



MINUTES

COUNCIL
THURSDAY, 23 JUNE 2005
2.30 PM

PRESENT

Councillor Kirkman Chairman

Councillor Auger
Councillor Bisnauthsing
Councillor Bryant
Councillor Carpenter
Councillor Mrs Cartwright
Councillor Channell
Councillor Chivers
Councillor Conboy
Councillor Craft
Councillor Fines
Councillor Fisher
Councillor Gibbins
Councillor Helyar
Councillor Hewerdine
Councillor Howard
Councillor John Hurst
Councillor Fereshteh Hurst
Councillor Mrs Jalili
Councillor Joynson
Councillor Mrs Kaberry-Brown
Councillor Kerr
Councillor Lovelock M.B.E.

Councillor Moore
Councillor Nadarajah
Councillor Mrs Neal
Councillor Nicholson
Councillor Parkin
Councillor Pease
Councillor Mrs Percival
Councillor Radley
Councillor Sandall
Councillor Selby
Councillor John Smith
Councillor Mrs Smith
Councillor Stokes
Councillor M Taylor
Councillor G Taylor
Councillor Thompson
Councillor Turner
Councillor Waterhouse
Councillor Wilks
Councillor Mrs Williams
Councillor M Williams
Councillor Mrs Woods

OFFICERS

Chief Executive
Director of Operational Services
Corporate Manager Democratic & Legal
Services
Care Services Manager

OFFICERS

ICT Unit Manager
Member Services Manager
Support Officer

Prior to the commencement of the meeting proper, a minute's silence was observed in respect of the late Councillor Neil Dexter.

37. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs Bosworth, Burrows, Mrs Dexter, Mrs Gaffigan, Galbraith, Martin-Mayhew, O'Hare, Mrs Radley, Graham Wheat, Mrs Wheat and Wood.

38. DECLARATIONS OF INTEREST

There were none declared.

39. MINUTES OF THE MEETING HELD ON 26TH MAY 2005

The minutes of the meeting held on 26th May 2005 were confirmed as a correct record, subject to the following:

- Add Councillors Moore and Stokes to the list of those present.
- Include apologies for absence from Councillors Gibbins and Mrs Woods.
- Minute 29, page 25, paragraph 4: insert "if" between "that" and "this".
- Minute 31, page 29, paragraph 6 of the decision: delete "of the main opposition group (or any nomination of those persons)".

40. COMMUNICATIONS (INCLUDING CHAIRMAN'S ANNOUNCEMENTS)

The schedule of the Chairman's civic engagements for June 2005 previously circulated with the agenda was noted. The Chairman informed the Council of the Vice-Chairman's engagements during this period.

The Chairman read verbatim a letter received by the Chief Executive from Councillor Paul Morris. He had expressed his intention to resign as an elected member of South Kesteven District Council at the end of June 2005. As this letter had been received on 20th June 2005, it would be effective from that date and therefore Paul Morris was no longer a Councillor.

41. IMPLEMENTING ELECTRONIC GOVERNMENT RETURN 4.5

DECISION: To approve the Implementing Electronic Government Return 4.5.

The Portfolio Holder for Access and Engagement introduced report number DOS286 by the Director of Operational Services, which presented the IEG4.5 as reviewed by Cabinet, for submission to the Office of the Deputy Prime Minister. This was the first of a mid-term version which indicated that the Council may be performing better than first expected. He explained the status indicator system and the approach that had been undertaken, including thorough scrutiny by the relevant working group. The successful approach by the working group was acknowledged and approval of the document was proposed and seconded. On being put to the vote, this was carried.

42. ICT STRATEGY

DECISION: To approve and adopt as a key strategy document of the authority, the ICT Strategy for South Kesteven District Council.

The Information and Communication Technology (ICT) Strategy document, as appended to report DOS287 by the Director of Operational Services, was presented by the Portfolio Holder for Access and Engagement, who proposed its approval. He commented that various amendments had been made to the original draft strategy during the consultation process. The Council had not had an ICT Strategy before and the proposed document should be embraced as a strategy for where the Council is heading and how it should arrive there. This received a seconder. Brief discussion on ICT followed including the current position regarding IT for members and its contribution to efficiency gains and savings, which the Director of Operational Services clarified. On being put to the vote, acceptance of the strategy was carried.

43. PROTECTION OF VULNERABLE PEOPLE - POLICY AND PROCEDURES

DECISION:

- (1) To approve and adopt the document Protection of Vulnerable People – Policy & Procedures;
- (2) To nominate the appropriate Portfolio Holder and Development & Scrutiny Panel Chairman to the Officer/Member Working Group;
- (3) To note that the document is subject to amendment and review in line with changes in legislation and statutory guidance and that any amendments will be referred to Cabinet for approval;
- (4) To note that the document is subject to development, amendment and review following ongoing consultation with the Lincolnshire County Council and other statutory and non-statutory agencies and partners; any amendments being subject to a report to the Cabinet for approval.

On behalf of the Community Safety Portfolio Holder, the Leader presented report CSM14 by the Care Services Manager, which set out the Protection of Vulnerable People – Policy & Procedures document, as recommended by Cabinet. This had been subject to considerable consultation and was therefore proposed for adoption. The Leader nominated the Portfolio Holder and appropriate DSP Chairman to the working group recommended in the report. This received a seconder.

One member asked who would comprise the investigation panel for allegations against members of staff. The Care Services Manager stated that this had not yet been determined and may be considered by the working group in discussion with the Corporate Management Team. Other issues raised included the successful scrutiny undertaken by the Community DSP, the Council's broader responsibility to vulnerable people including children and especially children with disabilities, social services referral mechanisms, identifying the signs of abuse, public perception of rehabilitation methods and the need to ensure elderly persons confirmed their intentions in a will. One member urged

the Council to keep addressing and discussing the issues of abuse because it was a very wide area of concern. The Care Services Manager responded accordingly to the points raised.

The importance of this document and the issues it addressed were acknowledged by members and on being put to the vote, the proposal was carried.

44. ISSUES FOR SOUTH KESTEVEN DISTRICT COUNCIL ARISING OUT OF A REVIEW OF THE CORPORATE GOVERNANCE REPORT ON LINCOLNSHIRE COUNTY COUNCIL

DECISION:

- (1) That all groups make a clear statement of support and commitment to partnership working through the LSP;**
- (2) That the Chairs and Vice-Chairmanships of DSPs are appointed according to their suitability and merit in the opinion of the Leader;**
- (3) That the Chairman of the Standards Committee be invited to report to the Council on the extent to which he feels that the members of the authority understand and support the role of the Standards Committee and any proposals he may have for improving the work of the Standards Committee;**
- (4) That in view of the increasing importance of members' training, the Corporate Manager of Human Resources undertakes a review of the resources required to support a more comprehensive member training and development programme at South Kesteven using external expertise where appropriate;**
- (5) That the Constitution and Accounts Committee design an amendment to the Constitution so that with effect from the 1st May 2007, the desirable and essential competencies required of both Cabinet and DSP members are defined with all members being required to attend designated sessions for the essential competencies within twelve months of their appointment;**
- (6) That in the autumn of this year, staff of South Kesteven are asked to complete the survey used by the Audit Commission to inform the Corporate Governance report so that results can be compared;**
- (7) That the Council reaffirms its commitment to the concept of Local Area Assemblies and pledges to work with local people to make these meetings effective forums for wider community engagement;**
- (8) That under the Council's priority for vulnerable people, the Director of Community Services prepares a strategy for Social Inclusion by December 2005;**
- (9) That those members who may have concerns about the current system, or indeed a preference for the previous Committee system, consider how they will be able to demonstrate to an external assessor that these views have not deterred them from playing a full and active part in the Council's decision making and scrutiny process as set out in the constitution;**
- (10) That the Corporate Manager of Human Resources investigates the**

level of compliance with the Council's policies regarding staff appraisals and the effectiveness of the appraisals that have been undertaken.

The Leader presented report CEX293 by the Chief Executive, which set out recommendations from the Cabinet following referral at the previous Council meeting and scrutiny by the Resources DSP. In proposing acceptance of the ten recommendations presented in the report, the Leader proposed that recommendation 2 instead provide that the Leader be given authority to consider the merit and suitability of members for Chair and Vice-Chairmanships, rather than referring the consideration of such a selection procedure to the Constitution and Accounts Committee. This was seconded.

Debate ensued on whether or not it was within the best interests of the Council to allow solely the Leader the authority to determine the suitability of members. One member spoke at length in opposition to this amendment of recommendation 2; he suggested that British democracy had fought over many generations against patronage; there were no criteria for selection in this proposal; democracy, in relation to scrutiny, was about challenging the executive and Chairmen were of symbolic importance in this role. A number of other members spoke in support of this objection. It was suggested that criteria or a protocol could have been established for appointments; that there was too much potential for favouritism; if a private organisation operated in such a way, its performance would be failing; and the resources of members would not be utilised in the best way if the proposed was accepted.

In favour of the proposal and in relation to the points raised previously about democracy, a member of the administration commented that the electorate had voted their members into power. He added that Chairmanships had been offered to opposition members and therefore the administration could not rightly be accused of favouring their own members. Another member of the administration added that the proposal did not imply appointments would only be made within the controlling party. This was supported by the Leader who stipulated that the opposition's assumption that Chair and Vice-Chairmanships would not be offered to them was incorrect.

Suggesting that the proposal was contrary to the principles of democracy, a member proposed an amendment that the recommendations in the report be accepted as printed. This received a seconder and on being put to the vote, was lost. A further vote was taken on the original motion and this was carried following a vote.

45. REVIEW OF SENIOR MANAGEMENT STRUCTURE

DECISION: The proposals for the review of the senior management structure be deferred in order to enable the financial implications to be reconsidered and then taken fully into account in the preparation of a revised Medium Term Financial Strategy for the district.

The Leader addressed the Council stating that whilst in support of a senior

management restructure, she would not move the recommendations contained within report CAB2 by the Cabinet, but move to defer consideration of the matter. In so doing, she stated that the Council recognised that to achieve excellence, a management structure would be required to provide strategic leadership and operational management necessary to meet the evermore stringent tests of the Audit Commission and the expectation of customers. The significant and continuous change involved was also recognised. It was suggested that central government had consistently failed to match requirements for improvement with the financial flexibilities and resources needed by Councils to deliver. This received a seconder and following comments from a few members, a vote on the motion was carried.

46. UNIVERSAL SUPERLOOS

DECISION: That a termination cost be budgeted for in respect of early surrender of the universal superloos Agreement for the financial year 2006/07. This figure be calculated in accordance with the Agreement formula and will not exceed £150,000.

The Economic Development Portfolio Holder presented report CAB3 by the Cabinet, which recommended the termination of the universal superloos Agreement for the provision of two units in Stamford. This was the opportune time to terminate the agreement and it was therefore proposed and seconded that the recommendation in the report be approved. This was met with agreement by members. The Chairman of the Healthy Environment DSP, which had recommended to Cabinet that the agreement be terminated, spoke in support of the proposal. A local member, although supporting the proposal, remained concerned that tourism may suffer as a result of no toilet provision in the east of the town. The Portfolio Holder reminded members of the Council policy to provide only one attended toilet in each of the main towns in the district. On being put to the vote, the proposal was carried.

47. CHANGE TO THE TITLE, REMIT AND CONSTITUTION OF THE CHANGE MANAGEMENT ACTION PLAN MONITORING GROUP

DECISION: To approve the following changes to the Change Management Action Plan Monitoring Group:

- (1) The Monitoring Group be renamed the Performance Board;**
- (2) The Performance Board's remit to be "to provide an external perspective to advise the Council on how it can improve its performance for the benefit of the community";**
- (3) The membership of the Performance Board to comprise the three existing non-local authority members, a partner to be invited from Price Waterhouse Cooper, the Leader of the Conservative Group and Councillor Kirkman.**

The Chairman welcomed the former Councillor Philip Doughty to the meeting, who was now the Chairman of the Change Management Action Plan Monitoring Group, and who had contributed to the Members' Forum earlier in

the day. The Leader also welcomed Mr Doughty to the meeting and suggested that from the success of the Forum, the Council could appreciate better the value of the Monitoring Group. She presented report number CEX292 by the Chief Executive and proposed acceptance of the recommendations to change the title, remit and constitution of the Group. She nominated the leader of the conservative group and Councillor Kirkman for the member positions on the Group. This was seconded.

The leader of the labour group asked for an explanation as to why the recommendation in the report concerning his nomination to the Group had been changed. Members suggested various alternatives to the nominations, mainly through concern that it should be politically balanced and should reflect the potential change in political balance. The Leader advised the Council that the amendment to the recommendation had been made according to the wishes of the administration group. On being put to the vote, the proposal was carried.

48. REPRESENTATION ON OUTSIDE BODIES - LINCOLNSHIRE ENTERPRISE

DECISION: That the Leader of the Council be appointed as South Kesteven's nomination for the Local Government Association representation member of Lincolnshire Enterprise.

Report number DRS18 by the Director of Regulatory Services was presented by the Chief Executive. The Leader of the Council was nominated for the vacant position and this was seconded. A matter raised by a member concerning insurance was clarified and on being put to the vote, the proposal was carried

49. QUESTIONS WITHOUT DISCUSSION

One question without discussion had been submitted prior to the meeting.

Verbatim details of the question, together with its supplementary question and response, are set out in the appendix to the minutes.

50. CLOSE OF MEETING

The meeting closed at 4.12p.m.

APPENDIX TO COUNCIL MINUTES: 23rd JUNE 2005

MINUTE 49: QUESTIONS WITHOUT DISCUSSION

Question 1 (Councillor Teri Bryant)

Madame Leader,

Thank you for responding to my 2 questions without discussion in my absence at the last council meeting. You will remember that these questions were about what appeared to me to be members' inappropriate behaviour.

I read the minutes of the meeting carefully and I see that you responded fully to calls for the housing portfolio member's resignation and that even though discussed in depth, no motion was brought to the council for any form of censure. Is it true that following today's meeting an extraordinary meeting of the full Council has been called to address the self same subject?

Response: Councillor Mrs Neal

Unfortunately, yes

Supplementary Question: Councillor Bryant

Does this additional meeting, called by five Councillors, of whom only two are here at the moment, not incur vast amounts of officer time, material, postage and additional members' expenses, to address the self same issues, and could therefore these expenses, when identified, not be apportioned against the members who called for this apparently superfluous meeting? Precedence for this type of charging has been set nationally as well as locally with the charging of a fee (we could talk about high hedges – yet more the government has imposed on us). Will these charges be identified and apportioned to the people complaining?

Response: Councillor Mrs Neal

I do not believe that this is something I have the ability to answer. I do believe that it is possible but that is something that, even if I was minded to agree with, would have to be looked into from my personal point of view. I genuinely do not know the answer to that. You talked about wasting money and I acknowledge that there is the cost of postage etc, but would congratulate the Chairman for calling the meeting immediately after this one in order to save as much of the cost as we could.