



# MINUTES

COUNCIL  
THURSDAY, 8 SEPTEMBER 2005  
2.00 PM

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## PRESENT

Councillor John Kirkman Chairman

Councillor Pam Bosworth  
Councillor Ray Auger  
Councillor David Brailsford  
Councillor Teri Bryant  
Councillor Mrs Frances Cartwright  
Councillor Elizabeth Channell  
Councillor George Chivers  
Councillor Robert Conboy  
Councillor Nick Craft  
Councillor Dorrien Dexter  
Councillor Donald Fisher  
Councillor Mrs Joyce Gaffigan  
Councillor Harrish Bisnauthsing  
Councillor Stephen Hewerdine  
Councillor John Hurst  
Councillor Fereshteh Hurst  
Councillor Mrs Maureen Jalili  
Councillor Kenneth Joynson  
Councillor Mrs Rosemary Kaberry-Brown  
Councillor Albert Victor Kerr  
Councillor Reg Lovelock M.B.E.  
Councillor Peter Martin-Mayhew  
Councillor Mrs. Linda Neal

Councillor John Nicholson  
Councillor Stephen O'Hare  
Councillor Alan Parkin  
Councillor Stanley Pease  
Councillor Mrs Angeline Percival  
Councillor Norman Radley  
Councillor Mrs Margery Radley  
Councillor Bob Sandall  
Councillor Ian Selby  
Councillor Rob Shorrocks  
Councillor John Smith  
Councillor Mrs Judy Smith  
Councillor Ian Stokes  
Councillor Michael Taylor  
Councillor Gerald Taylor  
Councillor Jeffrey Thompson  
Councillor Frank Turner  
Councillor George Waterhouse  
Councillor Graham Wheat  
Councillor Mrs Mary Wheat  
Councillor Avril Williams  
Councillor Mike Williams  
Councillor Mrs Azar Woods

## OFFICERS

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

## OFFICERS

Head of Environmental Health and Licensing  
Scrutiny Officer  
Support Officer

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*Prior to the commencement of the meeting proper, a minute's silence was observed in respect of the late Councillor Fred Burrows. Councillor Thompson paid a brief tribute to Councillor Burrows on behalf of the Council.*

*The Chairman welcomed newly elected Councillors David Brailsford and Rob Shorrocks, representing All Saints Ward, Stamford and Earlesfield Ward, Grantham, respectively.*

*The Chairman announced that the proceeds of the meeting were being recorded.*

## **55. PUBLIC OPEN FORUM**

Prior notice in accordance with council procedure 10.3 had been given of the following question put by a member of the public:-

### **Question: Mrs Mary Patrick, 119 Essex Road, Stamford**

The residents of Essex Road, Stamford would like to know why they are charged £4.10 for using the Community Room when they have been deprived use of the room three times during the last four months, due to Elections. They have been unable to use the room for their leisure and fundraising activities.

### **Response: Councillor Mrs. Cartwright, Organisational Development Portfolio Holder**

Thank you for the question Mrs. Patrick. I am truly sorry that the residents have been inconvenienced. I do appreciate that their leisure activities are very important to them. However, in these days when democracy is becoming a thing of the past in our Parliament, I would have hoped that everyone would have been proud to have contributed in some way to maintaining it in the local community. Thank you.

### **Supplementary Question by Mrs. Patrick**

Thank you Mrs Cartwright, it is democratic but they are told they are not going to have their room, they are not asked and it would be good manners if they were pleasantly asked. They have lost revenue which will mean they may struggle to provide all activities

### **Response by Councillor Mrs. Cartwright**

It's been an unfortunate year with three elections. The charge you pay does take into account that we do need to use those rooms from time to time. If we didn't use them the charge would be slightly more. We do hope that in the future we work with you and find you an alternative venue for these events when elections are taking place.

## **56. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Carpenter, Fines, Gibbins, Howard, Wilks and Wood.

## **57. DECLARATIONS OF INTEREST**

Councillor Mrs. Neal declared a prejudicial interest in Agenda Item 6. The Chief Executive stated that members of the CMT may need to declare a prejudicial interest in Agenda Item 11.

## **58. MINUTES OF THE ORDINARY AND EXTRAORDINARY MEETINGS HELD ON 23RD JUNE 2005**

The minutes of the meeting held on 23<sup>rd</sup> June 2005 and the extraordinary meeting held on the 23<sup>rd</sup> June 2005 were confirmed as a correct record.

## 59. COMMUNICATIONS (INCLUDING CHAIRMAN'S ANNOUNCEMENTS)

The schedule of the Chairman and Vice-Chairman's Civic engagements for July and August, previously circulated with the agenda were noted. The Chairman advised the Council that he had only attended the British Model Flying Aircraft Association on Saturday 27<sup>th</sup> August. The Chairman had presented trophies on behalf of the Grantham and Melton Cricket Association on Monday 29<sup>th</sup> August.

A letter had been received from the Office of the Deputy Prime, regarding recouping losses on complaints about high hedges. The response stated that recouping costs would only be possible using special procedures in the Small Claims Court. Any further issues could be considered through the Healthy Environment Development and Scrutiny Panel.

A letter had been received from the Corporate Director of Regulatory Services giving membership details of Working Groups on Large Scale Voluntary Transfer (LSVT). Should any further members wish to be considered for addition to these groups, they were advised to speak to the Chief Executive following the meeting.

A letter had been received from Councillor Hurst, requesting updated cricket scores throughout the meeting.

The Corporate Management Team and a team from Refuse would enter a Territorial Army challenge on Sunday 11<sup>th</sup> September 2005. The Chief Executive had requested that a sponsorship form be circulated.

## 60. NOTICE(S) OF MOTION GIVEN UNDER COUNCIL PROCEDURE RULE 12:

### DECISION:

**That this Council strongly opposes cutbacks proposed by the United Lincolnshire Hospitals NHS Trust to the Accident and Emergency Department at Grantham Hospital as reported in the local press. We also strongly oppose proposed cutbacks at Stamford Hospital by Peterborough and Stamford Hospitals NHS Foundation Trust and seek the reinstatement of the Hurst Ward. Furthermore we request an unequivocal assurance from the two Trusts that rather than reducing services at the two hospitals, they look elsewhere to make financial savings.**

**We further request that the Health Scrutiny Committee urgently review the hospital strategy across the county (especially with respect to provision of services and closure of wards) and to request that the Secretary of State be made aware of the universal disquiet over the current closures and that she be requested to attend an urgent meeting with the Scrutiny Committee to explain the strategic reasoning/justifications behind the decisions.**

*14:25 Councillor Mrs. Neal left the meeting having declared an interest in the item.*

Councillor Fisher presented an amended motion to that circulated on the agenda. The amendment was accepted by agreement of the Council under Council procedure 14.7.

Councillor Fisher presented his motion He felt that both hospitals needed a great deal of support as they were vital to residents throughout the District. In proposing an addendum to the motion, a member indicated that centralisation of the debate through

the Health Scrutiny Committee was necessary to increase its impact. Cllr Bryant asked for an addendum to the motion. Councillor Fisher agreed to embody the addendum in his motion and it was so moved and seconded.

Members were concerned that partial closure could lead to the complete closure of the hospitals. One member stated that with the growth of the towns within the District, the Council's plans for regeneration would be without a necessary amenity.

Members felt that any campaigns should be unified; previous campaigns to protect Grantham hospital had been hindered by a fragmented approach. A reduction in hospital provision would also affect services including the fire service, as they have had to assume some treatment duties. Grantham members were concerned about the gradual loss of departments locally as Lincoln aims to become a Hospital of Excellence.

Stamford members were concerned that closures at Stamford hospital would increase the pressure on Peterborough, who had been subject to reductions in their funding levels. There were concerns that subsequent to a limited transport infrastructure, alternative hospital facilities were not easily accessible for many, including the elderly and the disabled, two vulnerable groups likely to most need hospital care. Transport could also prove to be expensive.

On being put to the vote, the amended motion and the addendum were unanimously approved.

*15:05 Councillor Mrs. Neal returned to the meeting.*

**61. CHANGES TO PORTFOLIO RESPONSIBILITIES - THE LEADER TO ADVISE THE COUNCIL**

The Leader of the Council advised Members of changes to Portfolio responsibilities. Responsibility for housing management, the Housing Revenue Account and housing repairs would be transferred to Councillor Mrs. Cartwright's Portfolio. This was noted.

**62. OUTCOME FROM GATEWAY REVIEW OF PRIORITIES: MONDAY 18TH JULY 2005 - REPORT NUMBER CEX294 BY THE CHIEF EXECUTIVE ON BEHALF OF THE CHAIRMAN, COUNCILLOR JOHN KIRKMAN**

**DECISION:**

**That the Council approve the outcome of the gateway review of priorities and the consequential actions as set out in report CEX294.**

The Chief Executive introduced report CEX294 on behalf of the Chairman of the Council. A meeting to assess Council priorities and evaluate their progress had been held on 18<sup>th</sup> July 2005. The meeting had included the Chairman and Vice-Chairman of the Council, the Chairmen and Vice-Chairmen of the DSPs and the Leaders of each political group.

One member was concerned about the methods used for consultation with vulnerable people. They were assured that a variety of consultation methods had been employed to increase accessibility. One member was concerned over the lack of robustness in the scoping procedure. It was later explained that as a Category B Priority, it had not been scoped fully.

There was member concern over housing management. A member questioned why there was a lack of objective data and who was responsible for data collection. The Chief Executive stated that a number of ways of measuring satisfaction had been employed, however quantifiable data to show progress was limited.

Debate ensued over the current status of the attended public toilets for Grantham. The Economic Portfolio holder assured members that toilet provision for both Grantham and Bourne was in hand and provision had been made within the 2005/06 Budget for provision of this facility in Grantham. Members were also assured that the status of toilets District-wide would be reviewed in six-months.

The recommendation in report CEX294 having been moved and seconded. It was carried following a vote.

## **63. PEST CONTROL SERVICE**

### **DECISION:**

- 1. That the Head of Environmental Health and Licensing, in conjunction with the Council's Solicitor, be authorised to negotiate and effect a one off payment to the contractor in order to revise the remaining period of the pest control contract at a sum not exceeding £50,000, plus legal costs, effective as soon as possible.**
- 2. That the Council approve a revised budget for this amount.**

The Head of Environmental Health and Licensing presented his report ENV272 on behalf of the Healthy Environment Portfolio Holder. He stated that following the re-evaluation of Council priorities and subsequent decision to disinvest in pest control services, the Council had entered a fixed price contract with a pest control company. Charges were introduced with the aim to break even. The service made a loss in the first quarter of the financial year and an overall loss was projected for the whole financial year. It was proposed that the contractor take-over the contract for the remaining two years. Other options considered included pursuance of the contract or a buy-out of the contract. Both options would mean increased expense to the District Council. Pursuit of the scheme recommended by the Head of Environmental Health and Licensing would cap District Council losses. The contractor had agreed to lower the charges for pest control services. The recommendations made by the Head of Environmental Health and Licensing were moved by the Environment Portfolio Holder and seconded.

One member expressed that there had been low uptake for the service because of the charge; people were not able to afford it. Several members spoke in support of this.

In response to questions, members were advised that contact with the Company would be through the District Council or via a direct telephone line, the number for which would be advertised. Members were further advised that public health ramifications were currently limited because there had been less wasps and the occurrence of vermin is lower in the summer months. Staff impact had been low, as the majority were involved in the new contact centre. The Head of Environmental Health and Licensing advised members that private companies would be able to reduce costs because they did not have the same staff overheads as the Council.

In summing up the Healthy Environment Portfolio Holder stated that the proposed contract provided good value for money for service users, noting that the charge for

both rats and mice would cover as many visits as necessary to remedy the problem. A charge for the service would underline the responsibility of constituents.

On being put to the vote, the motion was approved.

*15:43 The meeting was adjourned.*

*16:00 The meeting recommenced.*

#### **64. MEDIUM TERM FINANCIAL STRATEGY AND BUDGET PREPARATION**

##### **DECISION:**

- 1. To recommend the adaptation of the financial strategy as outlined in the report with any amendments based on the ongoing work of the budget working group and Cabinet that may continue to influence it.**
- 2. To prepare a response to the Office of the Deputy Prime Minister consultation document on Formula Grant Distribution for 2006/2007;**
- 3. To adopt the approach to budget development for 2006/2007 and value for money framework outlined in report FIN239;**
- 4. To implement an effective budget consultation strategy for 2006/2007;**
- 5. To review the purpose and amounts of reserves held;**
- 6. To develop detailed options appraisal analysis of the impact of stock transfer on the General Fund;**
- 7. To develop options for Council Tax setting for future years.**

The Corporate Director of Finance and Strategic Resources presented his report FIN239 to the Council. The report contained ten strategy adaptations to the Medium Term Financial Strategy. The Budget Working group would do detailed work Budget preparation and levying of Council Tax for 2006/2007. Membership comprises of the Resources DSP Members, a representative from all other Panels and the Cabinet. It was recommended that the Financial Strategy be adapted to include estimates of external financing and new financing, dealing with underspends, overspends and treasury management issues. A consultation document detailing grant settlements for 2006/2007 and 2007/2008 with options of funding formulae for local government had been received from the ODPM. The chosen option would mean a swing in District Council funding of plus or minus considerable sums, resulting in a net impact on Council Tax. Lincolnshire was preparing a united response to the missing millions campaign on behalf of the County and District Councils and the Police Authority, to provide a united proposal. The Council Tax re-evaluation exercise was underway; changes of value to the property could impact on Council Tax charges.

A self-assessment on the Council's value for money would be submitted in September 2005, from this a service plan would be put together to ensure that services offer value for money. Value for money would be linked to government efficiency targets. The Local Area Assemblies would be used for initial feedback on parish precepts. SK today would also be used as a consultative mechanism. The main factor that would impact on the general fund would be the result of the ballot for (LSVT). The Resources and Assets Portfolio Holder moved the recommendations as written in report FIN239 with

an addendum to Recommendation 1. This was seconded. The Portfolio Holder requested that under strategy 6, "the Resources DSP be kept informed".

During debate on the report, concern was noted over transfer of services out of Council control and reinstatement at a later date, particularly with the possibility of a Leisure Trust. Members raised concerns that with provision being made for a positive ballot, it may seem that the decision to transfer the housing stock had already been made. Members debated the difference between taxpayers and users; car parks were given as an example of where the user may not be the Council Tax payer. Members asked questions of cashable efficiencies, the impact of special expense areas and affordable housing.

The Corporate Director of Finance and Strategic Resources responded to the points that had arisen. He emphasised that no decision on LSVT had been made but provision to counter the impact should of a positive ballot was necessary. Cashable efficiencies savings cover the provision of an identical service for less money, a non-cashable efficiency saving would be the use of staff to do a larger range of activities. Any monies spent on Special Expense Areas should be recoverable. On being put to the vote the motion was approved.

*16:30 The Chairman left the meeting. The Vice-Chairman assumed the Chair.*

## **65. REVIEW OF SENIOR MANAGEMENT STRUCTURE**

### **DECISIONS:**

**The Council authorises the following adjustments to the budget and policy framework.**

- 1. £300,000 towards the salary costs relating to the implementation of the review effective from 1 April 2006;**
- 2. £150,000 to be a provisional estimate for the period 2005/06 to 2006/07 to cover the costs of the external recruitment, any redundancy payments and additional salaries payable if appointments are taken up before the 1<sup>st</sup> April 2006.**

The Vice-Chairman stated that the recommendation at section 2(ii) in report CAB04 and the recommendation at section 19(ii) should be amended to read "for the period 2005/06 to 2006/07". He reminded Members that they would be able to consider full all aspects and principles contained in report CEX296 although discussion would mean that the Council would have to go in camera. The Chief Executive advised that CMT members would remain in the meeting to provide specialist advice and answer questions. Any members wishing to make a direct reference to officers were advised to make relevant indications to allow them to leave the meeting. The Leader of the Council moved the recommendations contained in report CAB04, these were seconded.

One member asked about the effect on pay differentials, should Corporate Directors fail to be appointed to a Strategic Director post. There was also concern over the impact to industrial relations. The Chief Executive advised members that the posts had been considered through job evaluation. The alterations to the structure would ensure that the authority would be fit for purpose

Some members were concerned about the impact of a second management

restructure in a two-year period, one member spoke specifically of the impact upon Council Tax payers. Several members spoke in agreement with this, concerned that increased investment in the restructure would compromise services elsewhere. In response to the concerns about increased expenditure on salaries. One member commended the comments of the Corporate Manager of Human Resources and Occupational Development impressing the effect of intangible issues upon the effectiveness of the Council. One member suggested that the restructure would be better if done progressively to spread costs while one member, in opposition to this stated that stopping losses through top-heavy management would increase the overall gain. One member stated that the previous restructure had a negative impact on expenditure. There was also discussion over the role of the Chief Executive, who had been appointed to run the Council and to take the Authority forward for the benefit of the District.

In proposing an amendment, a member questioned the reaction of the public and consequences for frontline services. He suggested an amendment to *“defer the report and approve a sum of up to £50,000 to engage consultants to subject the proposals to an independent scrutiny and report back to the Council”*. The amendment was seconded and voted upon. The Leader of the Council spoke on the amended motion, emphasising that the Chief Executive had been delegated to run the Council and should be provided with the resources to ensure the necessary support for residents in the future. When put to the vote, the amendment was unsuccessful.

On summing up the original motion, the Leader stated that the restructure was not about increasing staff salary but the creation of new posts to replace old ones. Members were advised that recruitment had been unsuccessful for senior posts because of uncompetitive pay scales. She stated that following the restructure the Council would be fit for purpose in both the short and long term. The motion was voted upon and approved.

*Councillor O'Hare requested that his vote against the motion be recorded.*

In accordance with Council Procedure rule 9, as the meeting was nearing being in progress for three hours, the majority of members present voted for the meeting to continue.

## **66. CHANGES TO THE CONSTITUTION: LOCAL CHOICE FUNCTION**

### **DECISION:**

***That the Constitution is amended to transfer all but the statutory documents to the Cabinet for adoption and***

***Article 4.1(ii) and (iii) be removed from the Constitution and amends section 2.4 of the Executive Procedure Rules in Part 4 of the Constitution to read as follows:***

***“All reports to the cabinet from any member of the cabinet or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant development and scrutiny panels, and the outcome of the consultation. Unless in the case of urgency, the Cabinet will consult with the relevant development and scrutiny panel(s) on the following plans and strategies to be adopted by Cabinet as a matter of local choice:***

- ***Economic Development***

- ***Welland Economic Development Strategy***
- ***Housing Strategy***
- ***Tourism Strategy***
- ***Arts Strategy***
- ***Sports Strategy***
- ***Play Strategy***
- ***Cycling Strategy***
- ***Equal Opportunities Policy***
- ***Health and Safety Policy***
- ***Data Protection Policy***
- ***Freedom of Information Publication Scheme***
- ***Environmental Health Services Enforcement Policy***
- ***Regulation of Investigatory Powers Act Policy***
- ***All other future plans and strategies that feature in the Forward Plan as Policy Framework Proposals not within the Council's Policy Framework according to Article 4.1 of this Constitution***

***Reports about other matters will set out the details and outcome of consultation where appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration."***

The Corporate Manager of Democratic and Legal Services presented his report, DLS45, to the Council, detailing recommendations that had been made by the Constitution and Accounts Committee to remove article 4.1(iii) and amend section 2.4 of the Executive Procedure Rules in Part 4 of the Constitution. The Leader moved the recommendation as Chairman of the Constitution and Accounts Committee, this was then seconded.

Several members spoke against the proposed amendment, expressing the following concerns: that the power of Councillors was being devolved to a small group and that democracy would be compromised as very few members would be able to actively participate in decision-making.

In favour of the amendment to the Constitution, members stated that all Councillors would have the opportunity to debate policies through DSPs, making representations at Cabinet meetings and discussions with Cabinet members.

In summing up the Leader stated that all members had a responsibility to their electorate to make the best of the opportunities they have. She felt that scrutiny was a powerful tool but despite improvements, had not been used to its fullest potential. It was not an attempt to prevent member involvement, as all members are entitled to attend all meetings. On being put to the vote, the amendments to the constitution were adopted.

*Councillor O'Hare requested that his vote against the motion be recorded.*

## **67. AMENDMENTS TO THE CONSTITUTION: DELEGATION TO OFFICERS**

### **DECISIONS:**

- 1.1 **That the Head of Waste and Contract Services be an authorised officer for the purposes of the enforcement of the graffiti and fly posting provisions of the Anti-Social Behaviour Act 2003;**

- 1.2 That the Head of Waste and Contract Services be authorised to designate in writing any other officers that are authorised by the Council to enter premises for these various statutory purposes and also to act in respect of the enforcement of various statutory provisions relating to graffiti and fly posting within the Anti Social Behaviour Act 2003;
2. That the Head of Paid Service be made responsible for maintaining and updating the scheme of delegation to officers.
3. That the Chief Executive's Appraisal Panel be recorded in the Council's Constitution and, as per the previous minute 94 of the Council, to comprise the Leader of the Council, the Deputy Leader of the Council, the Leader of the Labour Group and the Leader of the New Independent Group. The remit of the Panel to set the objectives of the Chief Executive, to undertake performance and development appraisal against these objectives and determine remuneration including any performance related elements.

The Corporate Manager of Democratic and Legal Services stated that paragraph 3.2 of report DLS should be amended to read "*the Leader, Deputy Leader of the Council together with the Leader of the Labour Group and the Leader of the New Independent Group.*" The recommendations would ensure that the scheme of delegation is up to date and that there is the capacity for future delegation. It was noted that the composition and remit of the Chief Executives Appraisal Panel, previously unspecified in the Constitution, would be included in Part 3. This was moved and seconded.

Several members felt that the composition of the Appraisal Panel could be controversial, they were reminded that the decision on composition and the remit of the Panel had been approved by the Council on the 27<sup>th</sup> January 2005.

One member requested that leniency be shown toward flyposters for village events and charities. Councillors were advised that these issues could be taken up with officers but provisions were there to provide permission for such requirements. All three recommendations were approved.

#### **68. ADDITIONAL MEMBERS' FORUM: MONDAY 17TH OCTOBER 2005**

##### **DECISION:**

**That the Council approves an additional Members Forum on Monday 17<sup>th</sup> October 2005.**

This was moved and seconded. One member said he hoped that attendance would be good. Such events were considered useful as they had a different style. He stated that an item on the Re-enrichment of the Democratic Process should be included.

Following confusion over the date, the Chief Executive confirmed that the forum on the 17<sup>th</sup> October 2005 would replace that scheduled on the 18<sup>th</sup> October 2005. The alteration had been made because the guest speaker was unable to attend on the 18<sup>th</sup> October. The date was approved.

**69. REPRESENTATIVES ON OUTSIDE BODIES**

**DECISION:**

**That Councillor Rob Shorrock be appointed as the District Council Representative for the Earlesfield Community Centre and the Earlesfield Youth Centre Management Committee.**

This was proposed and seconded.

A member stated that the Councillor for the Earlesfield Ward was automatically appointed to the Earlesfield Community Centre to prevent Councillors who did not know the area from being appointed. The Corporate Manager of Democratic and Legal Services stated that the appointment by the Council had to be formally recorded. It was suggested that concerns either body may have about the appointment of a Councillor from another Ward, should be communicated. Councillor Shorrock was appointed to both bodies with unanimous consent.

**70. QUESTIONS WITHOUT DISCUSSION**

Seven questions without discussion had been submitted prior to the meeting.

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

**71. CLOSE OF MEETING**

The meeting closed at 17:59.

# Minute Item 70

COUNCIL 8TH SEPTEMBER 2005

Questions from Members of the Public

Question to Councillor Mrs. Frances Cartwright

The residents of Essex Road, Stamford would like to know why they are charged £4.10 for using the Community Room when they have been deprived use of the room three times during the last four months, due to Elections. They have been unable to use the room for their leisure and fund raising activities.

Mrs. M. Patrick,

119 Essex Road,

Stamford,

Lincs.

## **COUNCIL 8TH SEPTEMBER 2005**

### **Questions Without Discussion**

#### **QUESTION 1**

#### **TO COUNCILLOR MRS. LINDA NEAL**

**“Our management of water from when it rains to when it enters the sea needs drastic change before we, as a country, can talk meaningfully of sustainable developments”.**

**The recent words of the Chief Executive of a national environmental organisation.**

**Can the Leader of the Council please tell us what we have managed to achieve towards this end during the past year?**

#### **COUNCILLOR NORMAN RADLEY**

#### **RESPONSE TO QUESTION 1**

Although not within my portfolio work area, the underlying theme of the question appears to query the council's policy on sustainable drainage. This is laid down for the planners in PPG25 from Central Government and states that wherever possible, drainage for new developments should be via sustainable means, eg soakaways.

A staff member working within the Asset and Facilities Management unit utilises knowledge of watercourses by commenting to the planners on many applications suggesting the use of soakaways or other alternatives to avoid an increase in flow to watercourses and main rivers, which does nothing to replenish groundwater supplies.

An example of a development that is attempting a sustainable system is the Elsea Park Development south of Bourne. The developers have formed a Trust, to which all

property purchasers must pay an annual fee, in order to finance maintenance of open spaces and the drainage system.

The District Council within its budget restrictions and through its planning procedures supports the Environment Agency wherever possible towards sustainable developments.

The responsibility for domestic drainage within the district is held by three drainage boards to which this council pays a substantial sum each year, Welland and Deepings in the south and east; Upper Witham in the north and west and Black Sluice mid-district. If you refer to page 117 of the current budget book you will see that levies are calculated in accordance with the Land Drainage Act 1991, being based on historic rateable values. You will also see that the amount South Kesteven expects to pay over to the drainage boards in the current year is £508,000.

LMN

## **QUESTION 2**

### **TO COUNCILLOR MRS. FRANCES CARTWRIGHT**

**Does the portfolio holder believe that adequate provision is made within the constitution for dealing with members of this council who misbehave in any way when off duty but where they can be observed by members of the public?**

**Recent events as reported in the local press have caused consternation amongst some members of the public who believe, either rightly or wrongly, that we have one rule for them and another for members.**

### **COUNCILLOR MIKE WILLIAMS**

#### RESPONSE TO QUESTION 2

To serve residents of South Kesteven by being elected as their representative on the Council is both a responsibility and an honour. In my mind, whenever they are in a public place in the District, a Councillor is never off-duty.

The public reputation of the Council depends upon members displaying exemplary standards of conduct. We rightly expect our staff to meet the same standards and in particular to enforce legal powers delegated to them without fear or favour. If anyone thought it was one rule for us, and one for them, recent events provide irrefutable evidence to the contrary.

I recognise that it is difficult to enforce these sentiments in the code without diluting their impact, however I am sure that all members know what behaviour our public expects.

### **QUESTION 3**

#### **TO COUNCILLOR MRS. LINDA NEAL**

**Can the Constitution and Accounts Committee have a look at the current constitution / rules with a view to making a recommendation for a change to the rule that allow 5 members to call an extraordinary meeting of the Council and then having committed the Council to additional expense show enormous disrespect to the Council itself by failing to attend the meeting.**

#### **COUNCILLOR TERL BRYANT**

##### RESPONSE TO QUESTION 3

I am in full agreement with the sentiment that there should be a question of proportionality and reasonableness in any decision to call an EGM. However, quite understandably, the law makes an assumption that elected representatives will act in the best interests of the community. In particular it assumes that they will not engage in futile acts that waste both public money and Councillors' time by trying to call meetings to discuss matters which have already been subject to full debate and decision by the Council.

I appreciate that legislation may provide a power but it is incumbent on all of us to use that power with discretion and responsibility.

LMN

#### **QUESTION 4**

#### **TO COUNCILLOR MRS. LINDA NEAL**

**Can the Constitution and Accounts Committee review the members code of conduct with a view to allow punitive steps to be taken against any member who gives out any information, be it to his/her partner, political agent or anyone else that either appears to bring the Council or its members, a group of members, or even a single councillor, into disrepute.**

#### **COUNCILLOR TERL BRYANT**

#### **RESPONSE TO QUESTION 4**

As leader of the Council it is perhaps not surprising that I find myself in sympathy with a question that seeks to punish those who bring the Council into disrepute.

However as a democratically elected representative I value the role that opposition, preferably constructive opposition, can play. Indeed on a national scale I would be foolish not to.

I would be equally foolish to pretend that in a Council employing over 700 people there are not some services, which are failing to deliver to our resident's services at the standard we would wish.

Distinguishing between information that is genuinely shared in order to secure improvements and that which is deliberately circulated to bring the Council into disrepute, is very difficult. Indeed it may depend entirely upon individual perceptions. For this reason whilst I am supportive of the question I am not over-optimistic about the prospects for success.

LMN

## **QUESTION 5**

**TO: COUNCILLOR MRS. LINDA NEAL**

**Following the recent by-election in Earlesfield ward, which produced an 8.2% turnout, do you believe this indicates a serious loss of belief in the democratic process in deprived areas and if so, how can this council begin to address the problem when so much money has been poured into Earlesfield and which seems to indicate that the money has been wasted?**

**COUNCILLOR MIKE WILLIAMS**

RESPONSE TO QUESTION 5

Nobody who derives their mandate from the democratic process can be content to see a turnout figure of just 8.2%. As you indicate, Cllr Williams, it certainly is not the product of any neglect to the needs of this ward. Personally I don't think that any money spent on improving the quality of life for our residents is money wasted, but it is extremely disappointing that there is so little interest in Earlesfield in the election of a new representative.

The search for causes needs to go a little wider than this estate. It is surely not a coincidence that the national trend in declining turn-out has been accompanied by the unprecedented diminution in the powers of local Councils under the crude and universal capping regime and the CPA.

I am reminded of a speech I heard from Rudolph Giuliani at the LGA conference when he outlined the plethora of tax raising powers and responsibility which had been given to American cities as a result of the subsidiarity principles adopted during Regan's presidency. I fear that unless we can have a similar revolution in England to restore the powers and profile of our Councils, electors will continue to vote with their feet.

LMN

**QUESTION 6**

**TO COUNCILLOR LINDA NEAL**

**Since May 2003, what percentage of policies or strategies adopted by the Full Council has been initiated by Cabinet Members?**

**CLLR STEPHEN O'HARE**

**RESPONSE TO QUESTION 6**

As Cllr O'Hare will know a full audit of the Council's policies and strategies has recently been completed and made available to members. As a result I am pleased to be able to inform him that Cabinet members were closely involved in the preparation of all of them.

LMN

## **QUESTION 7**

### **To Councillor Frances Cartwright**

**In May this year, this Council voted for the principle of transfer of Housing Stock.**

**This council will incur a cost of up to £1 Million, (referred to in the Medium Term Financial Strategy) which is earmarked for the cost of preparation for the ballot of tenants. That cost will be paid by this council whatever the result of the ballot of tenants. A corporate director did not state this on a slide presentation to political groups in the early part of this year.**

**Had she been the responsible portfolio holder from the start of 2005 would she have highlighted these facts to Councillors before they voted in May this year, a vote that now means up to £1 Million pounds of council taxpayers money will be spent – quite possibly to see no change?**

### **COUNCILLOR STEPHEN O'HARE**

#### **RESPONSE TO QUESTION 7**

Thank you for your question Councillor O'Hare, however, I must point out that unfortunately you have your facts wrong and I believe that this may be because you have not actively engaged in the member briefings and working groups looking into this matter.

To clarify the facts about the cost to the council tax payer, I can confirm that in the event of a positive ballot all the costs of the stock transfer setting up process will be written off against the capital receipt from the sale of the stock and therefore there will be no charge to the council taxpayer.