



MINUTES

COUNCIL
THURSDAY, 19 APRIL 2007
2.00 PM

PRESENT

Councillor Gerald Taylor Chairman

Councillor Ray Auger
Councillor Harrish Bisnauthsing
Councillor Pam Bosworth
Councillor Teri Bryant
Councillor Mrs Frances Cartwright
Councillor Elizabeth Channell
Councillor George Chivers
Councillor Robert Conboy
Councillor Nick Craft
Councillor Dorrien Dexter
Councillor Mike Exton
Councillor Brian Fines
Councillor Donald Fisher
Councillor Yvonne Gibbins
Councillor Bryan Helyar
Councillor Reginald Howard
Councillor John Hurst*
Councillor Mrs Maureen Jalili
Councillor Mrs Rosemary Kaberry-Brown
Councillor Albert Victor Kerr
Councillor John Kirkman
Councillor Reg Lovelock M.B.E.
Councillor Peter Martin-Mayhew

*Councillor Hurst left the meeting at 2.15pm

OFFICERS

Chief Executive
Strategic Director (Geoff Plummer)
Strategic Director (Beverly Agass)

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 Frank Turner
Councillor Thomas John Webster
Councillor Mike Williams
Councillor Avril Williams
Councillor Paul Wood
Councillor Mrs Azar Woods

*Councillor O'Hare entered the meeting at 2.48pm

OFFICERS

Corporate Head of Finance & Resources
Democracy Services Manager (Deputy
Monitoring Officer)

129. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Brailsford, Carpenter, Mrs Gaffigan, Fereshteh Hurst, Joynson, Norman Radley, Steptoe, Graham Wheat, and Mrs Mary Wheat.

130. DECLARATIONS OF INTEREST

Councillor John Smith declared an interest in the item on the review of the capital programme concerning the Bourne Core Area by virtue of the fact that he was a member of a private club situated in the area.

131. MINUTES

The minutes of the meeting held on 1st March 2007 were signed as a correct record by the Chairman, subject to the following points being noted:

Councillor Shorrock referred to his question without discussion put to Councillor Carpenter. Councillor Carpenter had not been present at the meeting, and in accordance with council procedure rules, Councillor Carpenter should have provided a written response to Councillor Shorrock. However, Councillor Shorrock stated that despite having spoken to Councillor Carpenter, he was still awaiting a reply.

Councillor Bryant referred to his reply to Councillor Shorrock's supplementary question put to him at the meeting. He stated the verbatim recording of his response was incorrect and the end of the penultimate sentence should read:

..... taking advice from Ms. Helen England who is our risk monitor to say as we are seeking our advice on the equipment that is the advice we must take which includes action.

132. 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.

The Chairman announced that he and Councillor Conboy had arranged a St. George's Day supper on 23rd April 2007. Tickets were still available for this event and proceeds would be donated to the Chairman's charities and the Friends of Stamford Hospital.

Councillor Lovelock then indicated he wished to make a statement to record his personal thanks to Councillor John Kirkman who was not standing for re-election. Councillor Lovelock thanked Councillor Kirkman for his efforts and support as chairman of the Resources DSP.

133. LEADER'S REPORT ON URGENT KEY DECISION

The Council received and noted report CAB02 by the Leader on an urgent key decision which had been taken on 5th March 2007. The decision was to authorise officers to withdraw from the tender process in relation to dry recyclables and to re-tender to achieve the most economically advantageous outcome for the Council. This decision could not reasonably have been

deferred due to the timescales identified within the tender process.

134. REVIEW OF CAPITAL PROGRAMME

DECISION: To adopt the revised Capital Programme for 2007/08 as attached at appendix A and the Treasury Management Strategy at appendix B to report number CHFR43.

Members had previously been circulated with a copy of report number CHFR43 prepared by the Corporate Head, Finance & Resources which had been considered by the Cabinet on 2nd April 2007. This report explained that the capital programme for 2007/08 approved by Council on 1st March had now been revised to reflect the notification of the award of £582,680 Capital Grant from the Department for Environment & Rural Affairs. This grant was made towards the cost of capital works proposed for the decontamination of the car park at Wharf Road in Stamford.

The report also explained that the capital programme had been amended to include the private sector renewal programme and Housing General Fund. Having considered the contents of this report, the Cabinet had recommended Council adopt the revised Capital Programme and approve the appended Treasury Management Strategy to reflect the changes described in the proposed capital financing of the programme.

A member asked the Corporate Head of Finance & Resources at what stage did any significant changes get reported back to the Council and what would constitute a “significant change”. The officer replied that after the out turn at the end of June, any changes resulting from that or from changes in the economic climate would be reported to the next scheduled Council meeting in the summer period. The projections for the year appeared to be correct, so any changes reported would be only if they represented real material change.

A question was asked whether the funding received for the decontamination of the Wharf Road car park in Stamford could not be put into the general fund and perhaps used to assist some of the local traders whose businesses had suffered during work on the Gateway project. The Corporate Head explained that car parking was a revenue issue and capital finance could not be used to support revenue costs.

135. COMMITTEE ARRANGEMENTS

DECISION: To approve that, with effect from 17th May 2007, the following new committee arrangements shall come into effect:

(1) a new structure for scrutiny and policy development comprising three 7 member Policy Development Groups (PDGs) with remits as follows:

(a) Resources. This PDG will be co-terminus with the remit of the

Cabinet Portfolio responsibilities for Resources and Assets, and Organisational Development as set out in the current Council's Constitution;

- (b) Engagement. The remit will be co-terminus with the Cabinet Portfolio responsibilities for Access and Engagement, and Strategic Partnerships as set out in the current Council's Constitution;**
- (c) Community. This remit will be co-terminus with the Cabinet Portfolio responsibilities for Economic Development and Healthy Environment as set out in the current Council's Constitution.**

(2) The formation of an 11 member Scrutiny Committee with powers to exercise call-in over both executive matters and all other call-in functions granted to the Council over third parties.

(3) That the size of the Development Control Committee to remain at 17 members.

(4) That the Chief Executive is instructed to prepare a new Constitution for formal adoption on 17th May 2007 which details all consequential amendments needed to implement this decision.

The Leader, in her capacity as Chairman of the Constitution & Accounts Committee, moved the recommendations contained in report number CEX373. These were seconded. She explained that the committee had spent considerable time discussing these important changes and were of the opinion that a certain level of expertise and professionalism was required to be a member of the Scrutiny Committee. For this reason the membership of the committee was revised to 9 instead of 11.

Discussion began with a number of members expressing their strong concern at the proposed reduction in the number of the Development Control Committee from the present 17 down to 15. Points raised covered the apparent "decimation" of this regulatory committee, the increasing delegation of the vast majority of development control decisions to officers, the importance of members' local knowledge in considering applications, and the erosion of democracy caused by these changes to the planning process. The Council heard from the longest serving member on this committee as he expressed his concerns about the importance of the public being able to have their say through their elected representatives. An amendment was proposed and seconded that the number of the Development Control Committee be left at 17 members.

In support of reducing the size of the committee, points were raised about the present difficulty in getting the full number of members to attend the meetings and the fact that any member could attend the meetings and request to speak on any application. In responding, the mover of the original motion emphasised that this committee acted in a quasi-judicial capacity and the Constitution & Accounts Committee had been concerned that this required a certain level of knowledge and expertise and that was why mandatory training had been

introduced. There was no room for error in taking these decisions and therefore the committee needed to be conducted appropriately. A vote was taken on the amendment and carried becoming the substantive motion.

The debate then turned to the division of the scrutiny and policy development functions. A member stated he supported this separation but had concerns over the reduction in the number of members involved in scrutiny down to 9 as this would mean the majority of members would not be involved in the scrutiny process. He proposed a further amendment that recommendation 8 (2) in the report be deleted and replaced with the establishment of 3 scrutiny committees with the remit of internal, external finance and resources each to be chaired by a non administrative member. Recommendation 8 (1) in the report be deleted and replaced with the establishment of three 7 member policy development groups all to be compliant with Part 4 Access to Information procedure rules. The amendment received a seconder.

During further discussion on the amendment, concern was raised at the reduction of the proposed Scrutiny Committee membership to only 9 members. It was pointed out that 11 members would allow smaller groups on the Council to have a seat. The Chief Executive asked the mover of the amendment to clarify what numbers he was proposing on the three scrutiny committees and received the reply that 7 would sit on each committee. As mover of the original motion, the Chairman of the Constitution & Accounts Committee stated that the recommendations had been based on the assumption that scrutiny would be chaired by an opposition member. She expressed concern at the amendment to introduce three scrutiny committees as this could place members in a position of conflict in they had taken part in the formulation of a policy and then sat in a capacity to scrutinise it. If the amendment was defeated, she indicated that she would accept the increase in the Scrutiny Committee membership to 11. A vote was taken on the amendment and subsequently lost. A further amendment was proposed and seconded to increase the Scrutiny Committee membership to 11 and upon being put to the vote was carried.

After the Chief Executive had responded to a question on how the call-in procedure would operate, confirming that all consequent changes to the Constitution will come back to the Council at its annual meeting on 17th May 2007, he clarified that the substantive motion before the meeting was the original motion subject to two amendments.

A further amendment was proposed and seconded to delete recommendation 8 (4) instructing the Chief Executive to prepare a new Constitution for formal adoption. The member expressed concern that a new Council would be asked to approve a new system without any knowledge of how the existing system had worked. Any changes to the Constitution must be first considered by the Constitution & Accounts Committee following a report by the Monitoring Officer and he therefore suggested that this should be deferred. The Chief Executive responded confirming that the consequent changes to the Constitution would need to be submitted to the Constitution & Accounts Committee. If recommendation 8 (4) was deleted then the Constitution would not align with the decisions made at this meeting. The Committee could meet before the end

of the Council year to consider these changes. A vote was taken on the amendment and lost.

Questions were then asked about the remit of the policy development groups and what the cost implications were. The Chief Executive explained that the remits of the groups were spread as evenly as possible across the six portfolio responsibilities. The cost implications were neutral as the changes affected the committee structure not financing, although he had acknowledged that officer time had been expended on the production of the reports to Constitution & Accounts Committee and the Council.

A comment was made that to effect change, merely altering the committee structure was not in itself sufficient. There was a need to change the culture that underpinned it. A member strongly refuted any implication that the selection of chairmanships and vice-chairmanships was connected with a desire by the administration to retain power. Other comments were made about the previous selection of these positions. The Leader denied that this process had been flawed in any way.

A vote was then taken on the substantive motion, as amended and carried.

136. WELLAND JOINT COMMITTEE - SHARED PROCUREMENT SERVICES

DECISION:

- (1) To remove the delegation of authority to the Welland Joint Committee to carry out the functions of procurement;**
- (2) To de-designate the Leader (Councillor Mrs Linda Neal) and the Deputy Leader (Councillor Paul Carpenter) and their substitutes, Councillor John Smith and Councillor Teri Bryant as voting members on the Welland Joint Committee.**

Members had before them report number SD10 by the Strategic Director (Ian Yates) which explained that following on from the Cabinet decision to disengage from the Welland Partnership, it was necessary to put forward a report to Council to reverse the decision to delegate to the Welland Joint Committee authority to carry out functions of procurement on behalf of the Council. In addition, the individuals originally nominated to the Welland Joint Committee also need to be de-designated.

The interests of the Council and the residents of the district were better served through the continued participation in the Lincolnshire enhanced two-tier partnership. The Lincolnshire shared procurement service was making progress and further details would be reported in the near future. The recommendations contained in the report were moved and seconded and, upon being put to the vote, carried.

137. RESIGNATION OF MEMBER - STEPHEN HEWERDINE

The following item was accepted by the Chairman as a matter of urgency having regard to the fact that the letter of resignation was received after the agenda for this meeting had been despatched.

The Chief Executive reported that on 10th April 2007, he had received a letter from Councillor Stephen Hewerdine informing him that he had resigned as a Councillor with effect from the date of the letter.

The Chief Executive advised that as this was the last meeting before the elections and the annual meeting, it was not his intention to recalculate the allocation of seats.

138. QUESTIONS WITHOUT DISCUSSION.

One question had been submitted prior to the meeting. Verbatim details of the question, together with a supplementary question and answer, are set out as an appendix to these minutes.

139. NOTICES OF MOTION GIVEN UNDER COUNCIL PROCEDURE RULE 12:

(1) and (2) From Councillor Teri Bryant

DECISION: In accordance with Council procedure rule 14.8, to consent to the withdrawal of Councillor Bryant's two notices of motion.

(3) From Councillor Mike Williams

DECISION:

- (1) The Constitution Committee seek to change the Constitution with regards to notices of motion at meetings of this Council;**
- (2) That no more than two notices of motion be debated at any single Council meeting with provision for the operation of a guillotine on such debates, and that because of time constraints, no notices of motion be allowed at the annual budget meeting;**
- (3) No member be allowed to submit more than one notice of motion at any meeting of the Council.**

Councillor Mike Williams moved his motion which was seconded by Councillor Exton. Councillor Williams explained his reasons for bringing this motion to Council; too many motions did not allow each motion to be debated properly. He stated that the Lincolnshire County Council include provision for the operation of a guillotine on such debates and indicated that he wished to amend his motion to include a similar provision. This amendment was agreed

by his seconder. A member asked who would decide which two motions were put forward. The Chief Executive replied that, in common with other authorities that operated similar arrangements, it was usually the first two motions received that were included on the agenda and the decision would ultimately rest with him. The Chief Executive was asked if this would affect the budget debate. He replied that it would not affect the budget debate as amendments could be moved to substantive agenda items. A member expressed concern at introducing a cut off after a specific period of time as he considered this to be a retrograde step. After the Corporate Head of Finance & Resources had advised on the timings of the budget meeting, a vote was taken on the motion as amended and carried.

(4) From Councillor Rob Shorrock

Councillor Shorrock had left the meeting during the refreshment break. In his absence his notice of motion was moved but did not find a seconder.

(5) From Councillor Ian Selby

DECISION: That this Council pledges to review and improve the development control planning process so that the general public' voice is heard with confidence and for it to encourage greater accountability from both planning officers and members of this council.

In moving his motion, which was later seconded by Councillor Mrs Jalili, Councillor Selby referred to his perception that attending the Development Control Committee felt like a waste of time as the decision had already effectively been made by the development control officers. He referred to the process that had to be followed when the committee wished to proceed contrary to the officers' recommendation. He stated that the public felt their views were not being heard and cited an example whereby an application was deferred for the production of amended plans. However, the amended plans had not been available for viewing before the application came back before the committee for determination. He said the public perceived that applications were a "done deal" before they came before the committee.

The motion stimulated considerable debate and the Council heard several existing Development Control Committee members express their opinions about how they felt that the committee was just a "rubber stamping" exercise, the restrictions on speaking on a deferred application if you had not been present at the previous meeting, the perception that the once excellent working relationship enjoyed by officers and members of the committee had now been eroded, and that there was too much delegated power to the planning officers.

Reference was made to the obligation to work in accordance with planning guidance issued by central government and an acknowledgment was made that the planning officers were not to blame as they were working under considerable pressure from government directives. A member stated that there was a widely held perception throughout the district the planning process was

corrupt and this was a serious slur on the reputation of both the Council itself and its officers. This was an issue which had to be addressed if the Council was not to lose its reputation altogether.

The debate on the motion ensued with other members commenting on the fact that the majority of contact they had with constituents concerned planning related matters. Some felt that there was a lack of communication and regard for the planning process by large development companies and that there was a perception of inconsistency of treatment compared to the individual developer. The Economic portfolio holder responded by expressing his concern over the allegations of corruption; he considered the way the Development Control Committee operated was very open and transparent. Whilst he appreciated members strength of feeling on this issue, the Council had to have due regard to material planning considerations in determining applications. The authority also had to take account of the fact it received considerable funding from the government's planning delivery grant. The portfolio holder acknowledged that there had been recent problems in the development control services section following the loss of key experience staff but that this was under review and actions in place to address these staffing issues.

The Leader referred to the examination of the operation of the committee by the Constitution & Accounts Committee. She said that her understanding was since the demise of the planning panel, the Development Control Committee was keeping under review its practices and procedures. She expressed concern at the comments made about local knowledge being ignored; she reiterated points made in an earlier debate that the committee was acting in a quasi-judicial capacity and decisions should not be based merely on matters of opinion or local knowledge. Decisions should be made on material planning considerations. The suggestion that there was a widely held perception of corruption elicited very strong expressions of concern amongst the Council. The Leader asked the previous speaker immediately to bring to the attention of the Council any evidence she had about such a broad and damning statement because this had extremely serious consequences for the authority.

Further speakers voiced their views on the consistent application of planning guidelines suggesting that applications are scored against criteria in order to help simplify the process. A member who had a professional background in planning stated that planning was a very complex issue; she suggested that new Councillors are taught that planning guidelines and statements were there as guidelines only and open to interpretation. It should be down to the talent and skills of the planning officers to interpret the guidelines. The member proposed that the way forward for the Development Control Committee was to use its officers as technocrats and not dictators. The debate drew to a conclusion with calls for common sense to prevail over restrictive planning guidance and the need to recognise the valuable input made by Parish Councils who were best placed to provide detailed information about what effect developments will have on their communities.

Before the vote was taken, Councillor Selby was thanked for putting his motion.

It was agreed that the Council must work hard to get the message across that there was no room for corruption at this Council and that the practices and procedures it followed in the development control process served to build a better reputation.

(6) From Councillor Mrs Linda Neal

DECISION: That on behalf of the communities of South Kesteven, this Council acknowledges, respects and thanks the commitment and dedication of all members of the council who will be retiring at the end of this civic year.

The Leader stated that she was moving this motion in order to place on record the thanks and appreciation of the authority to all those who had contributed to the Council over the years. Some people who were not seeking re-election to the Council would be sorely missed, indeed, their seats would certainly take some filling. Several of the members to whom she referred had significantly contributed to the work of the Council over a very long period of time. The motion was seconded by Councillor Lovelock.

Councillor Kirkman, as an out going member, addressed the Council. He thanked the Leader for her comments. He stated it had been his privilege to serve the district and the residents of the Bourne East ward. He suggested it was not to say whether he had been successful in this but he had endeavoured to do his best. He paid tribute to past and present members, many of whom were now friends. He thanked them for the cut and thrust of debate in meetings that had never continued outside the council chamber. This, he felt was indicative of the spirit of camaraderie that existed within this council. He also thanked the officers many of whom worked hard for the benefit of the community; he considered he had always been treated with courtesy and respect which he had tried to reciprocate. He paid particular tribute to the financial service team, mentioning Sally Marshall, Richard Wyles, and Colin Wyatt for all their hard work and dedication towards the closure of accounts which they had achieved this year under particularly difficult circumstances. In conclusion, he said he looked forward to this Council making progress on its path to “brilliance”.

A vote of thanks to the outgoing Chairman was made and unanimously supported. Councillors Fisher, Nadarajah, and Mrs Woods as outgoing members also thanked their colleagues and friends and spoke on how they had enjoyed their time on the Council. Councillors Auger, Howard, and Sandall who were seeking re-election also addressed the Council.

As mover of the motion, the Leader drew the debate to a close by directly addressing the outgoing Chairman. She expressed the view that “South Kesteven is a better place because of you”.

140. COUNCILLOR KEN JOYNSON

DECISION: That the Chief Executive convey the concern of the Council to Councillor ken Joynson following his accident and to wish him a speedy recovery.

Councillor Mike Williams requested that the best wishes of the Council be sent to Councillor Joynson who had recently suffered a serious eye injury following a fall.

141. CLOSE OF MEETING.

The meeting closed at 5.07 p.m.