Minutes of a meeting of the SOUTH HOLLAND DISTRICT COUNCIL held in the Council Chamber, Council Offices, Priory Road, Spalding, on Wednesday, 27 June 2012 at 6.30 pm.

PRESENT

R M Rudkin (Vice-Chairman)

F Biggadike
G R Aley
D Ashby
M D Booth
S M Booth
A Casson
M G Chandler
R Clark
G J Taylor
R J H Creese
R Gambba-Jones
R Grocock
M Howard
H R Johnson
C J Lawton
A M Newton
R Perkins
S-A Slade
E J Sneath
D J Wilkinson
S Wilkinson
A R Woolf
C N Worth

Apologies for absence were received from or on behalf of Councillors B Alcock, J Avery, C J T H Brewis, G K Dark, A Harrison, J L King, G A Porter, P S Przyszlak and M D Seymour and the Chief Executive.

In Attendance: Assistant Director Democratic Services, Section 151 Officer, Assistant Director Finance and Deputy Chief Executive

19. MINUTES

The minutes of the meeting held on 16 May 2012 were signed as a correct record.

20. DECLARATIONS OF INTEREST.

There were no declarations of interest declared.

21. ANNOUNCEMENTS BY LEADER AND MEMBERS OF THE CABINET.

The Deputy Leader paid tribute to Councillor Dennis Tennant who had recently passed away. He described him as the perfect gentlemen who never had a wrong word to say about anyone. He added that he was ‘Mr Long Sutton’ and had done a huge amount of good work within his ward and for the Bloom committee in Long Sutton.

Councillor A Newton paid tribute to Councillor Tennant also and echoed Councillor Worth’s words. She added that Councillor Tennant would be missed by all – he had been a councillor for over 20 years and whilst he was a quiet person he had worked endlessly in his patch and did a lot more than anyone would ever know. He would be impossible to replace and would be missed by all who knew him.

Councillor Worth announced the resignation of Councillor S Keeble from Fleet ward.
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Councillor Worth advised that the Olympic torch would arrive in South Holland on Wednesday 4 July. Further details of the route, road closures etc were available from himself or Emily Holmes, the Community Development Team Leader.

22. CHIEF EXECUTIVE’S ANNOUNCEMENTS.

The Deputy Chief Executive advised that there would be a briefing following the meeting from the Assistant Director – Democratic Services on the Localism Act and the changes to the Standards regime.

The Deputy Chief Executive advised that there would now be no Chief Executive briefing following the meeting.

23. COMMITTEE MINUTES

Planning Committee

The minutes of the Planning Committee held on 9 May 2012 were submitted for information.

DECISION:

That the minutes be received.

Special meeting of the Planning Committee

The minutes of the special meeting of the Planning Committee held on 16 May 2012 were submitted for information.

DECISION:

That the minutes be received.

Special meeting of the Licensing Committee (and Committee of the Licensing Authority)

The minutes of the special meeting of the Licensing Committee (and Committee of the Licensing Authority) held on 16 May 2012 were submitted for information.

DECISION:

That the minutes be received.

Special meeting of the Committee of the Licensing Authority
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The minutes of the special meeting of the Committee of the Licensing Authority held on 16 May 2012 were submitted for information.

DECISION:

That the minutes be received.

Special meeting of the Performance Monitoring Panel

Consideration was given to the minutes of the special meeting of the Performance Monitoring Panel held on 16 May 2012.

DECISION:

That the minutes be received and adopted.

Special meeting of the Policy Development Panel

Consideration was given to the minutes of the special meeting of the Policy Development Panel held on 16 May 2012.

DECISION:

That the minutes be received and adopted.

Special meeting of the Governance and Audit Committee

Consideration was given to the minutes of the special meeting of the Governance and Audit Committee held on 16 May 2012.

DECISION:

That the minutes be received and adopted.

Performance Monitoring Panel

Consideration was given to the minutes of the meeting of the Performance Monitoring Panel held on 30 May 2012.

DECISION:

That the minutes be received and adopted.
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Planning Committee

The minutes of the Planning Committee held on 6 June 2012 were submitted for information.

DECISION:

That the minutes be received.

Policy Development Panel

Consideration was given to the minutes of the meeting of the Policy Development Panel held on 12 June 2012.

DECISION:

That the minutes be received and adopted.

24. QUESTIONS ASKED WITH NOTICE UNDER COUNCIL PROCEDURE RULE 10.2.

There were no questions asked with notice under Council Procedure Rule 10.2.

25. QUESTIONS ASKED WITHOUT NOTICE UNDER COUNCIL PROCEDURE RULE 10.8.

Question from: Councillor D Wilkinson
Question to: Councillor Gambba-Jones
Re: Grassed and Play areas in Long Sutton

Councillor Wilkinson advised that there were two estates in a Long Sutton development that had not entered into an agreement for a grassed and play area with the authority. The equipment had not been maintained – could the authority take enforcement against the developer on both sites?

Response:
Councillor Gambba-Jones replied and stated that there were a number of sites of that nature within the district. Whilst the authority specifically required public open space the developer normally installed them to an adoptable standard. The developer would approach the authority with a sum of money and invite the authority to take the site over. The authority would then visit the site to see if it was suitable for adoption. The site should be in a pristine condition and it should be rectified before the council would take it on board, as eventually the tax payer would pick up the tab. There was a problem if a developer did not follow this procedure as the residents were then stuck in the middle. Councillor Gambba-Jones stated that with regard to the two areas in Long Sutton, he knew of eight areas in a similar situation. He had been talking to officers about what the authority could do and if enforcement of a requirement of delivery encompassed a requirement to pass it over. Councillor
Gambba-Jones stated that he needed to talk the matter through with officers and see how much clout there was to put pressure on the developers. Councillor Gambba-Jones apologised for the response as it was not a straightforward situation and stated that he would provide members with some further information on the subject. Councillor Gambba-Jones requested that before the authority adopted anything in the future that Ward members should be informed and be part of the process and requested that if any member still had areas that were unadopted to let him know.

26. REPORT FROM THE CABINET MEETING HELD ON 19 JUNE 2012

Article 4 of the Council’s Constitution provided that only the full Council may exercise the functions of approving, adopting or amending the policy framework and budget, and adopting or changing the Constitution. At its meeting on 19 June 2012 the cabinet made recommendations in respect of:

(a) Quarterly Finance Monitoring Report covering the period 1 January – 31 March 2012

Consideration was given to the joint report of the Portfolio Holder for Strategic Finance and Democratic Services and the Assistant Director Finance (S151) which provided information on the fourth quarterly financial monitoring report covering the period 1 January to 31 March 2012.

Councillor Biggadike had noted that it had recently been established that the maintenance to the river banks through Spalding were the responsibility of the bordering property owners, or the council, and that the Environment Agency’s only responsibility was the water channel. As the grassed areas were used as an amenity area by the people of Spalding, Councillor Biggadike requested that the £27,337 that was printed in the recommendation was not moved to the Spalding Special Reserve Fund and that the full cost of maintenance of the river banks be determined including the cost of a new machine recently purchased for this purpose; that the costs for 2011/12 and subsequent years be met from the Spalding Special Expenses, thus relieving the burden from the council tax payers outside Spalding. Councillor Gambba-Jones stated that he believed that it needed more research and analysis before Councillor Biggadike’s statement was taken as fact. He added that the machinery was leased and used in other areas where there were banked areas. He asked that the Chairman of the Spalding Town forum took the matter on board and discuss it at their next meeting.

Councillor Chandler commented that there had been some successful results coming from the Designated Public Places Orders and suggested the reserve fund could pay for increased signage in the town centre.

Councillor Aley commented that he had been in discussion regarding Spalding Special Expenses and would not want to commit until discussion with the S151 and the Portfolio Holder.
DECISION:

(a) That the draft year end position on the 2011/12 revenue budget be noted and approved;
(b) That the recommendations and note the year end position on the 2011/12 Housing account be approved;
(c) That the recommendations be approved and the 2011/12 year end position for the Council specific reserves be noted;
(d) That the year end position for the Council’s 2011/12 Treasury outturn be noted;
(e) That the Capital recommendations shown for the Capital programme Outturn 2011/12 and Capital Programme 2012/13 be approved;
(f) That the Spalding Special Expenses draft outturn and the transfer of the draft proposed underspend to the Spalding Special Reserve be deferred until more research and analysis be undertaken after which it be brought back to Council.

(b) Write Offs

Consideration was given to the joint report of the Portfolio Holder for Strategic Finance and Democratic Services and the Assistant Director Finance (S151) which sought approval to write off irrecoverable debts.

DECISION:

(a) That the following debts be approved for write-off:

- Council Tax - £8,085.21;
- Non Domestic Rates - £6,643.22;
- Sundry Debtors - £19,100.25;
- Former Tenant Arrears - £17,762.47;
- Housing Benefit Overpayment - £2,886.21;
- Total - £54,477.36

27. FORWARD PLAN

Consideration was given to the Forward Plan for the period July 2012 – June 2013.

DECISION:

That the Forward Plan be received.

28. BRECKLAND, GREAT YARMOUTH AND SOUTH HOLLAND SHARED MANAGEMENT

Breckland and South Holland District Council’s had been operating with a shared Chief Executive from August 2010 and with shared senior managers from April 2011. A discussion between the leaders of Breckland, South Holland and Great Yarmouth led to an interest in investigating whether a shared Chief Executive and senior
managers could work successfully across the three Councils. Elections in Great Yarmouth took place on 3 May 2012 which saw a change in political leadership, following which Great Yarmouth Borough Council formally decided to withdraw from the shared management process.

As part of the proposal for Great Yarmouth statutory appointments were to be reviewed and clarified. No changes to the current arrangements for Breckland and South Holland were recommended with one exception. It was recommended that the Director of Commissioning Maxine O’Mahony be appointed as Electoral Registration Officer and Returning Officer for South Holland District Council.

**DECISION:**

a) To acknowledge the end of the joint working arrangements with Great Yarmouth Borough Council;

b) To approve the continuation of the additional work streams described in the report;

c) To appoint Maxine O’Mahony, Director of Commissioning as Returning Officer; and

d) To appoint Maxine O’Mahony, Director of Commissioning as Electoral Registration Officer.

29. **THE LOCALISM ACT - THE AMENDED STANDARDS REGIME**

Consideration was given to the report of the Assistant Director – Democratic Services requiring approval of the arrangements for Standards as required by the Localism Act 2011. The date for implementation of those changes was 1 July 2012 and needed to be approved by Council before that date.

A report was brought before Council at its meeting on 16 May 2012 detailing issues and recommendations for the future standards regime in the light of the Localism Act 2011. The recommendations of the report were approved in full. However, at the time of the meeting the regulations to the Localism Act 2011 had not been published and so the definition of Disclosable Pecuniary Interests (DPI’s) was not known. The definition of DPI’s were required in order to finalise the Code of Conduct and the arrangements documents for the future handling of complaints. The proposed updated Code of Conduct was part of the arrangements documents and was attached at appendix 1 to the report.

**DECISION:**

a) That the arrangements for Standards be approved and implemented with effect from 1 July 2012;

b) That authority be delegated to the Monitoring Officer and the Standards Panel as detailed in the arrangements as per appendix 1 to the report;

c) That authority is delegated to the Monitoring Officer for any further procedural decisions on implementing the arrangements as detailed within this report;
d) That members delegate authority to the Monitoring Officer to amend the constitution to reflect the approved arrangements as agreed by Council and any further amendments agreed in future by Council as necessary;

e) That the Standards Committee is disbanded with effect from 1 July 2012 as set out in the Regulations to the Localism Act 2011; and

f) That the Terms of Reference for the Standards Panel as detailed in Appendix 2 and delegation of power are approved.

30. **PRE-DETERMINED DEBATES**

It was Council's practice to provide for a regular item on Council agendas in April, July and November to enable debates on predetermined issues of importance to members.

The subject matter for debate was to be determined by the Council at the meeting immediately before that for debate, provided that the matter to be debated was an issue which has been the subject of a Question without Notice since the last meeting where a debate was held.

Councillor Gambba-Jones stated that using questions raised at Council for future debate was in his opinion less than effective. He requested that although these questions could still be used that it not be the sole source and that if there was a proposition there should be at least one member identified as being willing to present an opposite view as that held by the proposer. He also requested that the desired outcome of any debate be made clear when an item was being proposed for debate before it was accepted for future debate at full council.

Concern was raised by some members who felt it may restrict the debate but Councillor Gambba-Jones advised that it helped to widen the areas for debate, which in turn would lead to a more meaningful outcome.

**DECISION:**

a) That officers not be required to read out a list of questions but that the list still be provided for members reference on the agenda but that it not be the sole source for debate;

b) That where there was a proposal at least one member was to be identified as being willing to present an opposite view to the one held by the proposer;

c) That the desired outcome of any debate be made clear when the item was proposed for debate and before it was accepted for future debate by full council; and

d) That there be a six month trial period of the new system.

31. **URGENT DECISION BY PORTFOLIO HOLDER FOR LOCALISM AND BIG SOCIETY**
Consideration was given to the report of the Assistant Director – Democratic Services advising Council of an urgent decision made in respect of the Lincolnshire Armed Forces Community Covenant, as follows:

- That the Council becomes a partner signatory to the Lincolnshire Armed Forces Community Covenant alongside other Lincolnshire District Councils; and
- That authority to sign the Lincolnshire Armed Forces Community Covenant on behalf of South Holland District Council be delegated to the Leader of the Council and/or Deputy Leader of the Council.

Councillor Worth updated members and advised that the covenant had now been signed by all at a ceremony RAF Cranwell.

DECISION:

That the decision taken by the Portfolio Holder and the reasons for urgency be noted.

32. APPOINTMENTS TO OUTSIDE BODIES

Lincolnshire Community Safety Partnership

Consideration was given to the report of the Assistant Director – Democratic Services to consider the appointment of a representative to serve on the Lincolnshire Community Safety Partnership.

DECISION:

That the Portfolio Holder to Localism and Big Society be appointed to the Lincolnshire Community Safety Partnership.

District Carer’s Champion

Consideration was given to the report of the Assistant Director – Democratic Services to replace the current District Carers Champion.

DECISION:

That Councillor A Casson is appointed as the Council’s new District Carers Champion.

(The meeting ended at 7.30pm)

(End of minutes)