

# MINUTES

COUNCIL

THURSDAY, 19 JUNE 2008

2.00 PM



## PRESENT

Councillor Mike Exton Chairman

Councillor Bob Adams  
Councillor Ray Auger  
Councillor Harrish Bisnauthsing  
Councillor Christine Brough  
Councillor Robert Broughton  
Councillor Paul Carpenter  
Councillor Mrs Frances Cartwright  
Councillor Elizabeth Channell  
Councillor George Chivers  
Councillor Michael Cook  
Councillor Nick Craft  
Councillor Alan Davidson  
Councillor John Dawson  
Councillor Stuart Farrar  
Councillor Mrs Joyce Gaffigan  
Councillor John Harvey  
Councillor Robert Hearmon  
Councillor David Higgs  
Councillor Trevor Holmes  
Councillor Ian Stokes  
Councillor Sam Jalili  
Councillor Mrs Maureen Jalili  
Councillor Kenneth Joynson  
Councillor Mrs Rosemary Kaberry-Brown

Councillor Albert Victor Kerr  
Councillor Reg Lovelock M.B.E.  
Councillor Stuart McBride  
Councillor Andrew Moore  
Councillor Mrs. Linda Neal  
Councillor Alan Parkin  
Councillor Bob Russell  
Councillor Bob Sandall  
Councillor Susan Sandall  
Councillor Trevor Scott  
Councillor Ian Selby  
Councillor Mrs Judy Smith  
Councillor John Smith  
Councillor Peter Stephens  
Councillor Mike Taylor  
Councillor Jeffrey Thompson  
Councillor Frank Turner  
Councillor Andrea Webster  
Councillor Tom Webster  
Councillor Avril Williams  
Councillor Mike Williams  
Councillor Paul Wood  
Councillor Raymond Wootten

## OFFICERS

Acting Chief Executive  
Strategic Directors (IY and TB)

## OFFICERS

Legal Services Manager (Monitoring Officer)



"Listening Learning Delivering"

South Kesteven District Council

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Corporate Head, Finances & Resources	Finance & Risk Management Service Manager
Corporate Head, Sustainable Communities	Democracy Services Manager
Corporate Head, Corporate & Customer Services	Principal Democracy Officer Scrutiny Support Officer

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## **24. PUBLIC OPEN FORUM**

[2:00 – 2:12pm]

### **Question 1 – From Mr T. Burns**

As Mr Burns was not present at the meeting, the Chairman confirmed that the question would not be read out and would be held over for the September meeting.

### **Question 2 – From Mrs. Mary Patrick**

#### **To Councillor Mrs. Linda Neal (Leader of the Council)**

Mrs. Neal, does South Kesteven District Council, staff and cabinet members stand by the three core values – “Listening, Learning and Delivering”?

#### **Reply from Councillor Mrs. Neal**

Thank you Mrs Patrick. The Council has agreed to the core values of Listening Learning and Delivering and we are working to apply this approach in all that we do. These values were adopted because we recognise that as an organisation delivering a variety of services there may be occasion where we have fallen short of these aims. We do hope that by listening to feedback we can learn and improve and work hard to deliver better services centred around the needs of all our customers.

#### **Mrs. Patrick’s Supplementary Question**

Mrs Neal, the reason I ask this question is there are Members in this chamber and in your staff that do not know that the District Association exists so how can they deliver, listen, learn and deliver because we are having many problems with certain parts of your

staff and certain departments. We listen, we learn and we are delivering at the DA. Because there are Councillors in here that don't know we exist. I'm sorry to have to say this and there is a lot of your staff, and they have told me, they don't know who we are and we do work very, very hard and we help this Council out in many things, we give many suggestions and we work our socks off and we do deliver.

### **Reply from Councillor Mrs Neal**

I don't think anyone would deny people like Mrs Patrick work very hard and we take on board the comments that she has made and try to make inroads into the issues that she has raised.

### **QUESTION 3 – From Mrs. Mary Patrick**

#### **To Councillor Mrs. Linda Neal (Leader of the Council)**

Mrs. Neal, have the new contractors for maintenance of Plumbing and Central Heating guaranteed a three star service?

#### **Reply from Councillor Mrs. Neal**

My understanding was Mr Chairman that you were going to direct the Question to Councillor Carpenter as that is his portfolio.

#### **Reply from Councillor Carpenter**

The obvious answer is yes, of course, Mrs Patrick, the new contractors do operate under a three star service.

#### **Mrs. Patrick's Supplementary Question**

Thank you Mr Carpenter. The reason I ask it is the question is we believe that this is going to be a sub-standard service and we, the tenants' representatives, are frightened because at the moment we are under the impression that new firm will not come out at weekends and will not come out on emergencies and this is what we are frightened of. This is why I have asked the question and I would like surely for the tenants. Thank you very much.

#### **Reply from Councillor Carpenter**

Obviously the new contractors will work under the three star service I hope that your fears are never justified. I can certainly investigate into that. I have made one or two notes with regard to the contractor

and it says here in extracts from the contract that "tenants will receive written notification of appointments for servicing appliances.....and 24 hour emergency call-out for heating breakdowns including weekends and bank holidays". Now I am assuming that you're not necessarily referring to emergency calls but standard calls. What I will do is look further into this and get more information for you Mrs. Patrick.

## **25. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Mrs Bosworth, Helyar, Howard, Jock Kerr, Martin-Mayhew, Nicholson, Mrs Radley, Mrs Spencer-Gregson and Wheat.

## **26. DECLARATIONS OF INTEREST**

The following declarations of interest were made:

Councillor Broughton declared a personal and prejudicial interest in minute 36 by virtue of owning a property with a large garden which would increase in value if planning permission were sought for development. He left the room for the duration of the item and took no part in the debate or vote.

Councillor Dawson declared a personal and prejudicial interest in minute 36 for the same reason. He left the room for the duration of the item and took no part in the debate or vote.

Councillor Thompson declared a personal and prejudicial interest in minute 36 by virtue of presently having a consultant handling the disposal of land owned by himself. He left the room for the duration of the item and took no part in the debate or vote.

## **27. MINUTES OF THE ANNUAL MEETING HELD ON 17TH APRIL 2008**

Due to the unavailability of the electronic voting system, in accordance with Council procedure rule 16.3 (b) the vote was taken by a show of hands.

The minutes of the meeting of the Council held on 17<sup>th</sup> April 2008 were confirmed as a correct record.

## **28. COMMUNICATIONS (INCLUDING CHAIRMAN'S ANNOUNCEMENTS)**

Following concerns raised at the meeting of 17<sup>th</sup> April 2008 regarding Quentin Davies' decision to sign up to the early day motion in support of allowing Gurkhas who have served four years in the British Army prior to 1997 to apply for indefinite leave to remain in the UK a letter had been sent to Quentin Davies M.P. and a copy sent to the Prime Minister's office. Circulated with the agenda were the responses received from both. The Chairman noted that the replies were not extensive and that if Mr Davies attended a future Scrutiny Committee meeting to discuss Post Office closures that the matter be raised with him at that time.

Also circulated with the agenda was a list of the Chairman's engagements which was received and noted.

## **29. SUPPLEMENTARY ESTIMATE: REVISED INCOME**

### **DECISION:**

- (1) To approve the following Supplementary Estimates together with the Summary Revenue Estimate 2008/9 and Reserves Statement as attached at appendix A of report CHFR106**
  - i. Supplementary estimate for LABGI Income be approved for £544,229 and this be transferred to the Capital Reserve to support future Capital investment to support the Council's priority for the Town Centre Development of Bourne and Grantham.**
  - ii. Supplementary estimate of £25k income from Area Based Grant be approved and this be held in working balances and allocated once the Local Area Agreement has been finalised.**
- (2) To note that the Association of District Council Debenture will be repaid on 1<sup>st</sup> October 2008**
- (3) That the Cabinet receive an update on this and makes a recommendation on the potential use of the resource once final details are announced.**
- (4) To approve the expenditure in accordance with the bid submission to the Regional Housing Board. The portfolio holder be authorised to approve the**

**expenditure upon written confirmation of the bid.  
The detail of which is:**

**£ 50,000 for a thousand property surveys by EAGA  
£100,000 for grants on non decent homes  
£100,000 for grants on warm front top up grants  
£120,000 for staffing costs  
£ 40,000 for countywide housing condition survey  
£ 40,000 for grants on empty properties  
£ 40,000 for grants on renewable heating systems**

**(5) To approve the amended capital programme as shown at appendix A of the addendum to report CHFR106 by the Resources and Assets portfolio holder and agree that the Regional Housing Board grant is utilised to finance this expenditure.**

The report numbered CHFR106 and the addendum to the report were presented and the recommendations moved by the Leader of the Council. This was then seconded. As this was the first sighting of the addendum by the Members and due to some technical difficulties with the voting system the Chairman agreed to a short adjournment of the Council.

[Adjournment between 2:18 and 2:24pm]

A debate took place and a number of issues were raised. Concerns were raised that £120,000 for staffing appeared to be a large proportion of the £490,000 received from the Regional Housing Board. There was further concern that the £544,000 mentioned in the original report was all to be invested in development for Grantham and Bourne, which were already Category A priorities, and that this was not very even handed. It was noted that the Housing Revenue Account Useable Capital Receipts Reserve was reducing considerably from £4.7m over the next few years and that this money was far better used on improving properties as soon as possible than remaining in the bank.

The Corporate Head Finances and Resources apologised to Members for the lateness of the addendum as she had been awaiting official confirmation of the award. Written confirmation was due to be received shortly. In response to the issues raised, the staffing cost of £120,000 would be entirely funded by the Regional Housing Board. It was felt it wise to include costs of delivering the programme in the bid, which included temporary staff. Therefore an extra provision for this was included in the bid. It was further noted that the £544,000

was financing in terms of the Capital Programme for previously identified expenditure. Finally, the reserves statement had not changed and the diminishing HRA Useable Capital Receipts Reserve was the same as that which had been previously seen by the Council when setting the budget. The diminishing reserves were an issue that the Council would need to address in the future. However, it was noted that the Reserve Statement would change at the closure of accounts.

The electronic voting system now having been restored to full functionality, a vote was taken on the motion and was duly carried.

### **30. APPOINTMENT OF INTERIM SECTION 151 OFFICER (CHIEF FINANCIAL OFFICER)**

#### **DECISION:**

**That the Council designate Mr Richard Wyles as the Council's acting section 151 officer with effect from 1<sup>st</sup> July 2008 until a permanent appointment of a new Corporate Head of Finance and Resources is made.**

It was noted that Under s151 of the Local Government Act 1972 the Council was required to "*make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs*".

The acting Chief Executive presented report number CHFR105 with the amendment to the recommendation to insert the word "acting" before "section 151 officer". This was then moved and seconded.

A discussion then took place and questions were raised. Members requested that the Chief Executive clarify how Mr Wyles was qualified to assume the position and also as to why the Council was not using the departure as an opportunity to review the structure of the senior management team.

The acting Chief Executive, in recommending the suitability of Mr Wyles to the position, directed Members towards the Monitoring Officer's comments in the report and noted that Mr Wyles was significantly experienced, possessed extensive knowledge and had been guided by the outgoing section 151 officer. In addition he was a fully qualified accountant. The position would also provide an excellent development opportunity in the interim until a permanent appointment was made.

The acting Chief Executive expressed to Members that a review of the management structure was good practice and noted that this issue was discussed, however it was felt that as the present structure had only been in place for a short period of time it was more appropriate to continue to consolidate the appointments within the Council and to provide some clarity about the way forward. In future, if no appointment was made, the situation could be revisited.

On being put to a vote the motion was carried.

### **31. CHANGES TO THE CONSTITUTION: RECOMMENDATIONS FROM THE CONSTITUTION COMMITTEE**

#### **DECISION:**

- (1) That the Constitution at Part 3 is amended under the heading of "Development Control Lead Professional" by the insertion of the following paragraph 17:-**

*To authorise approval to enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 (as Amended) on a delegated planning application approval provided that the Section 106 Agreement does not contain any financial contributions.*

- (2) That the Constitution at Part 3, Rule 2(b) and 2(c) be amended for a trial period of 12 months providing that when proposing a recommendation against the clearly expressed advice of the Officer the members so proposing and seconding provide with their proposal the necessary planning reasons for their action. Should such reasons not be provided or the Development Control Lead Professional considers that the reason(s) given are not Planning Reasons or can not be supported by evidence then the existing rule as set out in Part 3, Rule 2(b) and 2(c) of the Constitution will remain.**
- (3) That the Sponsorship Protocol as agreed by the Governance and Audit Committee at their meeting on 10th April 2008 be included within the Constitution.**

The minutes of the meeting of the Constitution Committee of 3<sup>rd</sup> June 2008 were presented to Council by the Vice-Chairman of the Constitution Committee. It was noted that no changes had been made to the Constitution with regard to notices of motion. The recommendations of the Committee were put to the Council and were moved and seconded.

A discussion then ensued and a number of issues were raised. The issuing of a Policy Pack for the Development Control Committee was welcomed. It was noted that regular updates regarding section 106 agreements had been agreed but these had not yet happened and that these needed to be produced for Members. The Chairmen of the Governance and Audit Committee and Resources Policy Development Group both noted that the issue of section 106 agreements was something that would be looked into.

Concerns were raised that a number of section 106 agreements may not have been acted upon, whether it be by the developer not providing the money required, the developer not carrying out promised works or the money having been provided by developers but work not being performed by the Council. There was concern that there was a lack of action on some section 106 agreements. Members highlighted some examples which they felt had not been acted upon.

The acting Chief Executive clarified that the Council entered into a number of section 106 agreements with developers and was working to ensure that all of these were properly actioned at the right time. It was noted that the trigger point for some section 106 agreements could be significantly after when a section 106 agreement was agreed. Moving forwards, the Council was looking to appoint an officer to deal with section 106 agreements. For the benefit of Members the difference between "financial contributions" and "financial implications" was clarified as being that "financial implications" covered a number of areas, such as a developer providing play equipment, whereas "financial contributions" was actually a sum of money.

It was noted that recommendation to Council regarding section 106 agreements was in relation to social housing and was not to do with money.

The Council's Monitoring Officer offered guidance to the members prior to voting that as this was a matter for the Council there was no need for members of the Development Control Committee to declare

an interest.

The Council then took the three recommendations from the Constitution Committee separately. Following votes on all three recommendations, the motion to approve the recommendations was duly carried.

## **32. REPRESENTATION ON OUTSIDE BODIES: LEISURE TRUST**

### **DECISION:**

#### **That the Councillor Thompson be appointed to represent the Council on the Leisure Trust.**

Report number AFM0056 was presented to the Council by the portfolio holder for Access and Engagement. The Council was to appoint a Member to represent the Council on the Leisure Trust. It was highlighted that the Member nominated should ideally have a genuine interest in leisure together with previous knowledge of leisure and the utilisation of the Council's assets.

Some questions were raised regarding the appointment. There was no indication of the length of the appointment. It was usual for appointments to be made for either one year or four years. It was felt that during the formative stages of the Trust it was hoped to make a long term appointment, ideally for five years. This raised the question of what the situation would be in the event that the chosen representative of the Council was not re-elected at the next election. In this case the answer was that another representative would have to be nominated by the Council. There was some concern that the Council would not have a majority of representation on the Trust, to which the Monitoring Officer answered that the Council could not be in control of the Trust.

Councillor Thompson was nominated and seconded. A number of Members spoke to confirm Councillor Thompson's suitability for the role and that he had done more than most to further the cause of sport and leisure within the Council.

There were no other nominations to represent the Council on the Leisure Trust. On being put to the vote, the motion to appoint Councillor Thompson was duly carried. Councillor Thompson thanked the Members for their support.

### **33. LEADER'S REPORT ON URGENT KEY AND NON KEY DECISIONS**

The report numbered CAB008 by the Leader of the Council was noted.

### **34. QUESTIONS ON NOTICE**

One question on notice had been submitted by Councillor Maureen Jalili and referred to the Resources PDG.

### **35. NOTICES OF MOTION GIVEN UNDER COUNCIL PROCEDURE RULE 12: BY COUNCILLOR PAUL WOOD**

#### **DECISION:**

**That no action be taken following the Council's decision not to support the Notice of Motion by Councillor Wood.**

Councillor Wood introduced his Notice of Motion for the Council to make weekly collections of black bins during the summer months. He noted that this was being undertaken by Lincoln City Council. During the summer it was suggested that 14 days between collections was too long, and that if someone missed a collection due to being on holiday, then it would be a month between collections. In the hot weather this could create problems with odour and for health.

Councillor Wood indicated that he was not looking for the service to be implemented this year, but to be considered for next year.

Speaking in support of the motion, a number of Members raised the issue of properties that did not have wheelie bins and were still having to use bags. It was noted that in these areas where a bag could be opened and the contents spilled that this might create health problems. There was also the issue that odours became problematic where bags were left in sunlight. It was noted that the World Health Organisation recommended weekly collections.

A number of Members spoke against the motion. The cost of providing the service in Lincoln was put at £1.2m. It was noted that odours were not a problem where rubbish was properly disposed of. A Member recalled that scaremongering regarding problems with rats had not materialised. There had been a high satisfaction rate with the service and recycling rates were 52%, with a target of achieving 55%. It was felt that weekly collections of black bins would not encourage people to recycle more. It was noted that changing mid year to weekly collections would just create confusion and create further pressure on the Customer Service Centre. It was also noted

that a heatwave could occur at a point outside of the proposed three months of weekly collections. A Member noted that there was a lifestyle change issue and that people should not be disposing of as much food as they do presently.

The Corporate Head Finances and Resources informed Members that the cost of implementing a weekly service for three months over the summer would be just under £780k, which would result in a potential Council Tax increase of 15% unless other Council services were reduced to make savings elsewhere.

In summing up, Councillor Wood noted that he was not looking for Council Tax increases, but rather for the proposed weekly collections to be included when the budget was being calculated.

Having been seconded, the motion was put to a vote and was defeated.

[The Council went into recess between 3:30 and 3:49pm]

**36. NOTICES OF MOTION GIVEN UNDER COUNCIL PROCEDURE  
RULE 12: BY COUNCILLOR MIKE WILLIAMS**

**DECISION:**

**Following a rapid increase in complaints from the people we represent and concerns raised by members, this Council writes to the relevant Government department to express its displeasure at the government policy of designating gardens as brown field sites which has opened the door to a surge in planning applications from garden grabbing developers whose actions are slowly destroying the pleasant environments in which many of our citizens live.**

Before the motion was put to the Council, a number of Members raised concerns as to whether they should declare an interest. After hearing advice from the Monitoring Officer, three Members declared personal and prejudicial interests and took no part in the debate.

[Councillors Broughton, Dawson and Thompson left the Chamber at 3:58pm]

Councillor Williams moved the motion as amended and this was then seconded. He then agreed to accept an alteration to his motion to insert the words "this Council writes to the relevant Government department to express its displeasure at" with the deletion of the

word "deplores". This amendment was agreed by his seconder.

Speaking in support of the motion, Members noted that considerable numbers of gardens were being developed on, and that 72% of brownfield development was on gardens. It was noted that there was an environmental impact and increased risk of flooding where gardens had been taken over for development. Members remarked that once a garden had gone for development purposes, then it was lost forever. A Member raised the issue that owners of properties with large gardens were effectively forced into seeking planning permission in order to realize the true financial value of the property when selling it. It was further noted that effectively the policy towards development on brownfield sites, including gardens, took the decision away from elected Members and gave it to government inspectors.

Speaking against the motion it was noted by a Member that all planning issues should be treated on their individual merits and in some cases this development allowed people to remain in their homes when they might otherwise not be able to afford to. One Member remarked that the motion was overtly political and that it required modification as some exclusions to a blanket opposition to garden development was necessary.

In summing up, Councillor Williams stated that the motion was not politically motivated. The issue at hand was that private gardens were not brownfield sites at all and should not be treated as such.

Having been moved and seconded, the motion was put to a vote and was duly carried.

[Councillors Dawson and Thompson returned to the Chamber at 4:20pm]

### **37. NOTICES OF MOTION GIVEN UNDER COUNCIL PROCEDURE RULE 12: BY COUNCILLOR IAN SELBY**

#### **DECISION:**

**In the light of the recent announcement by Marks and Spencer to withdraw its association with Northern Foods at its Grantham food production site, this Council, as far as it is able, will fully support the plight of employees at Fenland Foods.**

Councillor Selby moved the motion and it was then seconded.

Councillor Selby noted that there was the potential for more than 700 jobs to be lost in Grantham if the plant was closed and that the Council had done some work with regard to this. It was noted that if the worst case did happen then there would be a requirement for a significant level of help for many of these people.

Speaking against the motion a Member remarked that whilst all were concerned by the effects of closure, the Council had been active on the issue since the news was first broken. A Member also noted that the motion was grammatically incorrect and required amendment.

A number of Members spoke in support of the motion. A Member noted that there was disappointment with Marks and Spencer for terminating the contract whilst making large profits, however it was also noted that management should not have left themselves so exposed by only supplying one firm and that Marks and Spencer were making a purely business decision. A Member noted that whilst a lot of work had been done to date, could the Council do anything further, such as helping to fund the Citizens Advice Bureau to stay open for longer hours, in order to provide practical help for those left unemployed. The acting Chief Executive confirmed that there would be rapid response funding available from the government. It was further noted that workers to the plant came in from other regions and that closure would also affect those providing transport for these workers.

The motion having been seconded it was put to a vote and was duly carried.

### **38. ANY OTHER BUSINESS, WHICH THE CHAIRMAN, BY REASON OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT**

The Chairman raised the issue that Ms. Sally Marshall, the Corporate Head Finance and Resources, was leaving the Council. The group leaders said that they were sad to see her leaving and that she was very highly regarded. She had been very professional, approachable and accessible and had always provided good advice. It was noted that Ms Marshall was very ambitious and that the Council needed ambitious people. She was going onto a big challenge and it was felt she would be a great success.

In response Ms Marshall stated that she had been proud to serve the Council. The choice of public service had always been one to give something back to the community. She would be sad to leave as she had made many friends within the Council. It was noted that she would retain an interest in proceedings as she was to remain a

resident of the district.

The Chief Executive reported that as a result of the technical difficulties earlier in the meeting, a member of the IT department would attend all Council meetings in future.

The meeting closed at 4:40pm.