



MINUTES

COUNCIL

THURSDAY, 27 JANUARY 2005
2.00 PM

PRESENT

Councillor Graham Wheat Chairman

Councillor Auger	Councillor Martin-Mayhew
Councillor Bisnauthsing	Councillor Mrs. Neal
Councillor Bryant	Councillor Nicholson
Councillor Burrows	Councillor Parkin
Councillor Carpenter	Councillor Pease
Councillor Mrs. Cartwright	Councillor Mrs. Percival
Councillor Chivers	Councillor Radley
Councillor Craft	Councillor Mrs. Radley
Councillor Dexter	Councillor Sandall
Councillor Mrs. Dexter	Councillor Selby
Councillor Fines	Councillor Smith
Councillor Fisher	Councillor Mrs. Smith
Councillor Mrs. Gaffigan	Councillor M Taylor
Councillor Gibbins	Councillor G Taylor
Councillor Hewerdine	Councillor Thompson
Councillor Howard	Councillor Turner
Councillor John Hurst	Councillor Waterhouse
Councillor Fereshteh Hurst	Councillor Mrs. Wheat
Councillor Joynson	Councillor Wilks
Councillor Mrs. Kaberry-Brown	Councillor Mike Williams
Councillor Kerr	Councillor Avril Williams
Councillor Kirkman	Councillor Wood
Councillor Lovelock M.B.E.	Councillor Mrs. Woods

OFFICERS

Chief Executive
Director of Finance and Strategic Resources
Corporate Manager Democratic & Legal Services

OFFICERS

Member Services Manager
Support Officer

Before the commencement of formal business, the Council stood and observed a moment's silence in respect of Holocaust Memorial Day, the South East Asian tsunami and the former Councillor, the late Bill Simpson.

88. PUBLIC OPEN FORUM

There were no questions put by members of the public.

89. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs Bosworth, Miss Channell, Conboy, Galbraith, Genever, Helyar, Jalili, Morris, Nadarajah, O'Hare and Stokes.

90. DECLARATIONS OF INTEREST

There were none declared.

91. MINUTES OF THE MEETING HELD ON 9TH DECEMBER 2004

The minutes of the meeting held on 9th December 2004 were confirmed as a correct record.

92. COMMUNICATIONS (INCLUDING CHAIRMAN'S ANNOUNCEMENTS)

The Chief Executive circulated to members copy of the Local Government Association's response to the motion approved by Council in September 2004 requesting a review of the implementation of the Local Government Act 2000. The schedule of Chairman's and Vice-Chairman's civic engagements was noted.

93. NOTICE OF MOTION GIVEN UNDER COUNCIL PROCEDURE RULE 12:

by Councillor Ken Joynson

DECISION: This Council urges the leaders of all the political groups to use their influence to ensure that the language used by their members during debates in the Council chamber promotes, rather than denigrates, local democracy. In particular all leaders are urged to ensure that remarks about other members are respectful, and to avoid terms that are personally offensive. The Chairman is also asked to remind members of the sentiments of this motion should the need arise in the future.

The following motion had been proposed by Councillor Joynson:

"That this Council urges the leaders of all the political groups to use their influence to ensure that the language used by their members during debates in the Council chamber promotes, rather than denigrates, local democracy. In particular all leaders are urged to ensure that remarks about other members are respectful, and to avoid terms that are personally offensive. The Chairman is also asked to remind members of the sentiments of this motion should the need arise in the future."

Councillor Joynson spoke in support of his motion, explaining that the sentiment prompting his proposal had not specifically arisen from events at the previous Council meeting but from experiences throughout his twenty-year membership of the Council, during which he had always found this Council to be caring. He did not deny the need for political parties within local government

but felt that all members had a common bond in the desire to help people. He stated that the Council Chamber was not a place for personal comments but a place for respecting others' opinions and representing the whole community. In seconding the motion, a member stated that members of the Council should be able to disagree amiably and respectfully.

Some members were concerned that the motion, if supported, could stifle debate. Others felt that the new political management arrangements were responsible for the conflicts between members because they did not provide the opportunity for non-executive members to express their views effectively. However, the majority supported the motion and on being put to the vote, was carried.

94. REVIEW OF SEAT ALLOCATIONS

DECISION:

- (1) Councillor Wilks from the Independent group to surrender his seat on the Development Control Committee and be replaced by Councillor Waterhouse from the New Independent group;**
- (2) Councillor Wheat to serve on the Development Control Committee;**
- (3) Councillor Waterhouse to be replaced on the Constitution and Accounts Committee by Councillor Wilks from the Independent group;**
- (4) Councillor Joynson from the Liberal Democrat group to surrender his seat on the Environment Development and Scrutiny Panel and be replaced by Councillor Avril Williams from the Labour group;**
- (5) Councillor Kirkman from the New Independent group to resign from the Capacity and Resources Development and Scrutiny Panel and be replaced by Councillor Wilks from the Independent group;**
- (6) Councillor Kirkman from the New Independent group to resign from the Standards Committee and be replaced by Councillor Wilks from the Independent group;**
- (7) Councillor Lovelock be appointed as the Vice-Chairman of the Constitution and Accounts Committee.**

The Chief Executive presented his report number CEX267 which set out the allocation of seats to each political group following recent changes within the Council and nominations received for the necessary reallocation of seats.

It was proposed and seconded that the recommendations in the report be accepted and the membership of the Standards Committee be changed to one

Conservative, one Labour and one Independent and the membership of the Chief Executive Appraisal Panel to remain as it is i.e. including the leader of the New Independents and not the leader of the Independents. An amendment was proposed and seconded that, in light of the Shadow Cabinet incorporating Independent members, the word “supposedly” be inserted before “Independent group” at nominations 5.2, 5.4 and 5.6 set out in the report. This received strong objection and, with the agreement of his seconder, was subsequently withdrawn by the proposer.

Another amendment was proposed and seconded that the report's recommendations be supported subject to an Independent member replacing the New Independent member on the Standards Committee and the Constitution and Accounts Committee to be reformed with nine members, taking effect from the next meeting of the Council. It was believed that because this would provide one seat for each opposition party and five for the administration, it would improve debate, be more democratic and provide the opportunity for less senior members to join the Committee. Members spoke against this proposal, as it was thought that five members comprised the ideal committee membership and that decision-making by the Constitution and Accounts Committee was not always political. On being put to the vote, the amendment was lost.

A further amendment was proposed and seconded that the recommendations be accepted subject to the replacement of New Independent member on the Standards Committee with an Independent member and Councillor Lovelock to be appointed as the Chairman of the Constitution and Accounts Committee. On being put to the vote this was carried. A further vote on the substantive motion was also carried.

95. CONSTITUTION AND ACCOUNTS COMMITTEE: 10TH JANUARY 2005

DECISION: **To approve the recommendations of the Constitution and Accounts Committee:**

- (1) That Rule 17 of the Constitution's Council Procedure Rules be amended to “At the Annual Meeting the Council shall elect a Leader.”**
- (2) The Leader, when appointed by the Council, be solely responsible for the selection and appointment of the Deputy Leader.**

The Leader proposed acceptance of the Constitution and Accounts Committee's recommendations. This was seconded and on being put to the vote, was carried.

96. REDUCING THE LENGTH OF COUNCIL MEETINGS

No decision was made with regard to this item.

The Leader presented report DLS12 which contained recommendations from

the Constitution and Accounts Committee on reducing the length of Council meetings and a procedure for selecting motions given under Council Procedure Rule 12. It was proposed and seconded that in order to retain some semblance of democracy in the Council Chamber, rather than attempting to stifle debate, the Constitution and Accounts Committee looks seriously at either changing full Council meetings to a six weekly cycle or alternatively, the Council follows the lead of Lincolnshire County Council and start Council meetings at 10.30a.m. with a one hour lunch break. This would ensure that all issues have time to be properly debated. An amendment was proposed and seconded that the Committee's recommendations be accepted subject to the amendment of recommendation 1.1(7) to: "That questions that would be better answered by the Cabinet member at Development and Scrutiny Panels (DSPS) be redirected to them. If the reply of the Cabinet member was not satisfactory then the question to be returned to Council."

A member spoke in support of the original motion, stating that the Committee's recommendations were a threat to democracy. Specifically, recommendation 1.1.(7) suggested a misunderstanding of the role of the DSPs; the value of motions, debate and questions without discussion was proportional to the publicity they received and should therefore be aired in the Council meetings. The member spoke further on the selection of motions by the Chief Executive; this was also considered undemocratic because in the criteria were issues that should emerge from debate, not from a single person's opinion. In concluding, he stated that debates would be topical, were the Council to meet more often. This received support from other members who further criticised recommendation 1.1.(7), recalled specific incidents at DSP meetings and suggested that the recommendations would further discourage public involvement in Council meetings.

In supporting the amended motion, members did not want the Council to move towards County Council style meetings and it was thought that reducing the length of meetings would make debate efficient, allowing more time for Councillors to work within their ward. On being put to the vote, the amendment was carried. Before a vote was taken on the substantive motion, a further amendment was proposed that the recommendations be accepted subject to the amendment of 1.1.(8) to indicate that when the questioner is not present, their question be put by the Chairman or, in his absence, the Vice-chairman. This received a seconder and was carried following a vote. A further amendment was proposed and seconded that the recommendations be accepted subject to the amendment of 1.1.(8) as above and a referral to the Constitution and Accounts Committee to consider increasing the length and frequency of Council meetings. On being put to the vote, this amendment was lost. Another amendment proposed that the recommendations be accepted subject to the amendment of 1.1.(7) and 1.1.(8) as above. This was seconded and on being put to the vote, also lost.

Given the apparent disagreement on this issue, it was proposed and seconded that the Council moved onto the next item of business. A vote on this motion was carried.

97. INDEPENDENT REMUNERATION REPORT: MEMBERS' ALLOWANCES

DECISION: Members' Allowances for the 2005/06 municipal year be set as follows:

- (1) Members' Basic Allowance be increased in accordance with November 2004 retail price indexation;
- (2) Special responsibility allowances be increased in accordance with November 2004 retail price indexation;
- (3) Co-opted members of the Standards Committee who do not hold the Office of Chairman or Vice-Chairman shall not receive an allowance;
- (4) A special responsibility allowance shall not be paid for membership of working groups, task panels or task and finish groups;
- (5) An allowance for childcare and carers shall be payable for approved duties at £5.25 per hour subject to a ceiling of £1,050 per annum per Councillor;
- (6) Travel and subsistence allowances for elected and non-elected co-opted members shall be the same as the allowances provided to staff employed under the National Joint Council (NJC) national conditions of service. The mileage rates shall be the same rate as paid to essential car users. The nationally agreed mileage and subsistence rates applicable in 2004/05 and for each year thereafter shall be available within the Council as notified to it by the Employer' Organisation;
- (7) Elected members will not be given the opportunity of joining the Local Government Pension Scheme;
- (8) Indexation shall run for two years with the next review being completed for the start of the municipal year commencing in May 2006;
- (9) Only one Special Responsibility Allowance shall be payable to any member and this shall be the highest that the member is entitled to.

The Corporate Director of Finance & Strategic Resources presented his report number FIN211, which had been amended following its deferral from the last meeting of the Council, and included the report of the Welland Partnership Members' Remuneration Panel.

Generally, members did not consider that the recommendations of the Panel should be implemented, although the Panel was given due acknowledgement for its work and its recognition of the time spent on Council business by all

members was appreciated. It was instead proposed to accept all recommendations of the Panel subject to the basic allowance and special responsibility allowances to be increased in accordance with November 2004 retail price indexation, no allowance to be provided for the Standards Committee parish representative and no participation for members in the Local Government Pension Scheme (LGPS). This received a seconder.

A member felt that residents deserved value for money and that an increase in allowances should reflect the value, qualifications and experience of members. An amendment was therefore proposed that the Panel's recommendations be accepted subject to special allowances only to be increased by the recommended amount if eligible members could prove their value to the rest of the Council and Councillors not be given the option to join the LGPS. This was seconded.

In support of the original motion, given the Council's prioritisation, efficiency gains and Government capping, a member stated that it was wholly unacceptable to increase members' basic allowance by 23%, as per the recommendation of the Panel, regardless of its accurate reflection of the work of members. It was suggested, however, that a skills-test of members could be considered separately. A member also commented that, given the recent difficulties in recruiting candidates for local elections because most people could not afford to become Councillors, the Council must not lose sight of the longer-term potential problem in not fully remunerating members for their work.

Following a short adjournment of the meeting, a vote on the amendment was lost. A subsequent vote on the original motion was carried.

98. AMENDMENT TO REGULATION OF INVESTIGATORY POWERS ACT POLICY

DECISION: That consideration of the amended RIPA Policy be deferred to a future meeting of the Council.

The Corporate Manager of Democratic and Legal Services (Monitoring Officer) introduced his report number DLS17 which presented an amended version of the Council's Policy Practice and Compliance Procedures in relation to the Regulations of Investigatory Powers Act 2000, taking into account necessary revisions following the introduction of Part 1 Chapter II of the Act. The officer added that the document required further updating including the sections on authorised officers, the Home Office website and various grammatical amendments.

The Portfolio Holder for Community Affairs requested that the document, which required further minor amendments and the inclusion of authorised forms at Appendix 1, be considered at a future meeting of the Council. This was seconded and, on being put to the vote, was carried.

99. REPRESENTATION ON OUTSIDE BODIES: DAME MARGARET THOROLD FOUNDATION

DECISION: That Councillor Kerr continue his appointment as the Council's representative on the Dame Margaret Thorold Foundation.

Councillor Kerr was nominated to continue his appointment, which was seconded and carried following a vote. Councillor Kerr thanked members for their support.

100. QUESTIONS WITHOUT DISCUSSION

Six 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.

101. CLOSE OF MEETING

The meeting closed at 4.50p.m.