



MINUTES

COUNCIL
THURSDAY, 7 SEPTEMBER 2006
2.00 PM

PRESENT

Councillor Gerald Taylor Chairman

Councillor Ray Auger
Councillor Pam Bosworth
Councillor David Brailsford
Councillor Teri Bryant
Councillor Paul Carpenter
Councillor Mrs Frances Cartwright
Councillor Elizabeth Channell
Councillor George Chivers
Councillor Nick Craft
Councillor Mike Exton
Councillor Brian Fines
Councillor Donald Fisher
Councillor Mrs Joyce Gaffigan
Councillor Harrish Bisnauthsing
Councillor Bryan Helyar
Councillor Stephen Hewerdine
Councillor Reginald Howard
Councillor John Hurst
Councillor Mrs Maureen Jalili
Councillor Kenneth Joynson
Councillor Mrs Rosemary Kaberry-Brown
Councillor Albert Victor Kerr
Councillor John Kirkman
Councillor Reg Lovelock M.B.E.

Councillor Andrew Roy Moore
Councillor Mano Nadarajah
Councillor Mrs. Linda Neal
Councillor John Nicholson
Councillor Stephen O'Hare
Councillor Alan Parkin
Councillor Stanley Pease
Councillor Mrs Angeline Percival
Councillor Mrs Margery Radley
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 Thomas John Webster
Councillor Graham Wheat
Councillor Mrs Mary Wheat
Councillor Avril Williams
Councillor Mike Williams
Councillor Paul Wood
Councillor Mrs Azar Woods

OFFICERS

Chief Executive □ Strategic Director □ Director
of Tenancy Services

OFFICERS

Monitoring Officer (Solicitor to the Council)
Director of Tenancy Services
Scrutiny Officer

57. PUBLIC OPEN FORUM

Question from Mrs. Mary Patrick, Essex Road, Stamford to Councillor Cartwright

Mrs. Patrick:

Councillor Mrs Cartwright, please can you tell me why adaptations are taking so long?

Reply (Councillor Mrs Cartwright):

This is a very timely question Mrs Patrick. We have been working to clear the backlog of 140 from last year but have been hampered by lack of staff in key posts.

We have now engaged consultants to speed the whole process.

Mrs. Patrick (Supplementary question):

Thank you Mrs Cartwright but there are 129 jobs still outstanding and there is a two-year delay for amputees getting facilities for cleanliness and everything – I think this is appalling. There has been a £600,000 budget since April; the total cost of those 129 jobs that need doing on average is £500,600. So, why has there been an almost 9 month delay using the £600,000 because my tenants are suffering, really suffering.

Reply (Councillor Mrs Cartwright):

We do apologise to tenants. We appreciate that each one of them deserves the adaption that has been put forward. What we have actually said was, to be fair, we would use a system of going for the ones that have been longest in the system. This doesn't always make things easier, because some of them might be a little bit harder to do. We are doing our best to catch-up on this backlog now.

[End of public open forum: 14:10]

The Chairman notified the Council that he had agreed to take an urgent item, namely the report on the SKDC Pension Policy, the "local scheme" as a result of legal opinion received on this matter and the consequent need to expedite matters. This would be considered as agenda item 10a.

58. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Conboy, Dexter, F Hurst, J Hurst, N Radley, Steptoe and Turner.

59. DECLARATIONS OF INTEREST

Councillors Kirkman, Thompson, Mrs Percival, M Williams and Mrs Woods declared prejudicial and personal interests in Agenda item 9 relating to large scale voluntary transfer.

Councillors Bryant, Carpenter, Mrs Neal and John Smith declared personal interests in Agenda item 6 relating to the Welland Joint Committee.

60. MINUTES OF THE ORDINARY MEETING HELD ON 25TH MAY 2006, THE EXTRAORDINARY MEETINGS HELD ON 22ND JUNE 2006 (TWO MEETINGS), AND 20TH JULY 2006 (TWO MEETINGS). (ENCLOSURE)

The minutes of the meeting held on 25th May, 22nd June, and 20th July 2006 were signed as a correct record by the chairman subject to the following:-
25th May – Questions without discussion: Question 11: The response was by Councillor Mrs Neal not Councillor Mrs Cartwright.

20th July (2.00pm meeting) – Page 4, Minute 51 last paragraph, line 7 – replace “unbiased” with “biased”

20th July (4.00pm meeting) – It should be noted that none of the members who had declared prejudicial interests in this matter had taken part in the discussions or voting. Also this meeting was not headed up as an extraordinary one.

The Chief Executive advised that minutes were a record of what had taken place, events that did not take place could not be recorded in the minutes.

61. COMMUNICATIONS (INCLUDING CHAIRMAN'S ENGAGEMENTS)

The Chairman announced that, following a straw poll of members, the committee rooms in the Civic Suite would henceforth be known as

Chairman's Room – Witham Room
Committee Room 1 – Welland Room
New Committee Room – Glen Room

Committee Room 2 would serve as the Chairman's Room for the time being but in future it will revert to being the Chairman's Room and be known as such.

The Chairman advised that one item listed in his list of civic events (Presentation of prizes for the Golding Shield) had not taken place due to the inclement weather.

**62. WELLAND JOINT COMMITTEE - SHARED PROCUREMENT SERVICES
DECISION:**

That this Council delegates to the Welland Joint Committee authority to carry out the functions of procurement.

The Council had before them report DLS 82 of the Legal Services Manager which recommended that the council should delegate to the Welland Joint Committee authority to carry out the functions of procurement on behalf of the District Council, in the interests of economy and efficiency. There was no duplication in respect of the Council's other arrangements with Lincolnshire County Council.

The motion was proposed by Councillor Bryant and duly seconded. Councillor Mrs Woods moved an amendment that the Council ask for further details on what the items for procurement were and what procedures the council was going to follow. This amendment was duly seconded, voted upon and lost.

A member asked whether the ethical side of procurement would be referred back to the Council for agreement. The Chief Executive advised that a delegation would not allow this but that this was a matter that could be subject to scrutiny. Concerns were also expressed about the possible effects on small businesses, but the contrary view was expressed that small businesses might benefit from this approach.

The substantive motion was put the vote and carried.

63. MEDIUM TERM FINANCIAL STRATEGY
DECISION:

That the medium Term Financial Strategy attached as Appendix A to report CHFR15 be approved

The Council had before them report CHFR15 of the Corporate Head of Finance and Resources which set out the Medium Term Financial Strategy 2006/7 to 2011/12 plus a budget preparation strategy for approval.

The strategy identified a number of fundamental principles, which may be summarised as;

Principle 1 – The Community Strategy, Corporate Plan and Annual Performance Plan drive the allocation of resources

Principle 2 – Manage financial resources to achieve efficiency and value for money, whilst maintaining a balance between quality and cost effectiveness

Principle 3 – Maintain flexibility to respond to a changing local government environment

Principle 4 – Maintain a substantial revenue budget

Principle 5 – Maintain a prudent approach when making estimates of external funding from Government

Principle 6 – Identify and seek opportunities for external funding whilst maintaining prudent estimates of realisable funding

Principle 7 – Manage the Council's assets, reserves, balances and receipts to optimise financial returns for future investment in the Council's priorities for the benefit of the community

Principle 8 – Maintain a robust capital strategy to support deliverable medium

term capital programmes

Principle 9 – Improve treasury management performance

Principle 10 – Balance the need to meet local taxation demands with community aspirations and ability of local taxpayers to meet them

Principle 11 – Maintain a robust fees and charges strategy

Principle 12 – Manage the impact of the introduction of local area agreements

Principle 13 – deliver the priorities of the Council without exposing the Council to unnecessary risks by targeting the use of resources linked to corporate risk

Principle 14 – Manage the financial viability of the housing revenue account (HRA) and ballot tenants on the preferred option of LSVT to provide the investment required to deliver tenant aspirations.

The Chairman of the Resources DSP confirmed that the draft Strategy had been scrutinised at the DSPs last meeting and it would be subject to further scrutiny at the next meeting of the Resources DSP on September 28th.

Questions and comments were also made by members in relation to

- The national bus pass scheme due for implementation in April 2008
- The level of reserves in the pension fund
- Tourism

The motion was moved, duly seconded and carried.

64. STAKEHOLDER CONFERENCE: 7TH DECEMBER 2006
DECISION:

That the Council approve the format of the annual Stakeholders Conference from 10.00am to 4.00pm on 7th December in the form of a parish and town council conference, with all councils within the District being invited to send delegates, the exact numbers per council to be agreed with the Lincolnshire Association of Local Councils (LALC), but to be a maximum of two per council.

The Council considered report CEX348 of the Chief Executive which advised that, following discussions with LALC, it was proposed the this year's annual stakeholder conference should take the form of a parish and town councils conference. The timing would provide an opportunity to consider the contents of the green or white paper expected to be issued shortly.

The motion was proposed, seconded and carried.

65. LARGE SCALE VOLUNTARY TRANSFER: EXTRAORDINARY MEETING OF THE COUNCIL - 12TH OCTOBER 2006

DECISION:

(1) That the responses from tenants be considered initially by a joint meeting of members of the LSVT Working Group and the Offer Review Working Group and that they make recommendations to Council as to the content of the Council's Stage 2 Notice;

(2) That the Council considers the responses from tenants and the recommendations from the joint meeting of the above working groups, then decides on the content of the Stage 2 Notice at an extraordinary meeting of the Council to be held on 12th October 2006; and

(3) That the provisional arrangements made for conducting the ballot, as detailed in the report, be approved.

Councillors Kirkman, Mrs Percival, Thompson, M Williams and Mrs Woods declared personal and prejudicial interests in this item, left the room during its consideration and took no part in the discussion or voting thereon.

Further to the extraordinary meeting of the Council held on 20th July 2006, the Council considered report TSE9 of the Director of Tenancy Services which explained the process from the issuing of the formal consultation (offer) document through to ballot, including the consideration of responses from tenants and the arrangements made for conducting the ballot.

Since the start of stock transfer ballots nationally in 1988 all such ballots had been conducted by Electoral Reform Services (ERS) who had developed a national reputation for efficiency and impartiality at modest cost, it was therefore proposed to use ERS to conduct the ballot. The ballot paper and question had been agreed by the LSVT Working Group and ERS would send this to all tenants as notified by the Council, there would also be an advice line for tenants run by ERS. The ballot was secret and would not reveal to the Council until the end of the process which way tenants had been voting. The Chief Executive would ask ERS if information as to the total number of votes cast per ward was available.

In response to a question by a member, it was confirmed that the ballot was likely to take place in November 2006.

The motion was duly moved, seconded and carried.

(The Council adjourned from 3.35-3.50pm)

66. MEMBERSHIP OF THE CHIEF EXECUTIVE'S APPRAISAL AND APPOINTMENT PANEL

DECISION:

That,

- (1) In future the Chief Executive's appraisal panel comprise three members, two from the Administration Group (The Leader and Deputy Leader) and one nominated by the largest minority group on the Council; and**

(2) No substitutes be allowed.

The Council consider report CEX347 of the Chief Executive on the composition of the Chief Executive's appraisal and Appointments Panel, which also formed the Panel for the appointment of strategic directors. During the course of the introductory remarks the Chief Executive declared a personal and prejudicial interest in this matter and left the Chamber during its consideration.

In introducing this item, the Leader of the Council explained that Membership of this Panel had been determined at the Annual Council meeting on 25th May 2006. The report advised that the Panel was subject to the rules of proportionality although the allocation of seats to the non administration groups could be varied by agreement. Council discussed whether the Panel should be comprised of three, four or five members, the view was expressed that an odd number was better than an even one, to avoid a situation where the casting vote would have to be used. One view expressed was that it should be five in order that more than two political groups (plus the Administration Group) would be able to take part in the Chief Executive's appraisal.

The Leader of the Council commented that this report was not politically motivated and she would not make appointments on political grounds, the recent process for the appointment of DSP chairmen was evidence of this.

The motion was duly proposed, seconded and carried.

**67. SKDC PENSION POLICY: THE LOCAL SCHEME
DECISION:**

That,

(1) the Council endorse the following actions taken by the Chief Executive:

- i. The enquiry into the lawfulness of the local scheme;**
- ii. The suspension of this scheme in the light of the information received;**
- iii. The intention to notify all persons who have benefited from the scheme once the case by case review is concluded;**
- iv. The launch of an investigation into how the current**

scheme came to be established, what professional advice was provided at the time, how the scheme has been operated and whether members have been kept informed;

- (2) That a panel comprising the Leader, Portfolio holder for Resources and Chairman of the Resources DSP be appointed to oversee the investigation referred to at (iv) above;**
- (3) That in view of the legal advice received the Council terminates the local scheme provisions within the approved pension policy forthwith; and**
- (4) That a further report be made to the next ordinary meeting of the Council.**

The Chairman gave notice that he would allow this item to be considered as urgent business because of the need to take action and begin investigations into this matter as soon as possible in view of the legal advice received from Counsel.

Council had before them report CEX352 of the Chief Executive which advised that the impending legislative requirements in respect of age discrimination had triggered a fundamental review of the Council's pensions policies and practices. As part of this review the current pensions policy, and in particular the so called "local scheme" initiated in 1996, had been referred to Counsel whose opinion was that it was unlawful. The Chief Executive had therefore suspended the scheme pending this report to Council and the seeking of a second opinion.

It was confirmed that those Members who were Members of the Council when the scheme was introduced in 1996 did not have an interest to declare at the present time.

The scheme was now being reviewed on a case by case basis. Internal and external audit were being kept informed and the actions of the Chief Executive had been endorsed by the Council's Monitoring Officer and S.151 Officer.

After discussion, the motion was duly moved, seconded and carried.

68. QUESTIONS WITHOUT DISCUSSION.

Six 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.

69. CLOSE OF MEETING

The meeting closed at 16:53.

COUNCIL 7th SEPTEMBER 2006

QUESTIONS WITHOUT DISCUSSION

QUESTION 1

QUESTION (COUNCILLOR SELBY):

With reference to my question about LSVT at the previous Extraordinary Council meeting on Thursday 20th July 2006; Do you stand by your comment made during that meeting when you stated that there is 'NO DIFFERENCE' between an Assured tenancy agreement and a Secured tenancy agreement and that it is only a legal term?

RESPONSE (COUNCILLOR MRS CARTWRIGHT):

No Councillor Selby, I was wrong to oversimplify it. The attached table extracted from the offer to tenants demonstrates that existing tenants who would become assured tenants as the result of a transfer would have their existing rights, (with the exception of the right to manage) not only maintained but indeed enhanced. In addition, South Lincolnshire Homes has developed a policy of working with Tenant Management Organisations, which is something we have not done previously.

So perhaps you will forgive me, bearing in mind that SLH has agreed to extend tenants rights to match and improve on those of the Council.

<u>Rights</u>	<u>with the Council</u>	<u>with SLH</u>
The right to buy Your home with a Discount	Yes	Yes (called the preserved right to buy)
The right of Succession	Yes	Yes and includes an extra right
The right to live in Your home without The threat of being evicted Without good cause	Yes	Yes
The right to transfer And exchange	Yes	Yes
The right to sub-let or Take in lodgers	Yes	Yes
The right to repair	Yes	Yes
The right to carry out Improvements	Yes	Yes

The right to be Consulted	Yes	Yes
The right to information	Yes	Yes
The right to manage	Yes	No
The right for your T.A. not To be changed (except for Rent and service charges) Without your consent	No	Yes
A legally binding rent increase Guarantee	No	Yes

SUPPLEMENTARY QUESTION (COUNCILLOR SELBY)

For me, the important issue with the stock transfer is not so much how the tenants vote but whether the tenants have been given all the facts in an honest and open manner. The way they vote is their prerogative. As a secure tenancy agreement is guaranteed by statute, therefore when it comes to a court of law, an assured tenancy agreement is possibly not worth the paper it is printed on and I would like to highlight this in relation to potential evictions due to, say, rent arrears. Therefore, in the interests of honesty and openness, would Councillor Mrs Cartwright like to highlight these differences in the media for the benefit of the tenants or would you like me to offer a helping hand and do it for you and can you explain what you mean when you say that South Lincolnshire Homes has developed a policy, when this organisation does not exist yet?

RESPONSE (COUNCILLOR MRS CARTWRIGHT):

I assume that your original question had the interests of our tenants at heart and therefore I was speaking from the heart when I said there was no difference, as tenants clearly gain more than they lose, if you look at the table. All the information you want is in this table that I have given you or in the offer document. If you have difficulty understanding that, the officers would be delighted to explain it to you and it is in the offer document, therefore already in the public domain.

QUESTION 2

QUESTION (COUNCILLOR SELBY):

If you are unaware I would like to highlight to you that the waste recycling site at Alexander Road, Grantham will not accept Asbestos waste from residents and therefore I suggest to you that this is a possible contributing factor for some of this potentially dangerous waste being fly-tipped in our district. Although I accept that the Alexander Road depot is run by the County Council, What if anything are you going to do about this problem?

RESPONSE (COUNCILLOR AUGER):

We will collect asbestos, to offer this service for small amounts of asbestos the cost is disproportionately high, however if there are large amounts then we would refer them to Mid UK who operate an asbestos collection service, yet again the cost is relatively high, the vast amount of asbestos that is being fly tipped is not in small quantities , I suspect that this is trade waste which we do not collect, I have to say that we do not get a great deal of asbestos fly tipped, although unfortunately the one area which seems to be suffering more than most is the Colsterworth area.

SUPPLEMENTARY QUESTION (COUNCILLOR SELBY)

Contrary to what you say in your reply, Alexandra Road will not accept small amounts of asbestos. So if the district or the county council will not safely dispose of this waste, then it is obvious what will happen and fly tipping will occur. It appears that my ward is becoming a dumping ground for this waste. Will you kindly look into this further for us, please?

RESPONSE (COUNCILLOR AUGER):

Alexandra Road will collect small amounts of asbestos in a red bag at a cost of £50 per bag. Providing the asbestos is in that purchased bag, it will be collected, but only in small amounts. Hence, the statement I made here that it is a relatively high cost. Trade waste is a different sort altogether and they will apply to MidUk who run an asbestos collection service.

QUESTION 3

QUESTION (COUNCILLOR MOORE):

It was noted in the minutes of the council of 22 June that that there were a number of vacancies in the Financial services area. Can the portfolio holder please advise on progress in staffing this priority A area.

RESPONSE (COUNCILLOR BRYANT):

There were eight vacancies at various levels across the financial services area. Seven positions were suitably recruited and five accepted the job offer. The intention is to re-advertise in September to fill the remaining vacancies. Please note that it is a phased, staggered start of these replacement staff due to their various periods of notice.

SUPPLEMENTARY QUESTION (COUNCILLOR MOORE)

Councillor Bryant, I am sure you will agree with me that it is important to encourage the maximum possible members participation in the 2007/08 service plans and the zero-based budgets. In order for this to happen, members will need ample time to review those service plans and budgets. Are you therefore able to assure members that there will be sufficient resources within financial services to enable timely preparation of the service plans and the related zero-based budgets?

RESPONSE (COUNCILLOR BRYANT):

The simple answer is: no, I can't do it at the moment because we are still missing three people and there is a phased introduction. But, the information I've had is that we are going to do our damndest to get there and do it.

QUESTION 4

QUESTION (COUNCILLOR MARTIN-MAYHEW):

Cllr Cartwright has the correction of information been given to all the residents of council property in the Truesdale ward re large Scale Voluntary Transfer. The necessity of this action was we know brought about by the disinformation in the leaflets that were put out by the Liberal democrats in the by election. Can you please advise what the cost of this action was to the council.

RESPONSE (COUNCILLOR MRS CARTWRIGHT):

Yes Councillor. Unfortunately we are obliged by the Housing Corporation, to correct mis- information that is given to our tenants and so every one of our council tenants in the Truesdale ward was sent a letter by the Bridge Group, who are our communication consultants. The cost of this was £76 (£5 printing, £41 postage, and £30 officer time).

Sadly we could not justify the expense of correcting this mis-information to all the other residents in the ward.

QUESTION 5

QUESTION (COUNCILLOR MIKE TAYLOR):

Madam Leader can you give the council a succinct update on the current position reference the Grantham Hospital following the apparently successful meeting that was held in this chamber.

RESPONSE (COUNCILLOR MRS NEAL):

Well, Councillor Taylor, I really wish that I had good news to announce in that Grantham hospital's future was secure with a growing agenda for service delivery and patient care. However this is not the case.

Unfortunately owing to circumstances pertaining to the hospital trust the consultation promised has yet again been delayed leading to prolonged uncertainty. I am in two minds as to whether this is a good or a bad thing. The good thing is that all the services currently provided on the Grantham site are continuing presently (not diminishing) but would we, the council, and the community, prefer the certainty of knowing the reality of Grantham hospital's future?

SUPPLEMENTARY QUESTION (COUNCILLOR MIKE TAYLOR):

I thank the Leader for the answer and I am dismayed at the answer. My question is: is she of the same opinion as me that all does not bode well for the

health service within Lincolnshire or in the fact of the Treasury announcement that the Chancellor of the Exchequer intends to cut the National Health Service budget?

RESPONSE (COUNCILLOR MRS NEAL):

I wasn't aware of that announcement but if that proves to be the case, then I would be absolutely dismayed because clearly with the existing budgets we all know that health provision within Lincolnshire is in absolute quandary about where it should go because clearly there is not enough money to go around. And if there isn't enough money to go round, we all know what that means: that the service levels cannot continue to exist in the format with which they are currently running, and that means something has to give. I sincerely hope that we will be able to overcome these difficulties and the information that you have provided about cutting the health service budget does not materialise. At the end of the day, people have paid to have a national health service; they pay through their earnings and contribute to the National Health Service and the National Health Service should deliver the service that the community and contributors through tax and national insurance should deliver what those people have paid for. Particularly with the elderly: they will have had an expectation, through their lives they have paid for a National Health Service and now it is failing them because they can't get the treatment they want when they want it and where they want it. And so I am absolutely dismayed to hear what Councillor Taylor has said about the Treasury cutting the health service budget.

QUESTION 6

QUESTION (COUNCILLOR BRYANT):

Mr Chairman I am offended that comments on my health affecting my judgement were made by the leader of a group despite all the equalities training that is offered to councillors. Despite subtle prodding in this chamber there has been no apology. At the last council meeting, and personally just as hurtful to me, comments were made about the way I personally addressed a fellow councillor. The fact that this comment about me 'sneering' was retracted when challenged is no comfort. The comments should not have been made as per the code of conduct which, incidentally was modified at the request of the Labour party following their motion to the full council. Can I ask you Mr Chairman to ensure fair play and honesty ensues and that offensive personal comments are not tolerated in this chamber or even in literature that councillors put out.

RESPONSE (COUNCILLOR G TAYLOR):

This is indeed an interesting question – not least because it seems to ask that I do something in the future, and not answer for past actions. Nevertheless, it gives me the opportunity to reiterate what I said in this chamber on 27 April 2006 when I had the privilege of being elected as your Chairman, and is recorded in précis form as minutes approved by Council on 25 May 2006.

These say that I expressed the hope that Councillor colleagues would maintain the highest standards of debate, demeanour, deportment and dress, and that business would be conducted in a congenial atmosphere.

These words were no mere hyperbolic semantics, but were meant to be taken with some seriousness. I wish to assure not only Councillor Bryant, but all fellow Councillors, that these are still my aims but this time I leave it to each individual to ask themselves "Am I living up to these high ideals, if not why not, and what should I do about it?"

As regards literature issued outside this chamber, Councillor Bryant will be aware that Chairman of Council have very little control over this aspect, and nor should they. However, I express the hope that all Councillors are aware of the legal framework under which we all operate.

SUPPLEMENTARY QUESTION (COUNCILLOR BRYANT):

I just want to say thank you for your succinct answer and I hope you use the gavel very firmly if you think it appropriate, Mr Chairman.

RESPONSE (COUNCILLOR G TAYLOR):

I certainly hope that members, one of whom has left today, take these things to heart because I think they are very important and if we let standards slip, they will keep slipping and I am determined they won't.