the DSPs and the Constitution and

Accounts Committee. The Chief Executive explained that once the Council had adopted the draft CPA report it had become final.

Councillor M Taylor observed that he had once been in favour of the Cabinet system but had changed his mind in the light of experience. 51 out of 58 councillors had been disempowered, the LGA ought to lobby the Government on behalf of councils that were run properly to abolish the cabinet system.

Councillor Selby stated that the role of councillors had changed dramatically under the new system, only 7 members now made decisions, the rest of the councillors had been given scrutiny and ward work to do, many back benchers had become disillusioned as a result. The Cabinet should let the rest of the members have a go at running things.

In response to a comment that Grantham was represented on the Cabinet, Councillor Carpenter advised that he had been born on Belton Lane and educated in Grantham, therefore there was a Granthamian on the Cabinet.

Councillor Joynson observed that one advantage of the old committee system was that every member was on a committee, therefore everybody had the opportunity to contribute in some way. But he did feel more involved in the small working groups that were starting to appear under the auspices of the DSPs, these were working well and in a non political way.

Councillor Nicholson stated that it was too early to say that the new DSPs were ineffective, they had only recently been created and there had only been one round of meetings. If they worked then the whole system would be better.

Councillor Morris stated that a member of the public had been offended by Councillor J Hurst's use of a particular word earlier in the debate, Councillor Hurst apologised and stated that he never set out to deliberately offend anyone, although language was constantly evolving and certain words and phrases were now entering everyday usage.

Councillor Howard was of the view that The Council was deeply unhappy with itself and an unhappy council is not an efficient one.

Councillor John Smith stated that he had been against the Government's modernising Agenda but we had to work within the system as best we can for the benefit of the residents of South Kesteven.

A vote on the motion was carried with 39 for and 10 against.

**(iii) NOTICE OF MOTION: Councillor STEPHEN O'HARE**

**DECISION: Not to support the motion by Councillor O'Hare**

The following motion had been proposed by Councillor O'Hare:

"That this Council urges the Chair of Licensing Committee

- (a) to cease the apparent presumption that meetings are automatically held in Grantham;
- (b) to ensure that where any contested application for or in relation to premises is made that the application is heard and determined in whichever of the four towns (Grantham, Stamford, Bourne or Deepings) contains or is nearest to the premises to which the application relates;
- (c) where more than one contested application relating to different towns is due to be heard at the same meeting then the question of which town to hold the meeting in shall still be in the discretion of the chair, preferably after consulting with affected local members whether or not they are members of the Licensing Committee."

Councillor O'Hare suggested that the Council had already set a precedent with the local area assemblies. In his view moving the meeting to a local venue had many advantages.

Councillor Mrs Wheat advised that the Licensing Committee was possibly the one type of meeting which should be kept at a central location as solicitors at this meeting often had to copy documents. In addition, the solicitors and other legal officers were in the building if needed. Councillor Williams stated that his group was in favour of moving meetings around the District, but not this one. Councillor Howard also stated that he was not in favour of peripatetic meetings.

Councillor Bryant observed that it was open to the Chairman to change the venue if he or she so wished in any case.

In summing up Councillor O'Hare advised that he was only suggesting that the venues should be localised where there was a contested application.

The motion was put the vote and lost 4 for and 40 against.

**(iv) NOTICE OF MOTION: Councillor Stephen O'Hare**

**DECISION: Not to support the motion by Councillor O'Hare**

The following motion had been proposed by Councillor O'Hare:

"That this Council recommends and urges the Cabinet to reverse as soon as possible the decision made by the Cabinet on 12<sup>th</sup> July 2004 that the closed toilet facility at Star Lane, Stamford be subject to freehold disposal by inviting open market tenders;

AND that the Cabinet then seriously considers either:

- that SKDC re-open and run that facility

OR

- a transfer of the site to Stamford Town Council on a peppercorn lease to enable Stamford Town Council to operate the facility as previously stated to this Council by the Deputy Leader of the Council"

Councillor O'Hare stated that these facilities were needed as Stamford was a historic town and received many visitors. Councillors Mrs Jalili and Mrs Woods had been working very hard with the Stamford Town Council on this issue.

The Portfolio holder, Councillor Martin-Mayhew, advised that he too had been working on this issue for over two years but had not been contacted by the Town Council in over 18 months. Stamford now had a super new facility which Grantham and Bourne did not have. A second facility for Stamford could not be justified until these towns had similar facilities. If Stamford Town Council wanted these premises they would have to submit an open market tender for it. There would also be no more money coming from SKDC, the money acquired from the sale would be used on the Council's priorities.

Councillor Bryant accused Councillor O'Hare of trying to mislead the Council and moved under Standing Order 14.10(c) that "the meeting proceed to the next business." However the Chairman ruled that there had not been sufficient debate on the motion and this should continue.

Councillor O'Hare replied that he was not trying to mislead but the main point of the decision was that open market tenders would be invited. On a point of order Councillor Bryant advised that the tenders would be subject to evaluation and the highest bidder may not be the successful one.

Councillor Mrs Woods commented that Stamford was a tourist town and needed this facility.

After further discussion, a request for a recorded vote was made and supported in accordance with Council procedure rule 16.4. The names

of members voting either for, against or abstaining from voting are recorded below:

<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAIN</b>
Councillor Bisnauthsing	Councillor Auger	Councillor Joynson
Councillor Miss Channell	Councillor Mrs Bosworth	Councillor Mrs Woods
Councillor Mrs Dexter	Councillor Bryant	
Councillor Dexter	Councillor Carpenter	
Councillor Mrs Gaffigan	Councillor Mrs Cartwright	
Councillor Genever	Councillor Conboy	
Councillor Gibbins	Councillor Craft	
Councillor Hewerdine	Councillor Fines	
Councillor F Hurst	Councillor Fisher	
Councillor J Hurst	Councillor Helyar	
Councillor Howard	Councillor Kaberry-Brown	
Councillor O'Hare	Councillor Kerr	
Councillor Sandall	Councillor Kirkman	
Councillor Selby	Councillor Martin-Mayhew	
Councillor Mrs Smith	Councillor Morris	
Councillor Waterhouse	Councillor Nadarajah	
Councillor A Williams	Councillor Mrs Neal	
Councillor M Williams	Councillor Nicholson	
	Councillor Parkin	
	Councillor Mrs Radley	
	Councillor N Radley	
	Councillor Smith	
	Councillor M Taylor	
	Councillor G Taylor	
	Councillor Turner	
	Councillor Wheat	
	Councillor Mrs Wheat	
	Councillor Wilks	
	Councillor Wood	
<b>18</b>	<b>29</b>	<b>2</b>

The motion was therefore lost.

#### **42. RISK MANAGEMENT STRATEGY**

##### **DECISION:**

- (1) That the Council formally adopts the Risk Management Strategy as set out in the report to Cabinet FIN186 dated 12<sup>th</sup> July 2004, subject to the following amendment:

- (2) **Appendix B, risk categories, strategic risks – political: be amended to read “failure to deliver local policy or Legislation passed by the Queen in Parliament”.**

The Director of Finance and Strategic Resources introduced his report on an updated Risk Management Strategy. The Strategy contained a risk register which included those risks that the Council must manage or be capable of managing. It was important that the Council had a proactive approach to the management of risk as part of its Corporate Governance procedures. The Strategy had been developed with the help of the Council's internal auditors and gave an overview of the way in which risk is addressed and managed within the Council. Cabinet on 12<sup>th</sup> July 2004 had recommended that the Strategy be adopted by the Council.

Following discussion and clarification of a number of points the motion as amended above was moved and seconded.

*In accordance with Council Procedure Rule no 9, as the meeting had been in progress for three hours, the majority of the members voted for the meeting to continue.*

#### **43. CAPITAL PROGRAMME 2004/5**

##### **DECISION:**

- (1) **That the Council Formally adopts the Capital Programme 2004/5 as set out in report FIN195 to Cabinet dated 9<sup>th</sup> August 2004 as a policy framework document; and**
- (2) **That the Capital Programme continue to be developed in accordance with the Council's agreed category A and B priorities.**

The Leader of the Council, Councillor Linda Neal, introduced the report on behalf of the Cabinet. The current programme was necessarily limited since capital expenditure may be required to facilitate the delivery of the Council's priorities and the need to restructure the programme.

The report encompassed:-

- Outturn position 2003/4
- Commitment 2004/5
- Development of the Programme in the light of priority setting
- The next steps

During the course of the debate a Member took photographs of the meeting, it was confirmed that photographs should not be taken without permission.

A number of points were raised on the programme, some members were concerned at the low level of spending on some items. In particular more detail was requested on the flood prevention programme. It was explained that smaller flood prevention works were often treated as revenue and not capital expenditure.

The motion was moved and seconded.

#### **44. AMENDMENTS TO THE CONSTITUTION**

**DECISION: That the following amendments recommended by the Constitution and Accounts Committee be approved:-**

**(1) On report of the Cabinet or Committees: a member of the Council may ask the Leader or the Deputy Leader or the Chairman of a Committee or Panel any question without notice upon an item of the report of the Cabinet or a Committee when that item is being received or under consideration by the Council.**

**(2) On Questions on notice at full Council, subject to Rule 11.4, a member of the Council may ask:**

- The Chairman;
- The Leader or Deputy Leader
- Any other member of the Cabinet
- The Chairman of any committee or sub-committee or panel

**a question on any matter in relation to which the Council has powers or duties or which affects the district. If the member who asked the question is not present then the question shall be put by the Chairman, but no supplementary question, as referred to in Rule 11.6 below, can be put to the Council meeting.**

**(3) Notice of questions - a member may only ask a question under Rule 11.2 or 11.3 if either:-**

- (a) they have given at least 72 hours notice before the time of the commencement of the meeting in writing of the question to the Chief Executive.**
- (b) the question relates to urgent matters, they have the consent of the member to whom the question is to be**

put and the content of the question is given to the Chief Executive by noon on the day of the meeting.

**(4) Response**

An answer may take the form of:-

- (a) a direct oral answer;**
  - (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or**
  - (c) where the reply cannot conveniently be given orally, a written answer circulated later to all members.**
- (5) Appointment of Leader - "The Chief Executive is authorised to effect the wishes of political groups with regard to the appointment of a Leader and Deputy Leader of the Council and Leader of the Opposition (if any) as notified in writing to him, and subscribed, in the case of the Leader and Deputy Leader of the Council, by all members comprising the administration, and in the case of the Leader of the Opposition, subscribed by a 2/3rds majority of the remaining members of the Council. Such notification is to be delivered to the Chief Executive prior to the commencement of the Council's Annual Meeting or, in the case of any subsequent variation, at least two days prior to any ordinary meeting of the Council."**
- (6) Portfolio-holders shall have delegated authority to determine key and"\* non-key issues which, in the opinion of the Leader, are wholly or mainly within their own remit. All decisions taken under these delegated powers shall be reported to the next available Cabinet meeting.**
- (7) Risk Strategy and Delegation to Development Control Committee: Save that the Committee shall only have delegated power to refuse an application against the clearly expressed advice from the Head of Planning Services if it has acted in accordance with the following:**
- (a) If any such motion is put and seconded, the Chairman or Vice-Chairman shall before any vote is taken, inform the Committee and the public of these provisions.**
  - (b) On first consideration the Committee is not empowered to determine the application against the officer recommendation. If the Committee is minded**

to do this it must pass a resolution stating that on the basis of the consideration to date it is minded to refuse and therefore requires to defer a decision pending the receipt and consideration of further information clarifying the proposed reasons for refusal and the planning officers' responses to those reasons"

- (c) This vote must be recorded and all members who support it must within the next five days provide to the Head of Planning Services, the planning reasons for their view and the evidence that supports it.
  - (d) The application shall be placed on the agenda for consideration at the next Development Control Committee. At this meeting the Development Control Committee shall have the power to determine the application, but, before doing so the Head of Planning Services, having assessed the information provided to him, shall inform the Committee whether, in his opinion, the reasons advanced are substantial enough for the authority to defend the decision at an inquiry. In the light of this additional information members may then determine, without being fettered by their vote at the previous meeting.
  - (e) This second vote must also be recorded and any member who votes to refuse the application in contravention of the officer recommendation must be willing to appear for the authority and give evidence regarding the reasons for their decision at any planning inquiry".
- (8) Amendments to the Council's Call in Arrangements: Rule 16 (c) on page 179 of the Constitution be amended so that the words "within 5 working days of the decision" be replaced by "as soon as possible after the meeting".
- (9) That the following matters be referred to the Constitution and Accounts Committee for consideration:-
- (i) The order of full council agenda items, in particular questions without discussion
  - (ii) The length of Council Meetings
  - (iii) The use of cameras and other recording equipment within the Council Chamber

**(iv) The power of the Chief Executive to reject questions from members**

The Corporate Manager Democratic and Legal Services presented a report on possible changes to the Council's Constitution following consideration by the Constitution and Accounts Committee. In particular that Committee had examined:-

- Questions at Council
- Appointment of the Leader
- Delegated Authority to Portfolio holders
- Risk Strategy and Delegation of Development Control Committee
- Amendments to the Council's Call-in arrangements

Following considerable discussion and clarification the motions were moved and seconded.

(Councillors Genever and Waterhouse asked that their votes against (7) above be recorded)

**45. CHANGE MANAGEMENT ACTION PLAN**

**DECISION:** To approve the latest version of the Change Management Action Plan as summarised at Appendix A of report CEX 249 dated 2<sup>nd</sup> September 2004.

The Leader of the Council introduced the report which updated members on the Council's Change Management Action Plan. This had been drawn up in response to the actions arising from the Council's Comprehensive Performance Assessment (CPA) and progress against the Plan was reported. The Leader recommended approval of the Plan which was moved and seconded.

**46. REPRESENTATIVES ON OUTSIDE BODIES: SOUTH KESTEVEN CITIZENS ADVICE BUREAUX**

**DECISION:** To nominate Councillors Mrs Linda Neal and Teri Bryant as the Council's two replacement representatives on the South Kesteven Citizens Advice Bureaux (CAB)

The vacancies had arisen because the Council's two representatives, Councillors F Hurst and M Taylor had resigned. Councillor F Hurst stated that she had resigned because she had been wasting her time there and the local CAB was run in a very unprofessional manner. Councillor M Taylor stated that he was not prepared to be involved with such an organisation and had resigned for the same reasons as

Councillor F Hurst. The CAB had not been complying with the requirements of SKDC.

The motion was moved and seconded.

**47. MORTON PARISH – CHANGE OF NAME**

**DECISION:** That the name of Morton Parish be changed to Morton & Hanthorpe Parish and that authority be given for appropriate notifications to be made.

The Elections and Electoral Registration Manager advised that Morton Parish Council had expressed concern that their parish was sometimes confused with another parish in Lincolnshire, namely Morton near Gainsborough. They had requested that the name of the parish be changed under the District Council's powers contained in Section 75 of the Local Government Act 1972.

The Parish Council's application for quality status had not been granted because of this confusion with the names.

The motion was moved and seconded.

**48. QUESTIONS WITHOUT DISCUSSION**

Ten questions had been submitted prior to the meeting.

**Verbatim details of the questions, together with supplementary questions and the responses are set out in the appendix to the minutes.**

**49. CLOSE OF MEETING**

The meeting closed at 7.00pm