



MINUTES

COUNCIL
THURSDAY, 25 MAY 2006
2.00 PM

PRESENT

Councillor Gerald Taylor Chairman

Councillor Ray Auger
Councillor David Brailsford
Councillor Teri Bryant
Councillor Mrs Frances Cartwright
Councillor Elizabeth Channell
Councillor Nick Craft
Councillor Dorrien Dexter
Councillor Mike Exton
Councillor Brian Fines
Councillor Donald Fisher
Councillor Mrs Joyce Gaffigan
Councillor Yvonne Gibbins
Councillor Harrish Bisnauthsing
Councillor Bryan Helyar
Councillor Stephen Hewerdine
Councillor Reginald Howard
Councillor John Hurst
Councillor Fereshteh Hurst
Councillor Kenneth Joynson
Councillor Albert Victor Kerr
Councillor John Kirkman
Councillor Reg Lovelock M.B.E.

Councillor Andrew Roy Moore
Councillor Mano Nadarajah
Councillor John Nicholson
Councillor Stephen O'Hare
Councillor Alan Parkin
Councillor Stanley Pease
Councillor Bob Sandall
Councillor Ian Selby
Councillor Robert Murray Shorrock
Councillor John Smith
Councillor Mrs Judy Smith
Councillor Ian Stokes
Councillor Michael Taylor (Vice-Chairman)
Councillor Jeffrey Thompson
Councillor Frank Turner
Councillor Graham Wheat
Councillor Mrs Mary Wheat
Councillor John Wilks
Councillor Avril Williams
Councillor Mike Williams
Councillor Paul Wood
Councillor Mrs Azar Woods

OFFICERS

Chief Executive
Strategic Director
Corporate Head of Finance and Resources

OFFICERS

Monitoring Officer (Solicitor to the Council)
Member Services Manager
Democratic Support Officer

24. PUBLIC OPEN FORUM

Question from Mrs. Mary Patrick, Essex Road, Stamford. Councillor Bryant answered the question in the absence of Councillor Carpenter.

Mrs. Patrick:

Councillor Bryant, could you please tell me about the position regarding the vouchers for Taxi Drivers.

Reply (Councillor Bryant):

Thank you very much indeed Mrs. Patrick, for this extremely interesting question, vouchers are issued by the district and are valid for taxis and I think I know the question you're really asking is that we'll work together with the taxi drivers association to be sure they'll be able to cash them without financial loss to themselves in the future.

Mrs. Patrick (Supplementary question):

Thank you Councillor Bryant, I have a letter here from the taxis drivers. "Dear customer, unfortunately South Kesteven District Council have been less than helpful in providing information as to how we will be able to continue cashing vouchers beyond the 31st May 2006. All our attempts to discuss this with the council have so far proved futile. We therefore regret that we will be, that we will have to temporarily suspend accepting the vouchers from the above. We would like to continue participating in the scheme but it appears that SKDC do not wish our continued participation in the scheme. We would urge you to write to your local councillors or you local MP complaining about the exclusion of some taxi companies to the scheme. If at this point in the future, SKDC decided to allow us to participate in the scheme we will start to accept vouchers again." Councillor Bryant, this is very bad because the vulnerable, the sick and the disabled have to use these vouchers for taxis only. Now if the man or lady has no legs he cannot get on the bus and that's why they don't have a bus pass. Thank you.

Reply (Councillor Bryant):

Thank you Mrs. Patrick, in actual fact the point of giving the vouchers out is to cater for the sick, the vulnerable and the exemplary list you gave. As the finance Portfolio Holder for finance, the encashment of these vouchers or not of these vouchers of the case may be, I would have expected to have been addressed to me or in Paul Carpenter's role of transport. It's a shame these taxi drivers have seen to write to the public rather than addressing the people who could resolve it but as I did say, we are going to work with the taxi drivers association to make sure this is resolved and the door has not been closed, in fact, I am unaware of anybody knocking on the door to ask for it to be opened.

Question from Mrs. Mary Patrick, Essex Road, Stamford. Councillor Bryant answered the question in the absence of Councillor Carpenter.

Mrs. Patrick:

Could you please also tell me the position regarding vouchers for elderly people?

Reply :

Vouchers will be available at the age of 70 because, if residents are no longer

able to use the bus, then they would be able to use them in taxis to aid their infirmity. If they are physically unable to do so before the age of 70 then obviously we would consider their eligibility on disability grounds.

Mrs. Patrick (Supplementary question):

Thank you Councillor Bryant. Councillor Bryant I was assured by Councillor Mrs. Neal and these are her comments, I know the comments that Mrs. Patrick has made, however she will hear that it is still here later that there is a misprint in the paper. The Chief Executive will inform us that 65 should read 60. Now you say that the vouchers come in at 70. no one has informed the compacts, no one has informed the public and I think this is a disgrace as I said before, people will be in their coffin before they're allowed vouchers. 65 is the retiring age, not 70 I mean even the government are not going to bring it in until twenty-something until it's 68, now I think this is wrong because they are still the ratepayers of SKDC and our Chief Executive has always told us there should be communication. He's told us to complain, so I'm complaining, thank you very much.

Reply (Councillor Bryant):

I am unable to comment on what Councillor Neal or what the Chief Executive said as I didn't quite know what was going on, on that but we have actually made press releases about the issuing of tokens at the age of 70 and the fact that you said you'd already complained about them intimates that. I will on the transcript of these minutes ensure that you get a written response that I hope goes some way to satisfy your requirements.

Mrs. Patrick thanked the Council for allowing her to ask questions at meetings. She said she had learned a lot from listening to the debate in the Council Chamber.

Question from Libby Simpson, Oxford Street, Grantham

Can the Cabinet member report on work that he and the Council have undertaken, whilst waiting for a decriminalization order and authority from LCC, to introduce residents street parking into the district and by what date he is planning for it to be introduced into Grantham?

I am unable to make the meeting because of work commitments, so can I ask that this question is put by the Chairman. *The Chairman agreed.*

Thank you.

Reply (Councillor John Smith)

There are no plans at this time to introduce a Residents Street Parking Scheme into Grantham. A report into the Decriminalisation of Car Parking is not expected to be received by Lincolnshire County Council until, at the earliest, the end of July. If it is eventually decided to approve this Council will consider

the implications and what action to take.

[End of public open forum: 14:10]

Under Council Procedure Rule 10.10, it was moved, seconded and duly voted upon that the issue of residents parking should be referred to the Economic DSP for consideration. The motion was unsuccessful.

The Chairman notified the Council that he had agreed to take two urgent items. The first item would be considered as agenda item 5a and gave information on the political balance of the Council following the by-election for the Truesdale vacancy.

The Chairman agreed to take a further item as agenda item 13a, which concerned Large Scale Voluntary Transfer.

25. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs Bosworth, Carpenter, Chivers, Conboy, Mrs Jalili, Mrs Kaberry-Brown, Martin-Mayhew, Mrs Neal, Mrs Radley, N. Radley and Steptoe.

26. DECLARATIONS OF INTEREST

No declarations of interest were made.

27. BY-ELECTION: TRUESDALE WARD 18TH MAY 2006

The Chief Executive notified the Council that Councillor Thomas Webster had won the Truesdale by-election. Councillor Webster said that he looked forward to working with the Council.

28. MINUTES OF THE ANNUAL MEETING HELD ON 27TH APRIL 2006

The minutes of the meeting held on 27th April 2006 were confirmed as a correct record subject to the substitution of "Economic Portfolio Holder, Councillor John Smith", with "Healthy Environment Portfolio Holder, Councillor Ray Auger" on page 10, item 15.

29. POLITICAL COMPOSITION AND SEAT ALLOCATION

The Chairman agreed that this should be taken as an urgent item because of the potential impact on the Council's committees and panels.

DECISION:

1. To note report CEX341;
2. That the following amendments should be made to committee and Panel membership:
 - Councillor Selby should replace Councillor Gibbins on the Development Control Committee
 - Councillor Shorrock should replace Councillor Steptoe on the Licensing and Alcohol and Entertainment Licensing Committees

- **Councillor John Hurst should replace Councillor Shorrock on the Constitution and Accounts Committee**
- **Councillor Mrs Dexter should replace Councillor Selby on the Economic Development and Scrutiny Panel**

The Chief Executive referred to his report CEX341 and advised the Council that following the Truesdale Ward by-election, changes to the political composition of the Council would not lead to any changes in the membership of any of the Council's committees or panels.

One member sought clarification on the status of the Liberal Democrat group; the Party's manifesto for the Truesdale Ward by-election referred to the existing Liberal Democratic group as having three members, not four. The leader of the Liberal Democrat Group said he was not prepared to disclose the activities of the Group to the full Council. If and when any matter impinged on the business of the Council, he would notify the Chief Executive in writing.

The Leader of the Labour Group asked the Council to ratify changes to their representatives on the Council's committees and panels: Councillor Selby should replace Councillor Gibbins on the Development Control Committee; Councillor Shorrock should replace Councillor Steptoe on both the Licensing Committee and the Alcohol and Entertainment Licensing Committee; Councillor John Hurst should replace Councillor Shorrock on the Constitution and Accounts Committee and Councillor Mrs Dexter should replace Councillor Selby on the Economic DSP.

30. COMMUNICATIONS (INCLUDING CHAIRMAN'S ANNOUNCEMENTS)

Annual Council Photograph: The Member Services Manager advised members that a proof of the annual Council photograph had been displayed near the Members' Lounge. The photograph was priced at £15.00; any member who would like a copy should place their order with the Member Services Manager.

Vote of Thanks: During the annual meeting of the Council, the Vice-Chairman abstained from thanking the Council for his election; instead he requested to express his gratitude at this meeting. He thanked members for electing him and stated that he would do his best to support the Council and the Chairman in the coming year.

31. CHANGES TO PORTFOLIO RESPONSIBILITIES

The Council were notified of amendments to the Cabinet Members' Portfolio Responsibilities. The Healthy Environment Portfolio would include dykes and watercourses, flood prevention, occupational health and safety, energy advice, footway lighting and maintenance and sustainable rural communities. Property maintenance would become the responsibility of the Portfolio Holder for Resources and Assets and the Economic Development Portfolio Holder would take responsibility for building control. These responsibilities would be removed from the Leader's portfolio. A table of this information had been circulated.

32. EXTRAORDINARY COUNCIL MEETING AND MEMBERS' FORUM DECISION:

1. **The Members' Forum on 22nd June, commences at 10:00a.m. and focuses on how local authority services can be transformed for the future;**
2. **An Extraordinary Council meeting is held at 2:00p.m. on 22nd June to review and agree the Council's priorities in the light of the consultations being undertaken.**

The Chief Executive, in introducing his report, stated that an extraordinary meeting of the Council would be necessary to ratify the review of Council priorities. He recommended that the meeting should be held on 22nd June 2006 to allow the Citizens On-Line Jury and the remaining Local Area Assemblies to feed in their views. The decision could not be made at the next scheduled meeting of the Council, as this would not be until September 7th 2006. The Members' Forum would be held as scheduled in the morning then the extraordinary Council meeting would begin at 2:00pm.

One Member requested that the paper on the gateway review of priorities prepared for Cabinet on 8th May 2006 be circulated to Local Area Assemblies.

This was moved, seconded and duly agreed when put to the vote.

33. REVIEW OF SENIOR MANAGEMENT STRUCTURE

DECISION:

The Council approves a supplementary estimate up to a maximum of £700,000 for potential one off costs and approve the financing of this by the use of the earmarked Capacity Building, Priority Setting and Service Improvement Reserve for the purpose of completing the Council's re-organisation.

The Chief Executive presented report number CEX330 concerning the review of the senior management structure. He requested that the Council approve that the £700,000 budgeted for one-off costs arising from the restructure, be released from the Capacity Building, Priority Setting and Service Improvement reserve. This amount had been budgeted to accommodate a worst-case scenario. This was so moved and seconded.

Councillor Paul Wood proposed the following amendment:

"The Council approves a supplementary estimate up to a maximum of £500,000 for potential one off costs and approve the financing of this by the use of the earmarked Capacity Building, Priority Setting and Service Improvement Reserve for the purpose of completing the Council's re-organisation."

He stated that, while he supported the restructure, he felt that with cutbacks in rural areas, the sum of £700,000 could not be justified. If £500,000 was not sufficient, the Chief Executive should return to Council and request that more money be made available.

In speaking against the amendment, the Portfolio Holder for Assets and Resources stated that the £700,000 had been identified as a ceiling that the Chief Executive would negotiate below. If that full amount was not made available, negotiations could be compromised and the restructure could be jeopardised. The Chief Executive stated that if he were not able to complete negotiations successfully, it would not be possible to complete the restructure. He also added that the one off cost would deliver savings. The Strategic Management Team had offered to do presentations for all of the political groups; only one group had taken up the offer.

Some members were concerned that the sum used for the one-off expenses should not be released to the detriment of other Council services. Other members discussed the impact of the proposal for members of the public when portrayed in the media. Members were concerned that the public should be put at the centre of any decisions made. The Chief Executive stated that the restructure would not mean changes to service delivery; all changes would be back-office. The restructure would create more effective and efficient management.

One member was concerned about the impact on the structure with the possible change from the District Council to a unitary authority. The Chief Executive stated that all plans were speculative until the release of the white paper. He recommended that the Council should make their decisions assuming that there will be no change.

The mover of the original motion urged members to vote against the amendment as the Chief Executive would not be able to take the Council forward with such stringent limitations.

A recorded vote on the amendment was requested in accordance with Council Procedure Rule 16.4. This was supported by more than ten members.

The vote on the amendment was as follows:

FOR

Councillor Bisnauthsing
Councillor Miss Channell
Councillor Mrs Gaffigan
Councillor Hewerdine
Councillor Howard
Councillor Joynson
Councillor Kerr
Councillor Wilks
Councillor A. Williams
Councillor M. Williams
Councillor Wood

AGAINST

Councillor Auger
Councillor Brailsford
Councillor Bryant
Councillor Mrs Cartwright
Councillor Craft
Councillor Exton
Councillor Fines
Councillor Fisher
Councillor Helyar
Councillor Kirkman
Councillor Lovelock
Councillor Moore
Councillor Nadarajah
Councillor Nicholson
Councillor Parkin
Councillor Pease
Councillor Sandall

ABSTAIN

Councillor Mrs Dexter
Councillor Gibbins
Councillor F. Hurst
Councillor J. Hurst
Councillor Selby
Councillor Shorrock
Councillor G. Taylor
Councillor Mrs Woods

Councillor Smith
Councillor Mrs Smith
Councillor Stokes
Councillor M. Taylor
Councillor Thompson
Councillor Turner
Councillor Webster
Councillor Wheat
Councillor Mrs Wheat

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The amendment was lost.

Speaking on the original motion, one member was concerned that appropriate risk assessment had not occurred. It was also suggested that the processes undergone in carrying out the restructure, should be scrutinised by one of the Council's development and scrutiny panels, so that the Council can examine the methods used and how to improve them in the future. Reminding members that the possibility of a one-off cost was identified before the commencement of the restructure, the Chief Executive added that he had always remained with the estimated figures. The Resources and Assets Portfolio Holder stated that a risk assessment had been in place throughout the process; the Corporate Head of Finance and Resources confirmed this. All mitigating risks were identified to ensure that there would be sufficient resources to complete what had been started. The money earmarked for one-off costs was to protect the Council in a worst-case scenario and all the money allocated would not necessarily be used. The District Council had kept the District Auditor fully informed during the period of the restructure.

The motion was voted upon and carried.

34. DRAFT BEST VALUE PERFORMANCE PLAN 2006/07
DECISION:

- 1. The Council approves the Best Value Performance Plan for 2006/07 including the 3 year performance targets against the national BVPIs.**
- 2. The authority is delegated to the Chief Executive, in consultation with the Leader, to make any minor changes to the draft Plan that may be necessary following its approval by the Council in May 2006 and before its publication in June 2006.**

Amendments to the Best Value Performance Plan (BVPP) had been circulated at the meeting. The Strategic Director of Resources explained that the BVPP covered the performance of the District Council in 2005/06 and would be published in June. The timescale of the project would make it difficult to make any amendments through the full Council because there were no scheduled meetings before the document was due to be published.

The Housing and Organisational Development Portfolio Holder so moved the recommendations made in report number SD3.

Councillor Gibbins, who was concerned two individuals should be able to make minor changes, proposed an amendment to the motion. The amendment, which saw the deletion of recommendation 2.2 in report SD3, was seconded.

In speaking against the recommendation, one member stated that any member concerns should have been discussed with officers prior to the Council meeting. Any concerns after the meeting could be addressed through the Leader or the Chief Executive.

There was concern amongst members about what would constitute a “minor change”. Members were advised that at the time the document was put together the document, some information was not available and it is this information that would be amended. The document also includes the collation of data from external sources, some of which would require adjustment at the year’s end. The Chief Executive stated that he would report any amendments to a future meeting of the Council and should any major changes be necessary, an extraordinary meeting of the Council would be duly called.

The Chairman of the Resources DSP requested that the target for Member Training should be increased from 90% to 100%, as training would become mandatory for all members of the Council who wished to sit on DSPs. Some members felt that this would be impractical if a member refused to sit on a DSP. Some members, because of the limited number of training sessions available, also deemed the target unrealistic, particularly as most were only available during the day, discounting any members who worked. It was also noted that as Cabinet members do not sit on DSPs, they would not necessarily undergo the training.

The amendment to remove the recommendation listed under 2.2, in report SD3, having been proposed and seconded was duly voted upon. The amendment was lost.

The mover of the original motion thanked staff for their hard work. This was echoed by other members.

After concern from one member that any decision made by the full Council on priorities could have a major impact on the document. The Chief Executive reassured members that while the review of Council priorities could lead to major changes, the BVPP was based on the current priorities and related consultation.

The original motion was voted upon after being proposed and seconded and was carried.

15:45-16:00 The meeting was adjourned.

**35. MEMBER TRAINING AND DEVELOPMENT PROGRAMME
DECISION:**

To approve the Member Training and Development Programme.

Members were advised that some amendments had been made to the proposed Member Training and Development Programme. Current information was on the orange sheet that had been circulated before the meeting. This included space for members to tick their preferred attendance date. Completed forms should be returned to the Chief Executive.

Unless otherwise stated, sessions would run for two and half hours. There would be a pilot scheme, where a 4 o'clock session would be offered. The Chairmen of the Development Control and Licensing Committees stated that the Development Control Update and the Licensing Committee session on the Gambling Act and its implications were open to all members, not just the committee, particularly any member wishing to sit as a substitute on the Development Control Committee.

It was proposed that the Council approve the Member Training and Development Programme; last year's training was considered excellent.

One member felt that Tuesday 17th January 2007, the second date identified for the Use of Resources and Value for Money session was too late. The session would be useful for members during the budget setting period and January would be too late. The Chief Executive suggested 8th December 2006 as an alternative date, which met with approval from members.

While sessions beginning at 4 o'clock would help some members who worked, they would make little difference to members who were not from Grantham because of the travelling time.

The amended programme, (moving the Use of Money and Resources Session to December 8th) was moved and seconded. This was carried unanimously.

**36. AMENDMENTS TO THE CONSTITUTION: RECOMMENDATIONS OF THE
CONSTITUTION & ACCOUNTS COMMITTEE: 16TH MAY 2006
DECISION:**

- 1. To note the considerations of the Constitution and Accounts Committee on the proposed amendment to functions of the Development Control Committee.**
- 2. The Constitution be amended to limit the number of Questions Without Discussion each member may submit to two per Council meeting.**

PROPOSED AMENDMENT TO FUNCTIONS OF THE DEVELOPMENT
CONTROL COMMITTEE

The Chairman of the Development Control Committee moved that the recommendations of the Constitution and accounts committee were noted; this was seconded.

Councillor Kirkman proposed an amendment: that the Constitution and Accounts Committee's third recommendation should be removed. He felt that point three was disingenuous to members of the Development Control Committee and that the Clerk to the Committee should note when the committee voted to overturn an officer recommendation as a matter of course. The Chief Executive stated that recommendation 3 would involve the clerk noting whether members were able to present planning reasons for their decision actually at the meeting and recording the number of times the committee decided to go against officer recommendations.

The Chief Executive reminded members of the Council who felt that the committee could also use common sense that the Development Control Committee was a quasi-judicial body bound by statute, which could only make decisions based on the merits of individual proposals.

The Corporate Head of Finance and Resources who had commented on the report considered by the Constitution and Accounts Committee, stated that information collated as a result of the recommendations was not meant to police the Development Control Committee; it would provide information to enable the Constitution and Accounts Committee to make an informed decision.

Several members stated that the greatest liability to the Council was not the committee making a decision against an officer's recommendation but members of the committee, with only limited training, having to justify that decision at appeals hearings. The meeting was advised that there are difficulties when officers are asked to go to appeals to advocate, without any new information, an argument that was a direct reversal of their recommendation, as this breaches Planning Institute guidelines.

The Economic Development Portfolio Holder stated that the Constitution and Accounts Committee did not feel that they had sufficient information to put forward recommendations for amendments to the Constitution at that time, so requested that research be carried out.

Councillor Kirkman withdrew his amendment to the motion when it became clear that there would be no changes to the constitution. The original motion was carried.

PROPOSED AMENDMENT TO COUNCIL PROCEDURE RULE 11: QUESTIONS BY MEMBERS (QUESTIONS WITHOUT DISCUSSION)

The Councillor Parkin recommended that the proposed amendments to the constitution be accepted; this was seconded.

In speaking against the motion, one member remarked that, while not laid out

in the constitution, it had always been convention that no member should submit more than two questions. He stated that the problem had arisen recently, when two questions were carried over from a previous meeting. These were added to two more questions from the same Councillor.

One member stated that he supported the motion, as it meant that Councillors would be governed by the same limitations as members of the public.

Councillor Shorrocks proposed that:

“That a formal question can be asked to the Leader and any member of the Cabinet by a member at any time. An answer will be provided in 5 days. Questions and answers will be lodged with the Chief Executive and a record kept that is published as a report to Council meetings.”

It was hoped that if the narrative of ongoing questions was made available, decision-making and the work of the Council would become more transparent. This amendment was seconded.

It was suggested that the Constitution and Accounts Committee should consider this recommendation in an addition to limiting the number of Questions Without Discussion, however, while in favour of the amendment, some also supported the original motion. To vote for the amendment would, if it were successful, defeat the original motion. On the agreement that the Constitution and Accounts would consider a continuous process of questions and answers, the amendment was withdrawn.

Comments were made about plans at the County Council, to remove Questions Without Discussion. There was strong feeling that the opportunity for members to ask questions should remain in place to ensure that the system is transparent and accountable.

The motion was voted on and was carried.

**37. REPRESENTATIVES ON OUTSIDE BODIES: ACCESS BOURNE
DECISION:**

To appoint Councillor Brian Fines to represent the authority on Access Bourne.

It was proposed and seconded that Councillor Fines should be nominated to represent the Council on Access Bourne. This was carried unanimously.

38. EXTRAORDINARY COUNCIL MEETING ON LSVT

The reasons for urgency concern the need to adhere to the timetable for consultation on stock transfer and to confirm the holding of an Extraordinary meeting of the Council on 20th July.

DECISION:

1. **That an Extraordinary Meeting of the Council be held on the 20th July 2006 for the purpose of agreeing the content of the Formal Consultation Document to be issued to tenants.**
2. **That Cabinet be given delegated authority to consider responses to Stage 1 consultation, to agree the content of the Stage 2 Notice and to authorise proceeding to ballot, and that members of the LSVT Working Group and the Offer Review Working Group meet to consider the responses prior to 2nd October and have the opportunity to make recommendations to Cabinet.**

The Chief Executive on behalf of the Large Scale Voluntary Transfer Project Manager submitted report LSVTPM01 requesting the Council approve an extraordinary meeting on July 20th and that the Cabinet should be given delegated authority to consider responses to Stage 1 consultation, to agree the content of the Stage 2 Notice and to authorise proceeding to ballot. Members of the LSVT Working Group and the Offer Review Working Group (both comprise members from all groups of the Council) would meet to consider the responses prior to 2nd October and have the opportunity to make recommendations to Cabinet.

The Recommendations of the LSVT Project Manager were moved and seconded.

Councillor O'Hare proposed an amendment to the second recommendation:

"That an Extraordinary meeting of the Council be held before 10th October."
(option c suggested by the LSVT Project Manager)

In speaking for his amendment he stated that he did not feel that what could be one of the biggest and most important decisions of the Council should be made by the Cabinet alone. The amendment was seconded.

A member of the one of the working groups stated that the offer to tenants had been under consideration for a significant period and she did not want to see it reconsidered and changed to the detriment of the tenants and their wishes.

The Chairman of the Council clarified that the offer would be considered by working groups and DSPs before the Cabinet made their decision. Any major changes would mean that the process of creating an offer would have to be started afresh.

In support of his amendment, Councillor O'Hare stated that the working group input would not be precluded if the full Council made the decision. The Chairman of the Resources DSP stated for information, that the DSP would consider it on 7th June 2006.

The amendment was voted upon and lost. The original motion was then voted upon and carried successfully.

In accordance with Council Procedure Rule 9, as the meeting had been in progress for three hours, the majority of members present voted for the meeting to continue.

39. QUESTIONS WITHOUT DISCUSSION

Sixteen questions had been submitted prior to the meeting. Verbatim details of the questions, together with supplementary questions and responses, are set out in the appendix to these minutes.

40. CLOSE OF MEETING

The meeting closed 17:24.

Minute Item 39

COUNCIL, 25th MAY 2006

QUESTIONS WITHOUT DISCUSSION

Question 1

QUESTION (COUNCILLOR BRYANT):

Mr. Chairman, will you please undertake to write a strongly worded letter on behalf of the Council to the NHS public involvement team at Bracebridge Heath who are conducting a consultation on the proposed changes to the Lincolnshire NHS and Community Services which are proposed to reduce the services delivered to this district. Can you please express our dismay, that the overspending for the last 2 financial years, including the interest, amounts to £19.6m for United Lincs. Hospitals Trust and £13.5m for East Lincolnshire Primary Care Trust, as they are having to be paid for in part by the users of the Lincolnshire S.W. Teaching PCT. Can you make sure that the message, that their financial prudence (Lincolnshire SWT Teaching PCT) will now be helping out the debt situation, but it is at a direct cost to the NHS patients in this district. This Mr. Chairman, I suggest, is not a good deal for the local people who we serve and we must resist punitive cuts.

Mr. Chairman, in doing this would you please ensure that you bring the consultation document (for the period 10th May to 2nd August) which is 78 pages long, to the attention of all councillors advising them that they can get a copy of it from the Public Involvement team at Bracebridge Heath, telephone no. 01522 513355 ext. 5524.

RESPONSE (COUNCILLOR G. TAYLOR):

Thank you for raising the important issues faced by the NHS in Lincolnshire. I would be perfectly willing to reflect the views of the Council in an appropriate letter to the NHS Public Involvement Team should members of the Council wish me to do this and after they have had a full opportunity to examine in detail the proposed recovery plans.

As you allude to in your question, I understand that the PCT proposals are out for public consultation until the 2nd August and also I am aware that proposals from the United Lincolnshire NHS Hospital Trust are due to be made public in July with a 3 month consultancy period.

It would therefore seem appropriate for the executive and Healthy Environment DSP to consider these matters over the summer and then advise me accordingly whether they wish the views of the Council to be relayed by myself.

Councillor Bryant had left the meeting so there was no supplementary question.

Question 2

QUESTION (COUNCILLOR O'HARE)

If there was a significant variation between the amounts spent by SKDC on council housing comparing the 03/04 financial year with the 04/05 financial year, how much more was spent in which year?

RESPONSE (COUNCILLOR MRS. CARTWRIGHT)

A direct comparison of spend between the years stated would not produce a simple answer as there were changes in accounting and funding arrangements from the government.

SUPPLEMENTARY QUESTION (COUNCILLOR O'HARE):

The question clearly about spending, I repeat spending in one financial year and another financial year are not accounting technicalities, would she actually answer the question

RESPONSE (COUNCILLOR MRS. CARTWRIGHT):

If you're having trouble understanding the accounts, Councillor O'Hare, which I did, I must admit, I'm sure that the officers would be more than happy to explain them to you outside this meeting but it is far too detailed to even consider doing it now, it would take a couple of hours.

Question 3

QUESTION (COUNCILLOR O'HARE):

In Your Home Your Choice issue 2 one of the 5 main reasons for the Council backing transfer was "to generate new investment for affordable housing to meet local needs now and in the future." The Cabinet member for housing has publicly stated that she is satisfied that the information (in that newsletter) is fair unbiased and accurate. The clear implication of the quote from Your Home Your Choice is that only by transferring the housing stock will it be possible to have affordable housing in the area of this Council. Recent Council documents, including documents circulated as part of the agenda for this council meeting demonstrate that Affordable Housing is and will be provided through the Planning department and the use of Section 106 monies/Planning Gain and so contradict the clear implication being pushed by this Council in support of stock transfer. It is very difficult, if not impossible, for both views to be true.

Would she care to try to reconcile the differing statements of this Council?

RESPONSE (COUNCILLOR MRS. CARTWRIGHT):

I do not need to reconcile these two statements Cllr.O'Hare as you have clearly misrepresented the article in "Your Home Your choice" Issue 1.

SUPPLEMENTARY QUESTION (COUNCILLOR O'HARE):

Thank you Chairman, there is a supplementary. The quote of "generate new investment for affordable housing to meet local needs now and in the future" is a direct quote. In essence and probably exactly it affects the decision made by Cabinet on the 9th May 2005 and the decision of full Council in May 2005 and is contained in publicity from this council promoting stock transfer and when you refer to affordable housing on page 9 of agenda item 10 today, I now refer to affordable housings (items SK40 and SK42), which clearly show that affordable housing is developed through planning and the forward plan written by Councillor Neal refers to affordable housing through planning. Apart from misrepresented in "Your Home Your Choice", issue number one as my question made no mention of it. Now I've explained the question to her, will Councillor Cartwright please answer it.

RESPONSE (COUNCILLOR MRS. CARTWRIGHT):

I must stress that the newsletter stated "new investment", purely this means in addition to all the measures we've currently put in place to work towards meeting our affordable housing needs.

Question 4

QUESTION (COUNCILLOR FINES):

Mr Chairman, in the agenda before us I read with interest at page 5, that the political balance of the council was made up of 33 Conservatives, 9 independents, 7 Labour, 4 new independents and 4 Liberal Democrats. I was therefore amazed to read in the Truesdale ward manifesto of the Liberal Democrats that the candidate hoped to join with THREE named councillors who she said, are "already the most effective GROUP in SKDC Council chamber". Therefore Mr Chairman, is the distribution of seats, which has to be done on a political balance basis, now correct as in their own leaflets the Liberal Democrats only have 3 councillors and the political statement figures show four?

RESPONSE (COUNCILLOR G. TAYLOR):

Thank you Councillor Fines for asking me to speculate on the relationships between the members of the Liberal Democrats. Unfortunately I have not the requisite knowledge to provide a detailed response, however I have ascertained from the Chief Executive that under the Local Government Act, the leader of the Liberal Democrat group has declared that his party comprises 4 members and at the time of preparing this response (24th May) there has been no change notified to the Chief Executive.

I understand that irrespective of any information given, or inferences drawn from material elsewhere, the Liberal Democrats group comprises those people notified to the Chief Executive until such times as he is informed of any changes.

COUNCILLOR FINES:

I think this question's already been answered earlier in the session, thank you, I'll withdraw mine.

Question 5

QUESTION (COUNCILLOR MARIN-MAYHEW):

Councillor Cartwright, in view of all the misleading information in a Liberal Democrat leaflet that was given out in the Truesdale ward by-election over the possible Large Scale Stock Transfer, is the council going to correct the information given to all houses in the ward or just the tenants, all of whom have been so badly misled.

Can you also please advise where the funding for this remedial work will come from, or is the council able to bill the costs back to the candidate or the 3 councillors named on the leaflet who allowed such distortions to be delivered as part of an election leaflet.

RESPONSE (COUNCILLOR MRS. CARTWRIGHT):

There is a duty placed on us to correct any misinformation that reaches our tenants so we will indeed be writing to every tenant in the Truesdale Ward. Unfortunately this is a cost which will have to be borne by us as part of the preparation for a vote and it will come from the money set aside for the communication budget.

As Councillor Martin-Mayhew was not present at the meeting, there was no supplementary question.

Question 6

QUESTION (COUNCILLOR MOORE):

Councillor Smith, I read in the Trusedale ward manifesto that the Liberal Democrat candidate who wished to join "the most effective group in SKDC Council" states that the current administration, of which I am proud to be a member, has no established policy for economic development. Councillor Smith can you please reassure me and the other members of the council who approved the budget about two months ago, that we do have a robust economic development policy and that we are on target to deliver on it as stated?

Do you think there is an obligation on sitting councillors to ensure that any election material that is put out and in which their names appear is factually correct in respect of any statements that the material makes?

RESPONSE (COUNCILLOR SMITH):

I certainly agree that there should be an obligation on sitting Councillors to ensure that any electoral material put out, and in which their names appear, is factually correct in any statements that the material makes.

It is not true that South Kesteven District Council has no established Economic Development Policy. An adopted Economic Development Strategy is in place with an Action Plan which is being delivered and I have brought a copy of it with me this afternoon. I would like to confirm that all the relevant Performance Monitoring Figures for the year 2005/6 are Green in our traffic light system of reporting.

Obviously a Candidate and a sitting Councillor were not sufficiently interested in Economic Development to know of the importance which we give to it in South Kesteven and to celebrate our successes. It is especially pleasing, at this time, to receive a letter thanking me personally for my help and support and that of fellow Councillors and Officers in progressing a major project, namely the new Ampy Facility at Northfields in Market Deeping.

SUPPLEMENTARY QUESTION (COUNCILLOR MOORE):

Councillor John Smith, thank you for reassuring the Council that we do have a robust, on-target, economic policy. Would you agree that the continuation of this policy will ensure that South Kesteven remains a very attractive place for new businesses to be set up in and existing businesses to expand, thus ensuring there will continue to be very low levels of unemployment in this District.

RESPONSE (COUNCILLOR SMITH):

Yes, Chairman, these are the documents I referred to in my answer which has been tabled. I would also like to say that the Council will also see that there is an adequate allocation of employment land made within the emerging LDF within all parts of our District.

Question 7

QUESTION (COUNCILLOR MOORE):

Councillor Auger, are you aware of any projects which could be potentially damaging to the environment in Stamford? Have any council members made you aware of their concerns over potential damage to the environment in the Stamford area?

I ask this question because in the Trusedale ward election Liberal Democrat manifesto, the candidate states that 'we' are watching with interest proposals in Stamford, to ensure environmental damage is not needlessly done.

To allow environmental damage to be done when you are aware of the potential danger is absolutely criminal. To be aware of an upcoming problem and not to notify the person who has the ability to resolve the matter is even worse and reduces the credibility of all councillors to the level of the perpetrator.

RESPONSE (COUNCILLOR AUGER):

Thank you Councillor Moore. I am pleased to report that having checked with Environmental Health, that there is only one area of contamination in Stamford, Wharf Road Car Park, this is an area that is subject to Remediation Works, and my colleague Cllr John Smith approved on 13th March 2006 the tender for this work.

No Council members to date have raised concerns about potential environmental damage in the Stamford area.

SUPPLEMENTARY QUESTION (COUNCILLOR MOORE):

If any current Liberal Democratic Councillors are aware of any project that would be environmentally damaging to Stamford, do you think they now have a clear duty to make the Council immediately aware so that action can now be taken to prevent the project going ahead?

RESPONSE (COUNCILLOR AUGER):

I fully endorse the comments of Councillor Moore. It's an obligation on all Council members if they have any concerns at all to contact ideally the Portfolio Holder and the Council.

Question 8

QUESTION (COUNCILLOR BRAILSFORD):

Councillor Cartwright, in the Truesdale ward Liberal Democrat manifesto by a candidate wishing to join what she states is "the most effective group in the SKDC Council chamber" (3 members) there is a statement where she says that 'there are many issues to be addressed' and the first item is 'affordable housing to keep young people in their home areas'.

I am extremely concerned as I am aware that affordable housing is in fact, one of the council's priority A areas. Can you please reassure me and the rest of the council that our housing allocations policy does in fact try to achieve keeping young people in their home areas in affordable housing, and that our lettings policy is in line with the prescribed regulations as laid down by central government. This assurance will I am sure be welcomed by all the people who read her leaflet and go some way to undoing the damage that her statement did.

RESPONSE (COUNCILLOR MRS. CARTWRIGHT):

The council has a detailed action plan for providing affordable housing and as members will be aware our allocation policy does provide points for local and village connections. I can also confirm that the policy reflects the national code of guidance for best practice.

SUPPLEMENTARY QUESTION (BRAILSFORD):

The reply refers to a detailed action plan and the supplementary action plan is quite simply: what is in the action plan and what has been achieved so far? Thank you.

RESPONSE (COUNCILLOR MRS. CARTWRIGHT):

Thank you Councillor Brailsford. This gives me great delight to tell you what is in the action plan and what we've achieved. In the action plan we've section 106 negotiated and we've negotiated 362 units. We're working with our registered social landlord partners and we have a partnership agreement signed with preferred partners and new partners are approaching us all the time to sign up. We have additional units delivered of 112 this year against the target of 80. We have housing corporation funding promised over the next two years. This has been... in. It's £6.6 million ...in from the Housing Corporation to be spent over the next two years. We have proposed changes to affordable housing planning policy put into the LDF to ensure affordable housing in rural areas and of course if stock transfer does go through then we have 30% of net receipt after protecting the general...to be applied to affordable housing. I think you'll agree that's a very good action plan with some jolly good things coming out of it. Thank you.

Question 9

QUESTION (COUNCILLOR TURNER):

Councillor Carpenter, as the portfolio holder with responsibility for access and communications, can I ask for your comments on the statement made in the Liberal Democrat Truesdale ward by-election leaflet 'that the local administration is failing to either lead or listen.'

Perhaps the three councillors, who joined with the unsuccessful candidate on her manifesto could have helped local democracy, if they had wanted to be positive about democracy, by publicising the good work done rather than being so negative.

RESPONSE (COUNCILLOR CARPENTER):

In my opinion this administration has instigated more means of public engagement than ever before. There are Area Assemblies that cover all areas of the district. We have a better and more informative website, including the online fora, than we have had previously and we have had more consultation processes over the priorities than ever before. We have even been awarded a grant from the Department of Constitutional Affairs because we have put forward projects that have gained their approval. (Only nine other councils have received this). We are currently in the process of holding the first of a series of 'On line Juries' and we have already held an 'offline' version of these juries in the council chamber. To therefore state that we neither lead nor listen is to my mind totally misleading.

Councillor Carpenter was not present at the meeting, there was no supplementary question.

Question 10

QUESTION (COUNCILLOR MOORE):

Leader, you would have seen in the previous questions, widespread concerns at misleading statements being made by Mrs Tanner the Liberal Democrat candidate in the by-election at Truesdale ward.

Can you please, at the next group leaders' meeting, bring to their attention the damage that is being done to democracy, the reputation of all councillors and the council itself by all this negative and misleading information.

I am delighted to see that the public did not allow their judgement to be influenced by all the misleading pseudo information and returned Councillor Tom Webster with 45% of the vote with a 27.7% turnout. This was almost double the number of votes cast for Mrs Tanner over the candidate.

On the Liberal Democrat Truesdale manifesto I do agree with two statements that were made 'government actions have undermined local democracy' and 'government directives ignore local knowledge and opinion'. The Liberal Democrats say that they believe in more democracy not less, but to say this on a manifesto where they have made so many misleading statements that may have made the electorate consider that the council is ineffective, uncoordinated, leaderless, ignoring local wishes, delivering a bad deal, will not enhance local democracy - it will destroy it.

RESPONSE (COUNCILLOR MRS. NEAL):

Thank you for drawing this serious issue to the attention of the Council and myself. I will discuss it with the group leaders and try to ensure that everyone complies with the high standards we expect of Councillors and that sitting Councillors encourage this transparency and honesty in all leaflets.

Councillor Mrs. Neal was not present at the meeting, there was no supplementary question.

Question 11

QUESTION (COUNCILLOR SHORROCK):

How will the Local Strategic Partnership for South Kesteven develop to ensure that it 'involves the community it serves' and is 'accountable to local people' in line with government guidance for the establishment and running of LSP's?

RESPONSE (COUNCILLOR MRS. CARTWRIGHT):

Thank you Councillor Shorrock for providing me with an opportunity to promote the important work of the South Kesteven Local Strategic Partnership. As Councillor Shorrock is probably well aware, this partnership is involving the community it serves through the execution of a thorough and robust area profile (the first, I believe, to be completed in Lincolnshire) and is ensuring that it is accountable to local people by using this document to prepare a new community strategy and action plan. In addition to well attended meetings of both the executive and the full partnership, the chairmen of the local area assemblies have also been advised that the South Kesteven LSP is willing to talk about its activities and priorities at any of those assembly meetings.

I look forward to seeing Councillor Shorrock at any of these meetings in the future.

Councillor Mrs. Neal was not present and Councillor Shorrock had left the meeting, there was no supplementary question.

Question 12

QUESTION (COUNCILLOR SHORROCK):

In the recent report from the Gateway Review of priorities (Cabinet Report CEX326 8th May), it was reported that there were 'concerns over whether the management solely by TCMPs was the most appropriate way for facilitating improvement.' What were these concerns and how should they be addressed?

RESPONSE (COUNCILLOR SMITH):

Town Centre Schemes and Improvements by their complexity take some time to prepare and implement. They are costly and it is recognised that Councils cannot finance them alone. Some grants can only be accessed by bodies such as Town Centre Management Partnerships and there are various forms of Companies which can be more appropriate vehicles for optimum delivery. Members wish to ensure that all TCMP's have the best constitution for their individual needs. I would confirm that in this respect Stamford Vision has become a Community Interest Company. Grantham Future will be having a presentation from Legal Experts to make sure it has the best structure to deliver its vision. At the moment Bourne and Deeping do not have Companies, but are being reorganised for the same reason and will consider them in the future if felt necessary.

Councillor Shorrock had left the meeting so there was no supplementary question.

Question 13

QUESTION (COUNCILLOR SHORROCK):

Amber Valley Council transferred their Housing Stock to Amber Valley Housing in February 2003. According to their published Annual Report, a full 2 years later in February 2005 Amber Valley Housing had managed to increase the total number of properties for rent by a mere 14 out of over 5,300. That is an average of just 7 properties a year. What are her ambitions for increasing housing stock if stock transfer goes ahead?

RESPONSE (COUNCILLOR MRS. CARTWRIGHT):

I am not one to stand on ceremony but could I please request that you at least address me by my correct name Cllr. Shorrock?

My ambition for increasing affordable housing is to work with all of our partner RSL's.

Question 14

QUESTION (COUNCILLOR SHORROCK):

At 31st March 2005, this council held over £9 million pounds in the Major Repairs Reserve given to it by the Government as Major Repairs Allowance but not spent by this Council on Housing. How much of the Major Repairs Allowance given by the government to this council to spend on housing was spent on housing in the 3 year period from 1st April 2002 to 31st March 2005?

RESPONSE (COUNCILLOR MRS. CARTWRIGHT):

The council is still in the process of closing it's accounts for the year ended 31st March 2006. They will be approved at the Constitution and Accounts committee on the 29th June once the accounts are closed.

Question 15

QUESTION (COUNCILLOR GIBBINS):

Should Stock Transfer proceed then there will be a contract between this council and SLH. Clearly any contract will only be really useful and effective if the terms of that contract are monitored and, if need be, enforced. Can a clear and unequivocal guarantee be given that contract will be formally reviewed by SKDC every 6 months to ensure compliance and for the outcome of that review to be reported to this council?

RESPONSE (COUNCILLOR MRS. CARTWRIGHT):

The contractual relationship formed as part of any future LSVT will include monitoring arrangements to ensure that the promises to tenants, contained in the offer document, are delivered by the new landlord.

SUPPLEMENTARY QUESTION (COUNCILLOR GIBBINS):

The crucial words in the question are "to ensure compliance" so I wanted to know who will monitor and who will ensure compliance?

RESPONSE (COUNCILLOR MRS. CARTWRIGHT):

The problem of monitoring will be determined as part of any post-ballot negotiations between the Council and South Lincs Homes and I'm sure you wouldn't want me to pre-judge the outcome of the tenants ballot and that is open thing we'll discuss post-ballot.

Question 16

QUESTION (COUNCILLOR GIBBINS):

Does she believe that the contents of Your Home Your Choice issue No 3, sent to all tenants and councillors, presents matters in a way which is fair, impartial, unbiased and accurate?

RESPONSE (COUNCILLOR MRS. CARTWRIGHT):

I am surprised at you Cllr. Gibbins, I would have thought that you would have preferred to ask your own question. However to ensure best use of council time, perhaps you can inform me which particular article in issue 3, you think has not been approved by the Legal Advisors, Independent Tenant Advisors, The Housing Corporation, Tenant communications group, etc. etc.?

SUPPLEMENTARY QUESTION (COUNCILLOR GIBBINS):

I just didn't feel that my question had been answered. All I required was a simple yes or no. Do you believe the contents sent to all tenants present matters in a way which is fair, impartial, unbiased and accurate.

RESPONSE (COUNCILLOR MRS. CARTWRIGHT):

I think Councillor Gibbins may remember that I've answered this question at two previous council meetings, both put by Councillor O'Hare. That is said I put did she not wish to ask her own question. The answer is definitely. Yes.

