



WEST LINDSEY DISTRICT COUNCIL

Minutes of the Meeting of Council held in the Council Chamber at the Guildhall, Gainsborough, on Monday, 2 July 2012, at 7.00 pm.

Present:

Councillor Jessie Milne (In the Chair)
Councillor Malcolm Parish (Vice-Chairman)

Councillor Gillian Bardsley	Councillor Irmgard Parrott
Councillor Owen Bierley	Councillor Roger Patterson
Councillor Nigel Bowler	Councillor William Parry
Councillor Ken Bridger	Councillor Judy Rainsforth
Councillor Jackie Brockway	Councillor Tom Regis
Councillor Alan Caine	Councillor Di Rodgers
Councillor David Cotton	Councillor Lesley Rollings
Councillor Stuart Curtis	Councillor Reg Shore
Councillor Chris Darcel	Councillor Mel Starkey
Councillor Richy Doran	Councillor Lewis Strange
Councillor Ian Fleetwood	Councillor Jeff Summers
Councillor Paul Howitt-Cowan	Councillor Mick Tinker
Councillor Burt Keimach	Councillor Anne Welburn
Councillor Malcolm Leaning	Councillor Geoff Wiseman

Apologies:

Councillor David Dobbie
Councillor Stuart Kinch
Councillor Angela Lawrence
Councillor Sue Rawlins
Councillor Ray Sellars
Councillor Chris Underwood-Frost
Councillor Trevor Young

In Attendance:

Manjeet Gill	Chief Executive
Rachel North	Director of Communities and Localism and Monitoring Officer
Mark Sturgess	Director of Regeneration and Planning
Alan Robinson	Head of Central Services
Dinah Lilley	Governance and Civic Officer

Also in Attendance:

The Reverend Phillip Wain
Alan Monighan (Standards Committee)
Rose Dobbs (Standards Committee)
Peter Walton (Standards Committee)
Wayne Rigby (Remuneration Panel)
Maddy Brown (Remuneration Panel)

Also Present:

One member of the public

24 PRAYERS

The meeting commenced with prayers by the Reverend Phillip Wain.

25 COUNCIL MINUTES (Paper A)

RESOLVED that the minutes of the meeting of Council held on 14 May 2012 be confirmed and signed as a correct record.

26 MEMBERS' DECLARATIONS OF INTEREST

Councillor David Cotton declared a personal interest in Paper C as he was a serving Chaplain to the Armed Forces.

27 MATTERS ARISING (Paper B)

The Governance and Civic Officer gave updates on the items listed on the Matters Arising Schedule.

Regarding the items arising from consideration of the Medium Term Financial Plan at the 5 March meeting, the NNDR (Business Rates) was being considered by the Open for Business Working group, and the requested changes to the Councillor Initiative Fund had been forwarded to the Policy and Resources Committee who had requested further information.

Councillor Alan Caine updated the meeting on the matter of Mobile connectivity which had been absorbed into the work of the Broadband working group. Councillor Caine reminded Councillors that if they were aware of any 'not spots' where reception was problematic, that this please be reported to the group via the Governance and Civic Officer.

RESOLVED that the Matters Arising Schedule be noted.

28 ANNOUNCEMENTS

Chairman

Prior to reporting the Chairman's engagements, recognition was given to the Members of the Standards Committee who were retiring from service to the Council due to the requirements of the new Standards regime. The Chairman then presented certificates of appreciation to those retiring Members who were present at the meeting (Rose Dobbs, Alan Monighan and Peter Walton).

The Chairman then went on to describe some of the engagements that she had undertaken during June, which had been an exceptionally busy month with two 'once in a lifetime' events. The Diamond Jubilee weekend had been fantastic and communities were grateful to the Council for financial contributions towards holding events. Three couples celebrating their own Diamond anniversaries were also included in the celebrations.

The picnic at Burleigh House, with the Queen had been very enjoyable, as had Lincolnshire Show and the Armed Forces Day. The Chairman then described the atmosphere during the Olympic Torch relay through Saxilby as unbelievable. June had maybe been the wettest month but the community spirit had been excellent. The Chairman then expressed thanks to officers Nicci Turnbull and Diane Lamb for all their help and support.

Leader of the Council

The Leader commended the Chairman for her dedication and the way she had represented West Lindsey District Council at all the events.

The Leader had attended the Local Government Association in Birmingham, where the message 'we are not alone' was the theme. All local authorities were facing the same problems, but had different ways of dealing with them in their contribution to reducing the National Debt. Budget cuts were likely to amount to at least an 8% reduction in funding, but in the face of the cuts West Lindsey had launched two new community funds and was continuing with the Councillor Initiative Fund.

The Localism Act had, however, had seen the demise of the Comprehensive Area Assessment, closed local Government offices and the Standards Board for England. There was a shift in power from Whitehall to local communities and this decentralisation was welcomed along with the implementation of a general power of competence. There was also to be a localisation of Business Rates and Council Tax Benefits. If Council Tax was not to be increased then cuts had to be made elsewhere.

Head of Paid Service

The Chief Executive had also attended the Local Government conference and had seen the financial profiles for local government for the next eight years. For West Lindsey the modelling was predicting further reductions of up to £2 million which would be extremely difficult. The Chief Executive explained that these likely further reductions in the council's central government grant were very severe and were as a result of the government deficit which had actually grown in the last 2 years given the increases in unemployment and benefit payments.

Within the Council over the last two months Organising for Delivery review of staffing project had focused on the arrangements for Area Working within our

approach to Localism. As the six Community Action Officers had now been appointed across the six Areas it was important that the Area Managers were able to step back slightly from direct day to day involvement but they would still retain responsibility for working with elected Members and signposting at a local level. The Community Action officers were really keen to get involved locally and they were expected to be physically out and about in their areas for at least 75% of their time. Locations in the communities where they would be able to work from were being identified and a large part of their role would be to assist in drawing down external funding for communities. There had also been a restructure in the Planning department with three development managers being established.

The Chief Executive stressed that the main focus over the next three to six months would be the budget strategy. She was working with the Chief Finance Officer on ideas for the future as it would not be possible to continue making cuts as the council had done to date. Rather a radical new approach to generating income and reorganising the way services were delivered would be necessary.

The growth agenda was to be a priority, as were the ex MOD sites, for which the Chief Executive was looked to as a national lead. Market Rasen had also been selected as a Portas pilot by the Government, one of only 12 towns chosen nationally to receive dedicated support to regenerate the town centre.

The Chief Executive also commented on the success of the events such as the Olympic Torch and the Garden Party over the last month.

29 PUBLIC QUESTION TIME

No public questions had been received.

30 QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 9

Councillor Strange submitted the following question to the Leader of the Council

“Worries across the Hemswell ward of West Lindsey district council, of the possibility of applications for huge wind farm developments, have figured alongside the massive developments in situ or being proposed in other parts of Lincolnshire, and I hope Leader you will do all you can to support the County councils stand on this, through instructing our planning department that the vast majority of rural dwellers wish their Big West Lindsey Skies to be protected from these huge developments each one taller than Lincoln Cathedrals Central Tower. Would you Leader agree that whilst West Lindsey so far has not been affected, the County in entirety has had its share already, especially as they are when placed on land, at least of a very doubtful value?

As you are aware County have asked that special protection is also added in planning documentation, to the older designations of greater landscape value, this including our Wolds area north of Caistor and the Lincoln limestone ridge.

However this has all, naturally obscured the considerations necessary, at our and other District councils on the development of renewable energy sources for our premier business in West Lindsey our highly efficient agricultural industry.

Our farmers will naturally wish to try to mitigate, the cost of energy needed to run their businesses, weather livestock, vegetable or traditional agriculture crops such as cereals or potatoes.

Many are looking to develop through anaerobic, ground source heating and solar panel technology which should be applauded, and which we as a council have asked our planners to encourage as initial approaches are made.

Obviously many applications coming forward will centre on 35 meter tall or smaller wind turbines, naturally enough agricultural agents are encouraging their farmer clients to adopt the turbine approach, as the initial feed- in tariff on offer, is at the moment so attractive.

My main fear is that whilst wind turbines of a limited size, should not be discouraged for our farmers and growers, we ought as a council to ask our planners, that should an application for a turbine on a smaller unit come forward, or a larger unit needing two, then they should be situated as near to the farm complex as possible, wherever that farmstead is in the open countryside. This would prevent turbines being pepper potted across the open countryside; if the farmstead is in the village then a different approach would be considered.

Leader would you finally agree with me that that whilst at all times we must do all we can to support, our farming businesses and that includes being far more accommodating, for a modest house or bungalow suitably screened, to be allowed on site, for either a farm worker or parents to retire to, the addition of turbines has to be balanced by the visual impact to all the residents of our lovely district.”

Thank you Leader.
Lewis Strange

The Leader of the Council responded:-

“I would like to thank Councillor Strange for this question.

It does appear this Council will have to determine a number of applications for wind turbines that will produce electricity for the national grid. Councillor Strange is correct when he states that these will be large structures and that the possibility of them being constructed in the District has already caused considerable concern locally. He is also correct in stating that the County Council have adopted a position statement with regard to the development of wind farms within the County.

In many ways the County Council is in a privileged position: it is able to take a countywide view on these structures and it is not the decision taker when it comes to planning applications.

This Council is the local planning authority for West Lindsey. In this role it acts in a “quasi-judicial” capacity when it makes decisions on planning applications within the District. This means that it has to be very careful to ensure these planning applications for wind turbines, when they are received, are dealt with properly and in accordance with the Council’s role as the decision taker on these matters. A key principle in dealing with planning applications is that they are considered on the basis of the evidence available at the time they are determined. This means that whilst I can understand the local concern about the possibility of these developments I cannot express an opinion on the merits or otherwise of these potential applications on behalf of this Council. I understand that this stance might well disappoint Councillor Strange; however I must protect this Council’s position in advance of any decision being made on these proposals.

With regard to the other points mentioned in Councillor Strange’s question I am sure the Planning Committee, supported by officers, will be able to balance the considerations at issue when they consider these smaller wind turbines which farmers are seeking to help reduce their exposure to ever rising energy costs.”

Councillor Darcel submitted the following question to the Leader of the Council

“Could the leader of the council please provide the council with an update on how the development of the Old Guildhall is progressing.

Guidelines laid down by the Chief Executive to the Policy & Resources and Prosperous Communities Committees, 23rd February, 2012 emphasised permission was needed from the Secretary of State to demolish the Old Guildhall, and that to obtain that permission WLDC needs both a contractor and a project with which to replace the building in place.

The Chief Executive was given permission by the above committees to enter into a discussion with a potential developer, which may or may not become the eventual partner.

Is this still the case?

Will the Leader of the Council please assure the council that due diligence is taken to ensure that any development will encompass the needs of the whole area rather than just provide a quick fix to save the

council the £50,000 annual rates bill that has been mentioned as a motivator for the demolition of the hall.

Will the Leader of the Council please also assure the council that no contracts will be awarded until after the matter has been thoroughly discussed by the whole council.

I appreciate I am not a “Gainsborough” councillor and that my main interests are in my own ward. I tend to look on jealously at any money spent in Gainsborough, when my own ward desperately needs a multipurpose playing field, youth hut and footpaths to Cherry Willingham and Reepham.

However, I can see that a prosperous new Gainsborough would be of benefit to all wards in the district. New jobs, wealth and tourists would be attracted into the area and all would benefit.

Skilful and imaginative development has been proved to work in Marshall's yard and extending similar imagination and flair to other areas of the town owned by the district council and perhaps even including the Co Op in discussions could help develop a cohesive plan to enable the town prosper in the future.

An invigorated The Old Guildhall site, the river frontage and the space in between could with our “World Class” Old Hall, Marshall's Yard and our rich Viking heritage be presented as an integrated package, and this would help bring in both wealth and jobs.

The Prosperous Communities and Policy and Resources Committees are more than capable of handling the initial steps for demolishing the Old Guildhall but surely it is for the whole council to take ownership of the replacement, “as a whole”, in this prime and valuable location, so that whatever comes out of the process can be looked on with pride by the whole council, both in the immediate future and for years to come.

Marshall's Yard has been a great first step.

I am sure every councillor has their own ideas and perception of how they would like to see the town in a few years time, or has seen things elsewhere in the UK or abroad, that has caused them to reflect- “that would great for Gainsborough”.

To this end I wish that the whole council debates the development of the Old Guildhall site and the surrounding area and what may be put in its place, at the earliest opportunity, as an agenda item at the next Full Council meeting, or better still, at an extraordinary Full Council meeting. This would allow opportunity for all councillors to air their ideas and for proper and constructive debate.

As elected representatives we are all under obligation to the residents of West Lindsey to make sure that the project gives not only best value but provides a high quality, sustainable environment which meets the needs of the whole community for years to come.”

Christopher Darcel.

The Leader of the Council responded:-

“I would like to thank Councillor Darcel for his question.

This matter has been considered by both Prosperous Communities Committee and Policy and Resources Committee and as a result of the resolution of Policy and Resources Committee the Council is currently working with a “potential development partner” to develop a viable proposal for this site. Until the process, authorised by Policy and Resources Committee, has run its course I am unable to give any further information on this site due to the commercial sensitivity of the matters involved. “

The Leader reassured Councillor Darcel that he need have no concerns, and that once the work was concluded there will be a full report on the available options.

31 WEST LINDSEY HONOURS (PAPER C)

The Chairman of the Challenge and Improvement Committee introduced the report which had previously been submitted to the Annual Council meeting and subsequently deferred for amendments. The changes requested had been made and agreed by the Challenge and Improvement Committee so the report was re-presented for approval by Council.

Members agreed that the report was better than the previous version but that it was still not right. For the awards to hold any gravitas the report and the criteria had to be fit for purpose at the outset and not be subject to changes once implemented.

Issues that Members questioned included:

- potential nominees should not be discussed in an open Council meeting, any objections should have been made prior to reaching that stage of the process, so there should be a prior consultation mechanism with all Members;
- The number of available awards was debated at length, and it was questioned whether there should be an upper limit. If there were two worthy candidates in one year it would be difficult to select just one. If an award was not made one year, would there be a carry forward facility?
- the Right of Freedom for the military should not be described as an ‘empty grant’ as it implies a lack of worth;

- it was suggested that in paragraph 3.2e the word ‘severe’ should be removed, as, if an Alderman brought the Council into any form of disrepute the sanctions should be applied;
- the appointing panel should be politically neutral;
- the matter of the ability to claim expenses should be addressed;
- paragraph 3.1m was grammatically incorrect and the report should be proof read;
- it was also suggested that awards only be given in line with four yearly elections, and that there be no limit to the numbers, as there may be no nominations, or there may be five.

It was moved, seconded and voted upon that the word ‘severe’ be removed from paragraph 3.2e, this was **AGREED**. However, it was subsequently suggested that the report be deferred for all the above issues be addressed.

RESOLVED

- a) that the West Lindsey Honours report be deferred to a future meeting of Council, following amendments being agreed by the Challenge and Improvement Committee, and
- b) any Members who have comments to make, forward these to the Chairman of the Challenge and Improvement Committee.

Councillor Caine, Chairman of Challenge and Improvement Committee asked that any member with a comment / suggestion as to the Honours report to please email or otherwise let him know so that the Committee could take into account all views prior to bringing the report back to Council.

32 DRAFT LOCAL CODE OF CONDUCT, OPERATING PROCEDURE AND GOVERNANCE STRUCTURE (PAPER D)

The Chief Executive introduced the item, stating that the Monitoring Officer (Director of Communities and Localism) was working with other officers and members on a new Standards regime and Code of Conduct for the Council following the demise of the Standards Board for England. It was felt that at West Lindsey District Council Members behaviour was generally exemplary, which showed democracy at its best.

The Monitoring Officer gave a presentation which outlined the revised ethical conduct framework. The presentation set out the context in terms of the approach by the new Government and West Lindsey’s commitment to Localism, to put public resources to good use, build on previous experiences and to inspire confidence in democracy.

The Localism Act 2011 was summarised and the seven Nolan principles, on which the LGA model of conduct was based, were listed. A summary of the local arrangements for dealing with complaints was described, and the methods of dealing with pecuniary and non-pecuniary interests explained.

The Council was required to appoint an independent person and a reserve, and those persons proposed for appointment were named in the report.

Note Councillor Darcel declared a personal interest at this point as he knew one of the applicants.

The local arrangements for town and parish councils were also described, in that whilst a code of conduct for members was required, this did not have to be the one used by West Lindsey District Council.

The overall approach to standards in the future was to be more flexible, less prescriptive, to recognise the valuable role of local representatives, and to use informal methods of resolution whenever possible. These guidelines were part of the Council's commitment to Localism and supporting active communities.

Members then discussed the content of the report and queried the fact that if parish councils could choose a code other than that of the District Council, but that the District Council had overall responsibility for dealing with investigations, this could lead to confusion.

Members sought clarification on the appointment of parish council representatives to the District Council Standards sub-committee, as to whether existing expertise was to be retained, or whether new Members with a fresh outlook would be better. The timescale for these appointments was also debated and it was suggested that the terms of office could be staggered in order to avoid having a completely inexperienced panel appointed all at the same time.

The Monitoring Officer asserted for Members that the District Council had discretion on the selection process for appointments, but that Members' suggestions would be given consideration.

RESOLVED that:

- a) a Standards Sub-Committee comprising elected Members of the District Council, appointed proportionally, be established. A further report will be submitted to Council at its September meeting to deal with this matter specifically;
- b) a maximum of three Parish Councillors be co-opted as non voting Members of the Sub-Committee, the selection process by which appointments are made to be delegated to the Monitoring Officer after consultation with the Chair of Governance and Audit Committee and the Chair of the Standards Sub-Committee;
- c) the draft Code appended to the report, and which is based upon the template issued by the LGA, including the provisions for the registration and disclosure of interests, be approved;
- d) the Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct;

- e) the arrangements for dealing with complaints of breach of Code of Conduct as appended to the report be adopted;
- f) Council delegate to the Hearings Panels such of its powers as can be delegated to take decisions in respect of a member who is found on hearing to have failed to comply with the Code of Conduct, such actions as set out in the appendix to the report;.
- g) the appointment of Mrs Jen Cooper as the Independent Person and Mr Clive Mason as the reserve member up until the Annual Meeting of Council in May 2015 be approved;
- h) the Monitoring Officer, in consultation with the Chair of Standards Sub-Committee and the Chair of Governance and Audit Committee, be authorised to set the initial allowances and expenses for the Independent Persons, and this function subsequently be delegated to the Standards Sub-Committee.
- i) the power to grant dispensations be delegated to the Monitoring Officer with an appeal to Standards Sub-Committee;
- j) the Constitution be amended as necessary and required to reflect the resolutions passed.

**33 TO RECEIVE THE MINUTES OF COMMITTEE MEETINGS
PUBLISHED SINCE THE LAST COUNCIL MEETING ON 5 MARCH 2012.**

RESOLVED that the minutes of Committee meetings published since the last Council meeting on 5 March 2012 be received.

The meeting concluded at 8.30 pm.

Chairman