

WEST LINDSEY DISTRICT COUNCIL

Minutes of the Extraordinary Meeting of Council held in the Council Chamber at the Guildhall, Gainsborough, on Monday, 25 February 2013, at 7.00 pm.

Present:

Councillor Jessie Milne (In the Chair)
Councillor Irmgard Parrott (Vice-Chairman)

Councillor Gillian Bardsley	Councillor Malcolm Leaning
Councillor Owen Bierley	Councillor Giles McNeill
Councillor Mark Binns	Councillor Malcolm Parish
Councillor Nigel Bowler	Councillor William Parry
Councillor Ken Bridger	Councillor Roger Patterson
Councillor Jackie Brockway	Councillor Judy Rainsforth
Councillor Alan Caine	Councillor Sue Rawlins
Councillor Stuart Curtis	Councillor Tom Regis
Councillor Chris Darcel	Councillor Di Rodgers
Councillor David Dobbie	Councillor Lesley Rollings
Councillor Richy Doran	Councillor Reg Shore
Councillor Ian Fleetwood	Councillor Jeff Summers
Councillor Paul Howitt-Cowan	Councillor Mick Tinker
Councillor Burt Keimach	Councillor Anne Welburn
Councillor Stuart Kinch	Councillor Geoff Wiseman
Councillor Angela Lawrence	Councillor Trevor Young
	Councillor Chris Underwood-Frost

Apologies: Councillor David Cotton
Councillor Lewis Strange

In Attendance:

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

Also in Attendance: Lay Minister David Farrow
Eleanor Hoggart – Assistant Director Lincs Legal Services
Lucy Pledge – Lincs Audit
Rachel Abbot – Lincs Audit
John Skelton – Lincs Audit

Also Present: 4 members of the public

89 PRAYERS

The meeting commenced with prayers by Lay Minister David Farrow.

90 MEMBERS' DECLARATIONS OF INTEREST

Councillors Binns, Dobbie, Doran, Parry, Rollings and Tinker declared personal interests in that they were members of Gainsborough Town Council.

91 EXCLUSION OF PUBLIC AND PRESS

The Monitoring Officer had circulated an advice note prior to the meeting setting out the background to the Extraordinary meeting being called in line with Constitutional requirements. The advice note recommended that the meeting be held in private in order to aid open debate and prevent potential disclosure of commercially sensitive details relating to third parties.

A motion was proposed and seconded that the report not be exempt and that the meeting be open to public and press, with Part V paragraph 11.1 n) of the Council's Constitution being quoted. The Lincolnshire Legal Services representative explained that whilst there may not be exempt information in the report, in order to facilitate open debate and not restrict the ability of Councillors to raise points relating to the individual businesses concerned in the development project it had been deemed appropriate to hold the meeting in private. The Monitoring Officer stated that the effect of inserting the word 'not' into paragraph 11.1 n) would be to negate the motion which was not permitted in the Constitution and this would be actually be achieved by simply voting against the motion

The Chief Executive explained that it was her duty to protect the Council and the risk of Councillors inadvertently releasing commercially sensitive details during debate was too great to consider the meeting being held in open session. She reminded them that Councillors were not entitled to Parliamentary privilege like Members of Parliament.

The recommendation to exclude the public and press was then moved and seconded. Two Councillors requested that a recorded vote be held.

For: Councillors Bardsley, Bierley, Bowler, Brockway, Caine, Curtis, Doran, Fleetwood, Howitt-Cowan, Keimach, Lawrence, McNeill, Milne, Parish, Parrott, Parry, Patterson, Rawlins, Regis, Summers, Underwood-Frost, Welburn.

Against: Councillors Binns, Bridger, Darcel, Dobbie, Leaning, Rainsforth, Rodgers, Rollings, Shore, Tinker, Wiseman, Young.

Abstained: Councillor Kinch

A total of 22 votes for and 12 votes against, with one abstention.

RESOLVED that under Section 100 (a)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of part 1 of schedule 12a of the Act.

Members of the Public left the meeting.

92 ELSWITHA QUARTER DEVELOPMENT

The Director of Regeneration and Planning gave the meeting a presentation about the Development Project which described: the issues it was attempting to address; the history of the development the site from 2007/08; and the decisions made.

The Chief Executive assured Members that the report addressed each of the four points that had been set out in the request for the Extraordinary meeting. The recent judicial review had determined that the process undertaken thus far had been sound. The second of the recommendations in the report was to request that the Governance and Audit Committee oversee and receive an audit report commissioned from Lincolnshire Audit.

The Leader of the Opposition raised various points regarding the bidding process, changes to the development brief, legal challenge and Councillors' indemnity, noting that ten Councillors could sign a requisition for a decision to be rescinded. Councillor Shore also proposed that the third and fourth recommendations in the report were superfluous. Discussion ensued on the appropriate body to undertake an audit of the process, and it was affirmed that any recommendations from the Governance and Audit Committee would be for approval by full Council. All Members were welcome to attend Governance and Audit Committee meetings and contribute to the audit process, and an informal meeting was due to take place on 4 March 2013 to discuss work programming.

The motion to amend the recommendation, by removing points three and four, was seconded. On being voted upon the **MOTION WAS LOST**.

Lengthy discussion then took place on the level of public consultation that had taken place to date and it was noted that the regeneration of that part of Gainsborough should be a cause for celebration. Meetings had taken place of the steering group formed to discuss the matter, although one Member apologised for missing meetings due to illness. A representative of Gainsborough Town Council, along with Gainsborough District Councillors had been invited to attend a workshop, and more recently an informal meeting had taken place with residents who had submitted a petition, which would be presented to the Council meeting on 4 March 2013.

It was proposed that a further recommendation be added which confirmed that public consultation/engagement would take place prior to the submission of any planning application to develop the hotel.. Officers asserted that rather than a meeting where Council officers presented a specific scheme, an exercise to promote engagement with residents would be organised. This would be arranged in collaboration with the developer once there were options available to be presented showing how the riverside site could be developed. The Chairman of the Planning Committee suggested that a Special meeting of the Planning Committee could be held with the proposals being the single item on the agenda. Assurance was given that public engagement would take place prior to any firm decisions being taken on the detailed development of the area. Now was the time to consult on form and design. Whilst preliminary negotiation around contracts had been under discussion this would not have been appropriate.

Members stated that they needed to have confidence in the decision making process and some requested that the Council's defence case for the Judicial Review referred to in the report should have been provided to all Councillors. The Legal representative pointed out that Councillors were not necessarily entitled to all legal documents and the Chief Executive was entitled to make the decision not to share all information.

RESOLVED that:

- a) the contents of the report be noted and approved;
- b) the Governance and Audit Committee oversee and receive the audit report commissioned from Lincolnshire Audit;
- c) Member workshops be approved to help members explore and understand the constitution, especially with regard to access to information; and
- d) Council receive a report on these workshops, no later than October 2013.

The meeting concluded at 9.15 pm.

Chairman