

# MINUTES

COUNCIL

MONDAY, 24 OCTOBER 2016

2.00 PM



## PRESENT

Councillor Mrs Judy Smith Chairman

Councillor Bob Adams  
Councillor Ashley Baxter  
Councillor Stephen Benn  
Councillor Mrs Pam Bosworth  
Councillor Terl Bryant  
Councillor Mrs Frances Cartwright  
Councillor George Chivers  
Councillor Michael Cook  
Councillor Kelham Cooke  
Councillor Lynda Coutts  
Councillor Nick Craft  
Councillor Felicity Cunningham  
Councillor Phil Dilks  
Councillor Damian Evans  
Councillor Mike Exton  
Councillor Tracey Forman  
Councillor Helen Goral  
Councillor Mrs Rosemary Kaberry-Brown  
Councillor Ms Jane Kingman  
Councillor Matthew Lee  
Councillor Nikki Manterfield  
Councillor David Mapp  
Councillor Charmaine Morgan

Councillor Dr Peter Moseley  
Councillor Nick Neilson  
Councillor Robert Reid  
Councillor Nick Robins  
Councillor Bob Russell  
Councillor Bob Sampson  
Councillor Ian Selby  
Councillor Jacky Smith  
Councillor Peter Stephens  
Councillor Judy Stevens  
Councillor Adam Stokes  
Councillor Ian Stokes  
Councillor Mrs Sarah Stokes  
Councillor Brian Sumner  
Councillor Mrs Brenda Sumner  
Councillor Frank Turner  
Councillor Mrs Andrea Webster  
Councillor Hannah Westropp  
Councillor Martin Wilkins  
Councillor Paul Wood  
Councillor Rosemary H Woolley  
Councillor Mrs Linda Wootten  
Councillor Ray Wootten

## OFFICERS

Chief Executive (Beverly Agass)  
Strategic Director (Tracey Blackwell, Daren Turner)

## OFFICERS

Executive Manager, Corporate (Lucy Youles)  
Principal Democracy Officer (Jo Toomey)

Prior to the commencement of the formal business of the meeting, a minute's silence was held in respect of two former Councillors who had recently passed away, Ian Croft and Reg Lovelock MBE.

## 47. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Ashwell, Broughton,

*Your council working for you*

Dobson, Griffin, Jeal, King and Powell.

#### **48. DISCLOSURE OF INTERESTS**

No disclosable pecuniary interests were disclosed. Councillor Wootten stated that he had participated in debate in and a vote on the Greater Lincolnshire Devolution proposal as a member of Lincolnshire County Council.

#### **49. DEVOLUTION - GREATER LINCOLNSHIRE**

**Decision:**

**Members of South Kesteven District Council do not support the giving of consent on behalf of South Kesteven District Council, as a constituent council of the proposed Combined Authority for the Greater Lincolnshire area, to the making by the Secretary of State of an Order in accordance with the Scheme:-**

- (a) for the establishment of a Combined Authority for the Greater Lincolnshire area pursuant to section 110 of the Local Democracy, Economic Development and Construction Act 2009 (LDEDCA).
- (b) for the making of constitutional provisions in relation to the Combined Authority pursuant to section 104 of LDEDCA.
- (c) for the delegation to the Combined Authority of the transport functions of the Secretary of State and the other functions of public authorities pursuant to sections 104 and 105A of LDEDCA.
- (d) for the functions of the Combined Authority as specified to be exercisable only by the mayor subject to the conditions and limitations specified pursuant to S107D of LDEDCA.
- (e) for Chapter 1 Part 1 of the Localism Act 2011 to have effect in relation to the Combined Authority as it has in effect to a local authority.
- (f) for the Combined Authority to be treated as a levying body for the purposes of section 74 of the Local Government Finance Act 1988 in respect of expenses of the Combined Authority that are reasonably attributable to the exercise of any of its functions other than mayoral functions.
- (g) for the Combined Authority to be given power to borrow under section 1 of the Local Government Act 2003 for a purpose relevant to any of its functions.

Prior to proposing the recommendations in report number LDS186, the Leader proposed that articles 4.11.4 and 4.11.5 of the Council's Constitution be suspended to remove the restriction on the number of occasions and the length of time for which members could speak. This was seconded and, on being put to the vote, carried.

The Leader was invited to present report number LDS186 on the devolution proposal for Greater Lincolnshire. In proposing the recommendations in the report, he spoke about the long-ranging implications of the decision that would be made, whether or not the Council decided to support the consent needed to establish the Greater Lincolnshire Combined Authority. He stated that, through devolved powers to a

combined authority, the district council would have more say in how decisions are made and funding is spent.

He stated that the Council had previously agreed to the continuation of dialogue with Government and to go out to consultation. Copies of the consultation results had been circulated to all members that highlighted that a majority of the respondents supported the concept of councils working collaboratively but not of a directly elected mayor. Through negotiations with Government, it had been agreed that the district council would retain its planning powers; the original intention had been that they would transfer to the Mayor. Members were also advised that the combined authority would not be able to claim existing assets and funds held by the individual authorities.

Additional funding would be made available to the area through the combined authority. £15m would be released to the authority in March 2017, which could be followed by a further £15m in April 2017. The way in which that funding would be spent would be determined by the combined authority's constituent members. There would also be direct access to growth and development funding. A programmed approach to funding for housing would enable the combined authority to deliver specialist and affordable housing. In further tranches it was anticipated that additional funding would be made available for areas including education and skills. If South Kesteven did not become a member of the combined authority, its only opportunity to secure additional funding would be part of national bidding processes. The Leader added that membership of the combined authority would give South Kesteven District Council greater opportunity to influence future government policies.

The final part of the proposition speech drew Members' attention to the delegation to the Leader to formally make the decision on the Council's behalf, as it was an executive function and that consequently he stated that he would listen to the debate with interest and an open mind. The recommendations in report number LDS186 were proposed and seconded.

Members who spoke against the proposal raised a number of concerns:

- The opportunity for additional funding sounded good but when the costs of the combined authority had been removed from the £15m and the remainder split between member authorities, the amount of additional funding available was small
- The draft Order was not available, which meant that promises made during negotiations with the Department for Communities and Local Government had not been captured on paper. Members also noted that the detail was changing on a regular basis, which meant that currently there was no certainty over the contents of the proposal and so they did not feel able to make any decision without having seen the draft Order
- The combined authority was introducing an additional tier of local government, taking power and decision-making further away from local people
- By subsuming the powers of other authorities, there was concern that the devolution deal would lead to the creation of a Greater Lincolnshire unitary authority 'through the back door'. Further concern was expressed about wording within the proposal that enabled local government transformation without need for new legislation
- There had been a suggestion made that if the Council did not support

devolution then funding would not be available for the Grantham Southern Relief Road however the Chief Executive of Lincolnshire County Council stated that funding had already been allocated and the County Council was committed to the project

- Residents had voted against the principle of a mayor during the public consultation. Specific attention was drawn to the consultation results for South Kesteven where the outcome on the question about the directly elected mayor indicated that 61% were against a mayor while 34% were in favour of a directly elected mayor. Given the strength of feeling in the consultation and from conversation with constituents in their Wards, the suggestion was made that the Council should honour the wishes of residents.
- The Council could still reflect the views of the consultation respondents who wanted greater collaboration by working with neighbouring councils without the need for entering into the devolution deal
- South Kesteven would be required to make a payment of £50k a year to the combined authority to pay for its running however those costs were not yet known and there was a fear that this annual sum would increase.
- There were concerns that a majority of funding would be spent on the south bank of the Humber, which was the industrial growth area in Greater Lincolnshire
- The governance arrangements that stated that decisions of the mayor could be overturned by a two-thirds majority; this meant that to uphold a decision the mayor would only need the support of three of the member authorities. The possibility of bloc voting by constituent members was raised. A question was also asked about how the will of South Kesteven District Council would be channelled through its representative on the combined authority
- Some concern was expressed about who would be responsible for any debt attached to the combined authority and whether the Council's assets would be at risk as collateral for any borrowing. Further concerns were raised in respect of protecting the Council's assets because the combined authority would have an assets board to review all public sector land and property assets.
- Some members highlighted the original statement that each constituent council was required to give consent to the combined authority subsequent advice that the Government would consider approaches that were not supported unanimously. Members questioned the likely impact on devolution of the recent meeting of Lincolnshire County Council at which Members voted against the devolution proposal both in terms of its viability and the effect on the date by which devolution could be implemented
- The business of the Council is not focussed within the Lincolnshire county boundaries so signing up to a devolution deal with Greater Lincolnshire might not best support the Council's economic position
- Cornwall Council had a range of devolved powers including highways and transport, integrated health and social care, energy and employment and skills but their devolution deal had not included the requirement for a directly elected mayor

- If the Council did not support the devolution deal, then it was not anticipated that the government could remove all funding opportunities from Councils; an example was given of apprenticeship schemes – as a priority for government it was not envisaged that funding would be held for schemes in South Kesteven
- The decision for Britain to leave the European Union could affect the funding available to the combined authority for growth projects

Arguments made by those Members that advocated the devolution proposal included:

- The number of people who took part in the consultation from South Kesteven (approximately 500) was only a very small proportion of the area's 140,000 residents
- Voting in favour of the proposal would mean that the Council could continue to take part in and influence negotiations
- The combined authority would bring additional funding to Lincolnshire, which it would not have been able to access without the authority. Any additional funding, was, in this instance seen as a benefit to the Council
- If the Council did not join the combined authority and further county council services were subsumed into the combined authority, there was no indication of the mechanism for the delivery of those services in South Kesteven
- By signing up to the devolution deal, the Council would be a preferred partner then the Council would stand to gain additional funding for growth and development
- The decision should not be based solely on the requirement by Government that the authority should have a directly elected mayor but balanced again the potential benefits of being a member of the combined authority
- The loss of a voice in major decisions that would affect the district
- The suggestion had been made that the Mayor would not be held accountable, however attention was drawn to the fact that the mayor would be held accountable through the election cycle and the checks and balances that had been written into the governance arrangements for the combined authority
- Representations had been made from within Lincolnshire about improving the funding deal for the rural county and the devolution deal provided an opportunity for local authorities in the county to redress the balance by accessing additional funding
- There would be an opportunity to review the devolution deal two years into its existence
- As the combined authority matured, additional devolution deals would be made, each releasing additional powers and funding to the Greater Lincolnshire area.

Members who spoke against the proposition stipulated that they were not against the principle of devolution but the requirement for a directly elected mayor made the proposition untenable for them. They suggested that a vote against the deal would

provide greater negotiating strength in the future; the Leader would be able to cite the support for devolution but that the authority was not prepared to accept a mayor.

Several members stated that the decision was not one to be taken based on politics but the option that would provide the best outcome for the district's residents.

Analogy were drawn with Britain's entry and exit into the European Union and that, regardless of what decision was made, it would be without precedent and there was no way of predicting the outcomes.

A number of comments were made that commended the efforts that had been made by the Leaders and Chief Executives of the 10 local authorities in the Greater Lincolnshire area

The Monitoring Officer was asked to clarify the position of the Council in making a decision on whether or not the Council should sign up to the devolution deal. She explained that the decision related to an Executive function in accordance with Regulations. Council was being asked to consider its support for the recommendations. The matter had been taken to all constituent councils. In each instance the final decision would be made as an Executive decision. Members of the Council said that they hoped whatever the outcome of Council's vote, the decision of the Leader would reflect its views.

The Chief Executive provided contextual information about the way in which the LEP was funded; this funding would transfer to the combined authority. She also gave an overview of the level of skills funding that the area could expect. Finally, the Chief Executive clarified that the term of office for the directly elected mayor would be 4-years. Costs of the authority reflected the cost for running the election.

A request was made that a recorded vote be taken. As the request was supported by more than ten members of the Council, in accordance with article 4.13.4, a recorded vote was taken.

For	Against	Abstain
Councillor Adams	Councillor Baxter	Councillor Manterfield
Councillor Mrs Bosworth	Councillor Benn	Councillor R Wootten
Councillor Bryant	Councillor Cooke	
Councillor Mrs Cartwright	Councillor Coutts	
Councillor Chivers	Councillor Cunningham	
Councillor Cook	Councillor Dilks	
Councillor Craft	Councillor Exton	
Councillor Evans	Councillor Forman	
Councillor Mapp	Councillor Goral	
Councillor Neilson	Councillor Mrs Kaberry-Brown	
Councillor Reid	Councillor Ms Kingman	
Councillor Russell	Councillor Lee	
Councillor Sampson	Councillor Morgan	
Councillor Judy Smith	Councillor Dr. Moseley	
Councillor Turner	Councillor Robins	
Councillor Webster	Councillor Selby	
Councillor Mrs L Wootten	Councillor Jacky Smith	
	Councillor P Stephens	
	Councillor J Stevens	
	Councillor A Stokes	

	Councillor I Stokes Councillor Mrs S Stokes Councillor Mrs. Sumner Councillor Sumner Councillor Westropp Councillor Wilkins Councillor Wood Councillor Woolley	
17	28	2

The proposition that the Council signs up to the Greater Lincolnshire Devolution deal was lost.

**50. CLOSE OF MEETING**

The meeting was closed at 16:22.