

# MINUTES

COUNCIL

THURSDAY, 22 JANUARY 2009

2.00 PM



## PRESENT

Councillor Mike Exton Chairman

Councillor Bob Adams  
Councillor Ray Auger  
Councillor Harrish Bisnauthsing  
Councillor Pam Bosworth  
Councillor Christine Brough  
Councillor Robert Broughton  
Councillor Paul Carpenter  
Councillor Mrs Frances Cartwright  
Councillor George Chivers  
Councillor Michael Cook  
Councillor Nick Craft  
Councillor Alan Davidson  
Councillor John Dawson  
Councillor Mike Exton  
Councillor Stuart Farrar  
Councillor Mrs Joyce Gaffigan  
Councillor John Harvey  
Councillor Robert Hearmon  
Councillor Bryan Helyar  
Councillor Trevor Holmes  
Councillor Mrs Maureen Jalili  
Councillor Sam Jalili  
Councillor Kenneth Joynson

Councillor Albert Victor Kerr  
Councillor Jock Kerr  
Councillor Peter Martin-Mayhew  
Councillor Stuart McBride  
Councillor Andrew Moore  
Councillor Mrs. Linda Neal  
Councillor John Nicholson  
Councillor Alan Parkin  
Councillor Bob Russell  
Councillor Bob Sandall  
Councillor Susan Sandall  
Councillor Trevor Scott  
Councillor Ian Selby  
Councillor John Smith  
Councillor Mrs Judy Smith  
Councillor Mrs Maureen Spencer-Gregson O.B.E.  
Councillor Peter Stephens  
Councillor Jeffrey Thompson  
Councillor Tom Webster  
Councillor Graham Wheat  
Councillor Mike Williams  
Councillor Paul Wood  
Councillor Raymond Wootten

## OFFICERS

Chief Executive  
Strategic Director (BA)  
Monitoring Officer

## OFFICERS

Principal Democracy Officer  
Democratic Support Officer  
Director Tenancy Services (Minute)

"Listening Learning Delivering"

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S.151 Officer Corporate Head Partnerships & Improvement	75) Corporate Head HR & Org Development (Minute 78)
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## **70. PUBLIC OPEN FORUM** [2:00 – 2:20pm]

### **Question 1 – From Mr Paul Cox**

#### **To Councillor Mrs Frances Cartwright**

I write on behalf of the newly formed Elsea park Residents Committee. The Committee is independent of the Elsea park community Trust and made up of resident members who give their time on a voluntary basis.

Are the Council members fully aware of the extreme level of dissatisfaction voiced by residents of Elsea Park regarding the developers failure to fulfil the requirements detailed in the Section 106 agreement?

I understand that the Council within that agreement have a responsibility to “monitor” the contractual obligations as set out in the Section 106 document.

Therefore, in the light of the lack of progress over a significant period of time, what action does the Council propose to take to enforce the developer’s obligations under the aforementioned agreement?

#### **Reply from Councillor Mrs. Cartwright**

Yes Mr Cox, you are quite right, SKDC does have a role with monitoring Section 106s, these are kept under constant review by the planning officers and our new Section 106 monitoring officer.

#### **Mr Cox’s Supplementary Question**

I am aware there are trigger points depending on the level of occupancy, approximately 600 houses are occupied. A community centre should have been constructed at an occupancy level of 500. We were assured at a meeting with the developers that a planning application would be put in, but still we have heard nothing. We pay an annual fee to the trust and want something in return, can any

pressure be put on the developers.

**Reply from Councillor Mrs Cartwright**

I am pleased to report that a planning application has been submitted, it should go to committee in late February or March. We now have a S.106 monitoring officer in post, we try to negotiate with developers rather than use force. There have been a number of benefits deriving from S.106 contributions in Bourne, such as at Robert Manning School and for play areas, affordable housing, office accommodation plus a payment of £50,000 to the Elsea Park trust.

**Question 2 – from Mrs Mary Patrick**

**To Councillor John Smith**

Could you please tell me when Stamford Recreation Ground will be headed back to our local council.

**Reply from Councillor John Smith**

Stamford Town Council have written to SKDC requesting that they become the owners of the site, negotiations are being entered into regarding legal obligations and terms and conditions. Subject to these, agreement will be reached as soon as possible, although no date for completion can be given as yet.

**Question 3 –From Mrs Mary Patrick**

**To Councillor Carpenter**

Why is this Council letting my elderly tenants freeze in their homes? They are 80 to 96 years of age.

**Reply from Councillor Carpenter**

It is not the wish of this Council that tenants freeze in their homes, can you give me further details please.

**Supplementary – Mrs Patrick**

For two years they have been promised lagging in their lofts, at they moment they have one inch of dust and are freezing.

### **Reply from Councillor Carpenter**

I am happy to have a meeting with Mrs Patrick to discuss this, but I need more information before I can give an answer.

### **Question 4 – From Mr J Butcher**

#### **To Councillor Mrs Neal, Leader of the Council**

Many tenants of Edmonds Close, Stamford are complaining about problems in contacting South Kesteven District Council departments and/or secretaries from 2.00pm onwards on Fridays.

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

Thank you for your question, I was extremely concerned when I read it. I understand that this is in respect of the repairs service. We have initiated a “lean systems” review of this area. Telephone contact is vitally important and we have indentified 15 recent calls from Edmonds Close, mostly on Tuesdays and Thursdays, in the last two months they have received over 5,000 calls. If you experience any future difficulties please call the managers responsible, John Murden and Tony Campbell, direct, or the Chief Executive (Duncan Kerr), Councillor Paul Carpenter or myself.

#### **71. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Miss Channell, Higgs, Howard, Mrs Radley, Stokes and Andrea Webster.

#### **72. DECLARATIONS OF INTEREST**

The following interests were declared:- Councillors Moore, M Jalili, and Harvey – personal and prejudicial interests in agenda item 13 (Notice of motion re Stamford Town Centre Partnership) and left the Chamber during its consideration

Councillors Bisnauthsing, Dawson, Exton, S Jalili, R Sandall and Mrs S Sandall – personal interests in relation to agenda item 13 (Notice of motion re Stamford Town Centre Partnership)

The Chief Executive declared an interest under Section 117 of the Local Government Act 1972 (as amended) in part of Agenda item 9 (Recommendations from the Constitution Committee) and left the Chamber during its consideration.

**73. MINUTES OF THE ORDINARY MEETING HELD ON 30 OCTOBER 2008**

The minutes of the meetings held on 30<sup>th</sup> October 2008 were signed as a correct record by the Chairman

**74. COMMUNICATIONS (INCLUDING CHAIRMAN'S ENGAGEMENTS)**

A list of the Chairman and Vice Chairman's engagements since the last council meeting had been circulated with the agenda.

**75. FINANCIAL ISSUES FACING THE HOUSING REVENUE ACCOUNT DECISION:-**

**(1) To note the position of the housing revenue account and the financial issues it faces.**

Council had before them report TSE33 of the Director of Tenancy Services on the key financial issues facing the Housing Revenue Account (HRA). Council also received a presentation on this matter; the purpose of the report and presentation were to raise Members awareness of these issues.

There were a number of financial issues facing the HRA in the short and medium term. These were:-

- Raising customer expectations
- Increasing negative subsidy payments to be paid to the Government
- Reducing expenditure levels
- Limitations on rent increases
- The potential implications of the results of the stock condition survey

These issues taken together resulted in the HRA being unsustainable in the medium term.

The S.151 Officer also explained the principle of rent convergence, by which the Government wished to bring local authority rents in line with registered social landlords rent levels.

Members expressed concerns over the negative subsidy which the Council had to pay to Central Government, whereas housing associations and private landlords were exempted from this arrangement. A national review on this was due in Spring 2009, but any changes would not be effective until 2011.

The issues contained in the report and presentation would be considered in greater depth by the Resources Policy Development Group.

After further discussion, the motion was duly proposed, seconded and carried.

**76. TREASURY MANAGEMENT STRATEGY 2008-09**

**DECISION:- To approve the revised Treasury Management Strategy for 2008/9, as recommended by Cabinet on 5<sup>th</sup> January 2009.**

Council had before them report CHFCS17 of the Corporate Head of Finance and Customer Services on the need to update the current Treasury Management Strategy for 2008/9, as required by the Local Government Act 2003 and on account of the uncertainty in the investment markets and the current financial climate. Authority was therefore sought to update the current 2008/9 strategy.

The Strategy needed to be amended to enable the S.151 Officer to take a more risk averse line in order to better manage the risk to the Council.

It was therefore proposed that the level of financial standing of an institution should be increased and the relevant criteria were set out in the report. The revised Strategy also set out the maximum amount that could be invested with one institution for both specified and non specified investments.

Whilst all investments placed after any approval of this strategy would comply with the updated specifications, there may be some current investments that fall outside these criteria. These would be closely monitored until maturity and subsequent re-investments would be in line with the current Strategy.

The motion was duly proposed, seconded and carried.

(Council adjourned for tea from 3.35-3.50pm)

**77. PROGRESS ON DEVELOPING A SUSTAINABLE COMMUNITY STRATEGY AND LOCAL AREA AGREEMENT**

**DECISION:- 1. To note the proposed timetable for the development of the new Lincolnshire wide Sustainable Development Strategy; and**

**2. That the Leader of the Council report any views or suggestions that the Council agrees to make on the proposed themes and outcomes to the Lincolnshire Sustainable Community Strategy Board at its meeting on 27<sup>th</sup> January 2009.**

Marcus Coleman, Assistant Chief Executive, Lincolnshire County Council, was welcomed to the meeting. Mr Coleman addressed the Council on why there was a need for a long term vision for the County, how it had been developed, its main themes and key community outcomes.

Council also had before them report POI30 of the Leader of the Council which provided an update on the progress being made by the Lincolnshire Assembly to develop this new county wide sustainable community strategy and the timetable set for its agreement.

The report set out the proposed themes of the strategy, a draft South Kesteven chapter produced for the South Kesteven Local Strategic Partnership and illustrated how the Councils recently agreed priorities (Council minute 50/08) and the Lincolnshire Local Area Agreement would both help contribute to its delivery.

The new Comprehensive Area Assessment (CAA) would come into effect in April 2009; this would test the effectiveness of how all local authorities in the County and the organisations they worked with help to improve the quality of life for the people who live and work in the County.

In response to a question, the Corporate Head Partnerships and Improvement confirmed that he would be happy to attend parish council meetings in order to discuss this matter further. It would also be considered by the Communities Policy Development Group.

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

**78. RECOMMENDATIONS FROM THE CONSTITUTION COMMITTEE**  
**DECISION:- To concur with the following amendments to the Constitution as follows:-**

**1. To amend Part 3 of the Constitution to grant delegated authority to the Lead Professional Development Control to**

enter into planning performance agreements on behalf of the Council as local planning authority;

2. That the following panels be established as set out below, their terms of reference to be as set out in minute 22 of the Constitution Committee dated 12<sup>th</sup> January 2009, to be politically balanced and with memberships of three per panel;

**Chief Executive's Remuneration Panel:**

Councillors Craft, Mrs Spencer – Gregson and M Williams

**Chief Executive's Performance Panel:**

Councillors Hearmon, Mrs Neal and Taylor

**Chief Executive's Appeal Panel:**

Councillors Carpenter, Farrar and Holmes

3. That in respect of the substitution arrangements for each panel listed at 2 above, "Leader" in the terms of reference for each panel be amended to "Leader of the relevant Group"

4. That the wording of the last bullet point in paragraph 136 of Part 5 of the Constitution (member/officer protocol) be amended to read

*Formal complaints (ie those made in writing) concerning the Chief Executive should be referred to the Monitoring Officer and the Chair of the Performance Panel to determine the most appropriate procedure for their consideration.*

5. That the wording on page 85 of the Constitution relating to the Chief Executive's appraisal panel (paragraphs 1 and 2) be deleted.

6. That changes to the Constitution following the recent changes of title at corporate head level and the services under their remit be approved and that the Monitoring Officer be delegated authority to amend the Constitution to reflect any future changes in job titles.

7. That in respect of the Governance and Audit Committee, Article 12 page 54.1 under (b) regulatory framework be amended to include:-

*To monitor, review and amend as appropriate the council*

***approved Treasury Management Strategy during the course of the financial year.***

(The Chief Executive left the Chamber during consideration of the minute leading to resolutions 2, 3 , 4 and 5 above, having previously declared an interest under Section 117 of the Local Government Act 1972.)

Council had before them the minutes of the Constitution Committee dated 12 January 2009 which contained a number of recommendations requiring Council approval.

Following considerable discussion the motions as indicated above were moved, seconded and carried

**79. DRAFT PROGRAMME OF COUNCIL, COMMITTEE AND OTHER MEETINGS 2009-2010 FOR CONSULTATION**  
**DECISION:-**

**To note the proposed draft Programme of meetings for 2009/10, which will be submitted to Annual Council for formal approval on 23<sup>rd</sup> April 2009;**

Council had before them report DEM021 of the Democracy Services Manager on the draft Calendar of Council and Committee meetings for 2009/10. It was noted that the Cabinet meeting scheduled for 7<sup>th</sup> September 2009 had been omitted from the calendar in error. The Calendar was essentially for information at this stage and would be submitted to Annual Council on 23<sup>rd</sup> April 2009 for approval.

The motion was duly proposed, seconded and carried.

During the course of the above debate, the Council, having sat for three hours, voted to continue with the meeting.

**80. LEADER'S REPORT ON AN URGENT NON KEY DECISION**  
The report numbered CAB010 by the Leader of the Council was noted.

**81. QUESTIONS ON NOTICE**

There was one question on notice, from Councillor Mike Williams, which would be referred to the appropriate policy development group (Resources PDG).

**82. NOTICE OF MOTION GIVEN UNDER COUNCIL PROCEDURE**  
**RULE 12:**  
**DECISION:- THAT COUNCIL NEITHER APPROVES NOR REJECTS**  
**THE MOTION**

Council had before it the following Motion, notice of which had been given by Councillor R Sandall:-

*This Council urges the Cabinet to withdraw its financial and personnel support to Stamford Town Partnership and approve two new lines of communication:*

*South Kesteven District Council in partnership with Stamford Town Council; and*

*Stamford Town Council in partnership with minority groups in Stamford through its Development Committee.*

Councillor Brough, in declaring a personal interest in this item, apologised to the Council for not having previously declared it under minute 72.

Councillors Moore, Harvey and M Jalili, having previously declared personal and prejudicial items in this item under minute 72, left the Chamber during its consideration.

Councillor R Sandall introduced the motion and urged Council to support it. Following a lively debate it was moved and seconded that the motion be approved. A vote was taken to support the motion, the result of which was

For 21  
Against 21  
Abstain 1

The Chairman declined to exercise his casting vote, Council therefore neither supported nor rejected the motion before them.

Following the vote, the leader indicated that she was happy for this matter to be referred back to Cabinet for consideration.

**83. CLOSE OF MEETING**  
The meeting closed at 5.45pm.

