

APPENDIX TO COUNCIL MINUTES: 2nd SEPTEMBER 2004

MINUTE 48: QUESTIONS WITHOUT DISCUSSION

(1) Question 1 (Councillor Mike Taylor)

Would the Chairman of the Development Control Committee explain to the Council what will be the projected cost to this authority and ultimately the Council taxpayer in legal costs and officer time costs following the debacle at the planning meeting on Tuesday, 9th March 2004 now that the Muir Group have decided to appeal against the decision of the committee, who when asked could not proffer a reasonable planning reason for refusal without having a 10 minute debate to prepare what they believe was an adequate reason?

Response: Councillor Alan Parkin

Councillor Mike Taylor will appreciate that it is very difficult for me to give him the exact amount an enquiry could cost the Council. I will endeavour to give him some costs to the Council's side of the enquiry which come under the following five points: First, the costs by the Development Control section in preparing the documents that are sent to the Planning Inspectorate. This, of course, will include all clerical time. Second is legal costs incurred by the Council's Legal department. Third, the cost of briefing Counsel by staff, including travel and loss of time on other work. Fourth, the SKDC daily charge for having an enquiry and fifth, the Counsel's charges. In connection with the first item, there is the time the officers have to spend in preparation of documents that have to be sent to the Planning Inspectorate together with the time they have to spend in notifying the original objectors of their complaints being sent to the Inspectorate. This work means that the officers cannot be involved in pursuing the casework on new applications, which could mean that these applications go over the eight-week deadline set by the ODPM. In the long run, this could mean that the Council could lose out on money given by the ODPM for not meeting the target. With items two and three, the legal staff have to prepare the cases for the Council's Counsel and brief the Counsel. Again, this would delay normal work and could delay the preparation of section 278 and 106 agreements, which, again, could delay the approval of those applications. SKDC staff - Planning and Legal - is involved in each stage of the enquiry. In connection with item five, it has to be decided whether or not to engage a barrister or a QC as it is normal practice to have the same level of representation as the applicant. An approximate cost can be given for items one, two and three. Item four is dependent on the level of representation, with barristers costing up to £300 per hour and QCs anything above £400 per hour. The hourly charge would be charged on any pre-enquiry work. The costs of each item above are as follows: for SKDC planning staff – in the region of £4,000; for Legal staff – in the region of £750 but this could be more in important cases; for the third item, which is briefing Counsel, it could be in the region of £1,000 and the fourth item (attendance at the enquiry) would be in the region of £625 per day; the QC's cost - in the region of £3,000 a day, plus a refresher brief of up to £900 per day. This could mean that the Council's own costs are in the region of

£10,300. One would anticipate that the appellant's costs will be higher than these as they will have to hire planning expertise, a solicitor, as well as Counsel. I have no knowledge of these costs but they would probably be considerably higher than the Council's costs. Overall, I would anticipate that the total costs of both the Council's and the appellant would be in the region of £25,000 for a one-day hearing. To each must be added at least £3,650 for each additional day. For a major four-day enquiry, the Council's costs could be about £25,000, the appellant's costs, in my opinion, would be nearer £40,000. If costs were awarded against the Council, we would be faced with total charges in the region of £65,000. Members can now see why the Chief Executive is worried about the Risk Assessment as set out in report 245 to the Constitution and Accounts Committee on Friday 30th July and LEG171, which we have just discussed.

(2) Question 2 (Councillor Selby)

Regarding the pay restructuring for council staff: Can you tell me in the categories stated below, what percentage of the council staff have had a pay cut and what percentage of staff have had a pay rise and can you conclude in your answer whether it is the lowest earners or the highest earners that are worst or better off after the restructuring?

Those earning;

- below £10,000
- between £10,000 & £20,000
- between £30,000 & £40,000
- Over £40,000

Please note that this question has been submitted early out of courtesy in order to allow plenty of time to establish the answer to the question.

Thank you

Response: Councillor Mrs Neal

Thank you Mr Chairman. In relation to Councillor Selby's question, Mr Chairman, this Council has no staff that are on a salary of less than £10,000 per annum. Between the bands of £10,000 and £20,000, there are 409 staff. 82% of those received an increase via job evaluation, 18% a decrease and there were no members of staff where the salary remained static. Between £30,000 and £40,000, there are five members of staff. None of them received an increase, 40% actually incurred a decrease and 60% of the salaries remained static and there are no staff in the scheme over the £40,000 salary level. Although not the aim of job evaluation, it is the lowest earners that are better off after the exercise is complete. I thank Councillor Selby for the early submission of this question.

Supplementary Question: Councillor Selby

First of all, thank you very much to Councillor Mrs Neal for that response. Although there is 18% without a decrease – without mentioning individuals by name - I understand that there were a number of the lower paid of our employees that were under the threat of a substantial pay-cut. If you cut the wages of our Council staff, especially the lower-paid members of our staff, then what kind of culture do you believe is being created within our Council and does this also create a high level of staff motivation?

Response: Councillor Mrs Neal

Perhaps this is a question best posed to the Chief Executive rather than me because this is a delegated issue, Mr Chairman. I really don't have any comment to make on that at all. That's just how it works out and unfortunately, it is a system and the system is a point score system and every single job has been evaluated against that system and those are the results of it. There is no room for movement in a sense to give added points or deduct points just because we think they are a good member of staff because it is not about the person, it is about the job and I have personally difficulty with it too but the fact it, it is about the job.

(3) Question 3 (Councillor Gerald Taylor)

“Climate change is a greater threat to the world than international terrorism”.

Not my words but those of Sir David King, the government chief scientific advisor.

Since she announced in this chamber over a year ago that climate change would be considered by the incoming Administration, can Councillor Neal please tell members what has actually been done, and what plans are being made for the near future, to alleviate the effects of climate change in this District?

Response: Councillor Mrs Neal

Thank you Mr Chairman. As the responsible Portfolio Holder for Community Affairs up until the AGM, Councillor Taylor, you will be fully aware of what you did over the last year far better than I. Since your departure from the Cabinet, flooding alleviating works at Rippingale has been tendered and if not already underway, shortly will be. Further work on Grantham Canal Bank also looks likely. Only last week or the week before, we issued hundreds, if not thousands of sandbags to help the communities because of the substantial rain that we were encountering and also, with the Aire Road redevelopment in Grantham, we are looking for the new build to be built in a system of pre-fabrication which will vastly improve the insulation of those properties and therefore lessening the demand on fossil fuels and perhaps the impact on climate change.

Supplementary Question: Councillor Gerald Taylor

Thank you Councillor Neal for that. That's quite informative actually in many ways, especially about the Aire Road flats. You mentioned flooding problems and the remedial action that you took. Now I don't think that the remedial action in itself is what we should be looking for. We have got large flooding problems not only in the villages but in the towns. I have found out that Market Harborough, for example, has the same problems. They are getting a £2million grant from DEFRA to help with it. What we should be doing is lobbying to get the same sort of thing because in the Victorian age in Grantham a great job of the drainage system was made but it is now too old and it needs regenerating and repairing and I think if I may ask you, my question is: will you lobby for this extra money from the central government?

Response: Councillor Mrs Neal:

Thank you Mr Chairman. I will ask the relevant Portfolio Holder to look at that.

(4) Question 4 (Councillor John Hurst)

Will Councillor Wheat please, here and now, apologise to Derek Chidlow for his highly discourteous attempt (in the pages of the Grantham Journal) to shuffle off his responsibilities for his misuse of the Chairman's car and services of the chauffeur on to him.

Response: Councillor Graham Wheat

The answer is no.

Supplementary Question: Councillor John Hurst

Then my supplementary question must be: did you read the report in the Grantham Journal in which you were quoted as having said, "Derek is the man who decides on the use of the car, he is the Civic Officer and he is there to run the Civic Office. You go along with what he says"? I think that was, if I may say so Chairman, a rather pusillanimous attempt in the face of the pressure that you are admittedly under to deal with the embarrassing expose which may or may not have been accurate in every respect over the misuse alleged of the Chairman's car. I think that it would have been better if you had simply taken responsibility yourself so I am asking you again – will you please apologise? There was a great deal of upset amongst the staff.

Response: Councillor Graham Wheat

The answer is still no.

(5) Question 5: Councillor John Hurst

Is the Leader prepared to attempt a serious review of her financial strategy by encouraging a debate in the community as to whether *very modest* further increases in council tax would be acceptable in return for developing much needed and demanded services? e.g. If residents in Band D homes were prepared to forego one-sixteenth of a pint of beer per week and send the saving to SKDC this would yield a further £700,000 per year!!!

Response: Councillor Mrs Neal

Thank you Mr Chairman. Personally, yes Councillor Hurst. Following one of the Local Area Assembly Forums, the Chief Executive and I have already spoken about this very topic prior to your question being put, I may add, and prior to it being known to me.

Supplementary Question: Councillor John Hurst

Will the leader recognise that success in this direction depends upon educating the community regarding the choices that need to be made and accept my offer to help in this matter?

Response: Councillor Mrs Neal

The very point that you make is the very point I have been talking to the Chief Executive about. Thank you for your full support.

(6) Question 6: Councillor Mrs Hurst

Has Councillor Cartwright a plan for the provision of Centres for Serious Music Training in each town in the District: if not, will she prepare such a plan in the interests of our young people in particular and as a constructive contribution to SKDC's priority of fighting crime and disorder?

Response: Councillor Mrs Cartwright

I do not. The reason for this is that training and education are accessed through schools, which fall under the remit of the county council. I would respectfully remind Councillor Mrs Hurst that SKDC does do some training. It is for members to inform them which services we do and which we don't. Thank you.

Supplementary Question: Councillor Mrs Hurst

Does Councillor Mrs Cartwright know if she can provide support for music for young people? Parents cannot always afford to provide music lessons for their children. Young people get bored and this can lead to crime, which is something the Council should be concentrating on reducing. Music would help get children off the streets.

Response: Councillor Mrs Cartwright

"If music be the food of love, play on" - give me excess of it, I love classical music. Anyone who has had the misfortune of hearing me sing Vivaldi's Gloria in the bath can confirm that. However, I am not convinced that this would be a valid plan to achieve the objective; culture is far wider than just serious music – it includes sport and many other art forms all of which our hard working officers are already actively pursuing. We are also talking about a discretionary service here. We do not have vast resources at our disposal and we are constantly striving to use them where they can have the best effect.

(7) Question 7: Councillor Mike Williams

At a recent meeting of the Grantham TCMP Environmental Group, serious concerns were highlighted by several members about the lack of response from Lincolnshire Police when called to deal with cases of disorder in and around the town. Could the portfolio holder explain what steps he is taking to ensure that this Council and Lincolnshire Police enforce the new Anti Social Behaviour Act in order to protect the people we serve?

Response: Councillor Ray Auger

I am no longer the Portfolio Holder for this topic and Councillor Bryant is the correct person to answer this. I cannot respond.

(8) Question 8 (Councillor George Waterhouse)

Would you agree with me that the Lincolnshire County Council draft Waste Local Plan is of great significance to the people of South Kesteven? Would you not further agree that the plan is causing great disquiet with regard to both the planning and environmental aspects amongst the council Tax payers of SKDC? Would you please inform the Council what responses and comments, if any, the Cabinet made to LCC by the deadline for comments on the Plan, to try and allay this disquiet?

Response: Councillor Mrs Neal

Thank you Mr Chairman. Obviously members will be able to see this. Essentially there are three questions here. My response to the first one is: yes. My response to the second one is that I only know what I have read in the local press. On the third question, I have to say that I do have some grave concerns about how the Waste Management Working Group has dealt with this issue constitutionally. This is not in my portfolio. I have spoke to Councillor Auger who is the Portfolio Holder and therefore I have consulted him on this reply. His expectations were that the Working Group would report to the DSP or to the Cabinet as the constitution states that it should and I believe that the action of the working group is constitutionally unsound because the Working Group has made recommendations direct to the County Council. That has actually prevented the Cabinet and this Council from having a voice; it has effectively denied everyone else

from having a voice. Working Groups can only make recommendations and put those forward to their relevant DSP or direct to the Cabinet and so in effect the answer to the third question is, that would you please inform the Council what responses were made, the working group has effectively denied the opportunity of that group.

Supplementary Question: Councillor George Waterhouse

First, thank you for that diatribe. The point is -

Response: Councillor Mrs Neal

- Chairman, I do object to that most strongly. It is nearly seven o'clock. We're here, trying to do the best job we can and if that's the best job that Councillor Waterhouse can do then I suggest that he get out of this Chamber, get off this Council and get on with something that he is more interested in.

Supplementary Question: Councillor George Waterhouse

Thank you for that, I will withdraw that remark if that will satisfy Councillor Neal. The point is, is that this document came into these offices in May and quite by chance came to the attention of the Environment DSP and we set up a working group to look at it and there were two of us there. We didn't give any advice or any other things to the County Council. We asked a number of questions. I could of in fact sent them under my own auspices as a Councillor and perhaps I should have done so, if you wish to go into the bureaucracy of the thing. However, it is a rather important matter in this district. I have attended two public meetings on it where I have tried to allay views. The CC failed to turn up and therefore, I still believe that the subgroup of Councillor Craft and myself have not in any way deterred the two Portfolio Holders (planning and environment) from answering, from making comments on this and therefore it comes under the auspices of the Leader. That is more a statement than a question, I agree. I stand by what we did. I am sorry I have not put this as a question but I am sure my time is up.

Response: Councillor Mrs Neal

Chairman, I believe I have the right to reply, although he didn't put a particular question, but Councillor Waterhouse is trying to mislead the Council. Yes there were questions in the response but there were also comments about the content of the report so I won't deny what Councillor Waterhouse says, There were questions about further information and I see that as being perfectly legitimate. What I do not see as being legitimate is a working group which by his own admission, a few seconds ago, was two members and may I remind him that two members on a working group is also constitutionally unsound, Mr Chairman, because the protocol says it only has to have a minimum of three members and by his own admission there were only two. Those two members have made comments which reflect on this Council as a whole. The Portfolio Holder had no opportunity to see those comments. I had no opportunity to see those comments until I asked about them. This Council has had no opportunity other than Councillor

Waterhouse and his other member. We have been talking such a lot about democracy here and us all being involved...this is a substantial issue for this district, this waste Local Plan. I appreciate it is only draft but it is genuine – the substantial issue. Two members to have the opportunity to comment on it. By his own admission again, Mr Chairman, it came into the Council in May. May! That proves that there has been substantial time for it to go through the due processes and the due processes are for the Working Groups to make recommendations to a DSP or direct to Cabinet and that has not happened and that means that what has been done is effectively constitutionally unsound.

Point of Clarification: Councillor George Waterhouse

We had this working group, we had the scrutiny committee secretary with us, we sent this letter, we copied it to the portfolio holder, we copied the reply to the portfolio holder and we brought it up at the DSP and it was approved. We had it for about two or three weeks and the replies had to be in by the 18th August and we had not a meeting for then. Thank you.

Response: Councillor Mrs Neal

That gave them three months to make a comment – they couldn't even do that.

(9) Question 9 (Councillor George Waterhouse)

I know the Council voted by a majority for Local Area Assemblies but where is the drive coming from for these? Is it from your Administration or from the government or from the Council's Corporate Management? Do you believe the LAA's will achieve their objective?

Response: Councillor Mrs Neal

Thank you Mr Chairman. The drive is from the Administration to deliver the Council's responsibilities to consult with the Council Tax payers. The one thing we have said from the very beginning is that if they don't work, we will allow them to change. It will be down to each area assembly because after all it is their assembly. The answer to your question is personally without some change, no, I do not believe that the local area assemblies will work, I think they will depend on change.

(10) Question 10 (Councillor Paul Wood - asked by the Chairman)

I notice that report number CEX 249 is a joint report from the Chief Executive and the leader.

Is this departure, from reports written solely by apolitical members of staff (officers), to be extended to the leaders of other political groups of the Council so that they can write joint reports with the Chief Executive?

Response: Councillor Mrs Neal

There is nothing in the Constitution to prevent this.