

## WEST LINDSEY DISTRICT COUNCIL

Minutes of the Meeting of Council held in the Council Chamber, The Guildhall, Gainsborough, on Monday 25 January 2016, at 7pm.

**Present:** Councillor Angela Lawrence (Chairman)  
Councillor Roger Patterson (Vice Chairman)

Councillor Gillian Bardsley	Councillor John McNeill
Councillor Sheila Bibb	Councillor Jessie Milne
Councillor Owen Bierley	Councillor Richard Oaks
Councillor Matthew Boles	Councillor Malcolm Parish
Councillor David Bond	Councillor Judy Rainsforth
Councillor Alexander Bridgwood	Councillor Tom Regis
Councillor Jackie Brockway	Councillor Di Rodgers
Councillor Stuart Curtis	Councillor Lesley Rollings
Councillor Chris Darcel	Councillor Reg Shore
Councillor Michael Devine	Councillor Thomas Smith
Councillor Steve England	Councillor Lewis Strange
Councillor Ian Fleetwood	Councillor Jeff Summers
Councillor Paul Howitt - Cowan	Councillor Anne Welburn
Councillor Stuart Kinch	Councillor Angela White
Councillor Giles McNeill	Councillor Trevor Young

**In Attendance:**

Ian Knowles	Director of Resources
Mark Sturgess	Chief Operating Officer
Penny Sharp	Commercial Director
Alan Robinson	Strategic Lead for Democratic and Business Support and Monitoring Officer
Dinah Lilley	Governance and Civic Officer

**Also in Attendance** David Lomas – Chairman of the Remuneration Panel

**Also Present** 11 members of the public

### 63 APOLOGIES FOR ABSENCE

Councillor David Cotton  
Councillor Pat Mewis  
Councillor Hugo Marfleet  
Deacon Stephen Boulter  
Manjeet Gill - Chief Executive

#### **64 COUNCIL MINUTES (PAPER A)**

**RESOLVED** that the minutes of the meeting of Council held on 16 November 2015 be confirmed and signed as a correct record.

#### **65 MEMBERS' DECLARATIONS OF INTEREST**

The Leader of the Council noted that all Members were automatically exempt from declaring an interest in Paper G – Members Allowances.

Councillor Regis declared a personal non pecuniary interest in Paper C – Housing Enforcement Policy, as a landlord.

#### **66 MATTERS ARISING (PAPER B)**

It was noted that all items were showing as black as having been completed.

Councillor Giles McNeill questioned one of the items in that an update would be welcomed, namely the two appointments of one Member on the Greater Lincolnshire Leadership Board, and whether this had been discussed any further by the Board.

**RESOLVED** that the Matters Arising be noted.

#### **67 ANNOUNCEMENTS**

i) Chairman of the Council

The Chairman highlighted some of the events she had recently attended such as the awards ceremony at Lincoln College, a visit to the Post Office at 7.30am, a number of nursing homes and also the fire station. At Christmas she had toured the Guildhall with a trolley giving out mince pies and refreshments, which was welcomed by staff and was better received than holding a reception in the Chamber and inviting officers to attend. An event had been held at Caistor Grammar School to present Duke of Edinburgh Awards and it had been a pleasure to meet Bonita Norris, the youngest British woman to reach the summit of Mount Everest. Several funerals had been attended, and particular note was made of the recent passing of Len Parrott, late husband of ex-Councillor Irmgard Parrott, who had been ill for some time.

ii) Leader of the Council

The Leader of the Council noted that the first meeting of the year of the Central Lincolnshire Joint Planning Unit had taken place, during which 12 questions had been submitted by three people, on such issues as Sustainable Urban Extensions, infrastructure, housing and access to Lincoln. Document 8 contained 57 policies and further recommendations were to be submitted to the Committee in March, prior to the final Local Plan consultation in April.

The Devolution agenda was progressing and the Leader had met with David Hickman to consider water management issues. Council Leaders and Chief Executives were shortly to meet with Greg Clark, Secretary of State for Communities and Local Government, to discuss next steps.

iii) Head of Paid Service

The Strategic Lead for Democratic and Business Support and Monitoring Officer, deputising for the Chief Executive in her absence, gave her apologies as she had had car problems on her way to the meeting, and gave an update on her behalf.

As mentioned by the Leader, a further meeting was to take place with Greg Clark on 12 February to accelerate the Devolution agenda.

The budget settlement had been announced prior to Christmas, and whilst the Council had been prudent in financial planning it was still to be a challenge. A review was ongoing regarding the retention of business rates and the budget strategy was to be considered at the next meeting, with further proposals in the new civic year.

## **68 PUBLIC QUESTION TIME**

There were no questions from the public.

## **69 QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE NO. 9**

### **Question from Cllr Bardsley**

“Clean for the Queen” is a national campaign launched late last year to encourage residents to take greater pride in their local environment, urban and rural. The Queen's ninetieth birthday celebrations in June this year are the catalyst. When Her Majesty came to the throne in 1952, litter, particularly plastic packaging, was not the environmental hazard and eyesore it now is for our settlements and countryside.

The first national volunteer litter pick is scheduled for the weekend of March 4th, 5th and 6th. Individuals, businesses, schools, and local councils are being invited to become involved. If every adult picked up one piece of litter every day and disposed of it responsibly, that would be up to 50 million items removed from our living environment per day. What a difference that could make to our enjoyment of where we live and work.

Our neighbouring North Lincolnshire Council announced earlier this month that they would be joining the campaign, encouraging, supporting and publicising events in their area.

I would like to ask all members of this council if they agree with me that West

Lindsey DC should sign up to this campaign and provide support and assistance to our communities.”

**Response by Cllr Bierley – Chairman of the Prosperous Communities Committee**

“West Lindsey Operational Services are signing up to this initiative and will be able to offer support to community groups who wish to organise events. We can offer litter pickers, high vis jackets, refuse sacks as well as offering risk assessments and further safety advice. As usual the mechanical road sweeper will be working all weekend and can help add an additional level of cleanliness to communities subject to availability. The service are happy to support events all year round and residents don't need to wait for official events such as this to help clean up their local area.”

**Question from Cllr Bardsley**

“The Transatlantic Trade and Investment Partnership (TTIP) is under negotiation between the European Union and the USA, proposing a series of changes to current trading arrangements to promote multilateral economic growth. Not exactly a headline grabber so far as the discussions are obviously exceedingly complex, but so are the possible repercussions if the detail has unintended consequences.

Concerns have recently been raised as to TTIP's potential impact on our national standards of meat inspection which are very different from those regulating meat hygiene in the USA. Currently the UK has an assurance regime based on independent inspection before meat can be sold to consumers.

The LGA is engaged with decision makers in London and Brussels to ensure safeguards are provided for any local services that might be affected by any deal.

However, meat inspection is obviously only one area being discussed.

I would like to ask all members of this Council if they agree with me firstly that West Lindsey District Council should seek assurance from the LGA that they are closely monitoring negotiations, and urging that there will be no deregulation of Meat Inspection to the detriment of British meat consumers.

Secondly do they agree with me that because TTIP is so far-reaching, and may affect many areas of local government, this Council should ask our local Member of Parliament to seek assurance from the Government that before any agreement is ratified, it will be subjected to scrutiny by both the UK and EU Parliaments?”

**Response by Cllr Summers – Leader of the Council**

“Thank you Councillor Mrs Bardsley for raising this important question. West Lindsey is a rural area and as a Council we have strong links with the food industry. Not only could changes impact on public safety I am also concerned about the potential economic impact on the districts food industry.

I am therefore fully supportive of your view and I would like to move that the Chief Executive writes to the Minister and our Local MP to ask for assurance that the United Kingdom’s interests in terms of public safety will be strongly defended.”

**Note** Councillor Bardsley left the meeting at 7.44pm

### **Question from Cllr Darcel**

“New housing, the Localism Act and the NPPF.

Could the Chief Executive please inform members how this council will make good the loss of finance that parish councils are suffering as result from the failure by members of the Joint Planning Unit to come up with a satisfactory Local Plan in 2013?

In the Cherry Willingham Ward alone the five parishes may lose between £1/2M and £3/4 M.

Saxilby, Sudbrooke, Nettleham, Welton and Dunholme parishes and Market Rasen town councils could lose £ms.

This money was deemed necessary and provided by the Government through CILs to extend or build new village halls, community hubs, recreation, sports and play areas and other facilities the new enlarged communities will need.

The Parishes need this money, will the New Homes Bonus be used to make up the loss?

If not how will the necessary extra infrastructure be found or are we to build sub standard communities?”

### **Response by Cllr Jeff Summers**

“Thank you for your question which will allow me to clarify the position with regard to the Local Plan, CIL and New Homes Bonus

Infrastructure funding is a very complex area and it is one of the priorities that this Council, together with others councils in the Greater Lincolnshire Partnership, are working with Government with regard to the Devolution agenda and securing adequate funding, as funding such as CIL are one element and there are other forms of funding connected with Planning and I am more than happy to discuss the complexities of this further with yourself and the Parish Councils concerned, particularly with regard to the funding we are trying to secure through our devolution work.

West Lindsey District Council is working closely with its partners to ensure that the local plan is adopted by the end of this year (2016). Monitoring which takes place of the project plan shows clearly that as at January 2016 the plan is on track to be adopted within this timescale. The Community Infrastructure Levy

(CIL) can only be introduced once we have an adopted local plan. In terms of communities the major impact will be where they are subject to development and therefore cannot benefit from the community element of CIL (15% in communities without a Neighbourhood Plan and 25% in those which have an adopted Neighbourhood Plan). Having said this in communities where major development is proposed West Lindsey District Council always negotiate s106 contributions to mitigate the harm caused by that development. New Homes Bonus – As you are aware the Government pays New Homes Bonus to Planning Authorities. The money is paid once homes are built and occupied not when planning permission is granted.

To conclude I am happy to communicate further with parish councils on the complexities of infrastructure funding and how we are working at a greater Lincolnshire level, as it is not as straightforward as CIL.

Councillor Darcel posed a supplementary question, raising his concerns about parishes losing out on significant amounts of money. The Leader gave assurance that planning applications had been through due process and s106 agreements had been approved to meet the needs of communities.

## **70 MOTIONS PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

“I believe that all members of the council will consider it fundamental to the operation of the council that decisions once legally made should be supported by members and officers.

At LCC all decisions once made are supported by the officer, even if a lively debate has taken place at committee or other meeting.

I have concerns that this practice might not be being followed in the planning service at WLDC. It appears that if officers disagree with a decision made by councillors at a Planning Committee which was contrary to their advice then they do not have to support such a decision.

The rationale for this stance is understandable in that planning is not a “political” committee and that officers have to give their professional opinion in planning matters as part of their role. In my experience this has been interpreted as not supporting members in putting the best case together to defend appeals.

Members have a duty to represent the views of their residents and these can often be contrary to the views of the professional planning officers. Members have a right to take decisions contrary to the recommendation of officers in order to support the views of their residents.

Decisions on planning matters can also be finely balanced where it is possible to argue coherently both for or against the proposal and that is where the political, with a small p, judgement of councillors on the Planning Committee is crucial to delivering what the communities of the district want.

I would like to see officers fully supporting the decisions taken by the Planning Committee, even when they are contrary to the advice they gave. This should include giving full support to members at planning appeals so that the best possible case can be presented to the inspector.

I therefore propose:

1. The roles of officers and members are clarified, so officers clearly understand their role in supporting decisions made by the Planning Committee when the committee makes a decision contrary to their advice, and that members clearly understand the role of officers in giving advice on planning applications.
2. Training should be offered to officers around operating in a political environment
3. The Planning Committee be asked, as part of the improvement work being implemented in the service, to review the protocol governing the roles of officers and members at appeals where members refuse planning permission contrary to officer recommendations.

I so move.”

Councillor Reg Shore

### **Response by Cllr Curtis – Chairman of the Planning Committee**

“I would like to thank councillor Shore for his notice of motion and the chance to clarify the different roles of members and officers in the determination of planning applications and defending the decisions made by the Planning Committee at planning appeals.

Firstly I must emphasise that when applications are brought to the Planning Committee for determination the decision is made by the members of that Committee, having regard to the advice given by officers, both in their report and verbally at the meeting.

Once a decision is made it becomes a council decision and I think it is true to say that it is accepted as such by both members of the Committee (including those who might have disagreed with the decision) and officers.

Where an application is refused against the advice of officers (and I must again emphasise that it is the perfect right of members of the Planning Committee to do that) it does become a council decision and it is up to both members and officers to ensure that the best case is presented to the inspector who will decide the appeal. This often means that a member is in the best position to lead on the appeal and the officer is able to advise on the best possible arguments to defend the decision and to help avoid an award of costs being made against the council.

The Planning Committee has adopted a protocol to deal with this situation, so all involved should be clear of their roles in order to achieve the best outcome for the council. This involves members setting out clearly the reasons why an application should be refused; officers support members at the meeting to ensure that these cover planning issues.

If the decision is the subject of an appeal a “lead member” is identified who will lead on preparing the evidence for the appeal. The protocol identifies this as either a member of the Planning Committee or the local ward member. At public inquiries the most effective witness is someone who can speak with passion and conviction about the decision and this is often the member of the Planning Committee who spoke against the application at the committee meeting or the local ward member.

However the protocol also states that officers will support members through the appeal process by assisting with the preparation of statements and dealing with procedural issues. This is to ensure that the best possible case is presented to the inspector to defend the council’s position. There are numerous recent examples of where this procedure has worked well.

I would also like to make a few general comments on this subject.

- Planning decisions are generally a mixture of judgement and technical evidence. Whilst most cases involving judgement can be argued either way it is very difficult to sustain a refusal where that is not supported by technical evidence (highways, drainage etc.)
- Planning decisions are based on evidence and not simply on the number of objections received.
- Often planning decisions turn on the weight to be given to each piece of evidence; it is open to members to determine the weight to be given to each piece of evidence differently to officers
- Officers are obliged to make a recommendation on planning applications and to ensure that the recommendation reflects their professional opinion on the case. They cannot be required to argue a case that in their professional judgement they do not agree with.
- There is a programme of planning training in place for 2016 (the next session being on 9 February) so if any member wants to know more about planning and how decisions are made you are welcome to attend any or all of these sessions.

To deal with Councillor Shore’s specific points.

I see point 1 and 3 as being the same. Therefore I will give a commitment to Councillor Shore that the Planning Committee will review the protocol concerning how planning appeals are handled when they involve a planning application that has been approved contrary to officer advice. I will ensure that



any revised protocol clearly sets out the role of officers and members in these cases.

With regard to point 2 I will work with the Chief Operating Officer to look at the training needs in the Planning Service to ensure that the point he is making is addressed.”

Councillor Shore responded that some Councillors seemed to think that there was not a problem, yet he could cite numerous examples of when, in his view, the system did not work, and he contended that things were out of control.

Debate ensued with other Members citing numerous instances of when they had been well supported by Planning officers at planning appeals. Others noted that these were problems of the past, which had been addressed through an audit, also a peer review and a comprehensive improvement plan. Steps had been taken to address various issues and it was unfair to characterise the service as out of control. Whilst not perfect, things are improving. Some Members were not comfortable in supporting point 2 of the motion, however Councillor Shore felt that it was important that officers understood the importance of working in a political environment and the reasons why decisions had to be taken in the way that they were, and their implications. The Chairman of the Planning Committee emphasised the need for all Members of the Council to attend training sessions on Planning matters which had already been programmed for the year.

The motioned was then seconded, voted upon and it was **AGREED** that:

1. The roles of officers and members are clarified, so officers clearly understand their role in supporting decisions made by the Planning Committee when the committee makes a decision contrary to their advice, and that members clearly understand the role of officers in giving advice on planning applications.
2. Training should be offered to officers around operating in a political environment.
3. The Planning Committee be asked, as part of the improvement work being implemented in the service, to review the protocol governing the roles of officers and members at appeals where members refuse planning permission contrary to officer recommendations.

## **71 HOUSING ENFORCEMENT POLICY UPDATE (PAPER C)**

Councillor Bierley, Chairman of the Prosperous Communities Committee introduced the Housing Enforcement Policy update which the Committee had recommended to full Council for approval of the Fees and Charges.

It was noted that there was a common perception that the public felt that the Council did not already enforce the policy, it was crucial that this be remedied if the policy

was to have any meaning. It was agreed that information would be obtained and shared with Members.

The recommendations in the report were moved, seconded and voted upon.

**RESOLVED** that:

- a) the report be noted;
- b) the fees and charges as set out in Appendix 1 and within the policy at Appendix 2 (a) of the report, be approved; and
- c) the fees and charges be implemented with immediate effect.

## **72 LOCAL COUNCIL TAX SUPPORT (PAPER D)**

Councillor Regis, the Chairman of the Corporate Policy and Resources Committee introduced the Local Council Tax Support report which had been recommended to full Council by the Committee for approval.

No debate took place and the recommendation was moved, seconded and voted upon. It was therefore **RESOLVED** that Option 1, as set out in the report, be agreed as the preference for the Local Council Tax Support Scheme for West Lindsey District Council for 2016/17.

## **73 COLLECTION FUND SURPLUS AND COUNCIL TAX BASE (PAPER E)**

Councillor Regis, the Chairman of the Corporate Policy and Resources Committee introduced the report on the Collection Fund Surplus and Council Tax Base which had been recommended to full Council by the Committee for approval.

Thanks were expressed to council officers for their hard work in securing a surplus Collection Fund, and also gratitude to the residents of West Lindsey for enabling a £202,083 surplus for carry forward to ease the budget burden in 2016-17.

The recommendations were moved, seconded and voted upon. It was therefore **RESOLVED** that:

- a) the report be noted and that the estimated surplus of £202,083 be declared as accruing in the Council's Collection Fund at 31 March 2016 relating to an estimated Council Tax surplus;
- b) the Council uses its element of the Collection fund surplus in calculating the level of Council Tax in 2016/17; and
- c) the calculations of the Council's tax base for 2016/17 as set out in Appendix A of the report be approved, and that in accordance with the Local Authorities' (Calculation of Council Tax Base) Regulations 1993 (as amended), the tax base for each part of the Authority's area shall be as set out in Appendix B of the report.

**Note** Councillor Regis left the meeting at 7.51pm.

#### **74 COUNTY COUNCIL BOUNDARY REVIEW (PAPER F)**

Councillor Giles McNeill, the Chairman of the Governance and Audit Committee presented the report which had been considered by the Committee and recommended to full Council for consideration and proposed revised recommendations.

Councillors debated the report at some length and dismay was expressed that the Boundary Commission had not heeded the submissions put forward by West Lindsey District Council. A formal consultation response was to be drafted and support expressed for Welton Parish Council, some members of which were present in the public gallery. It was acknowledged that some splits were necessary to find the best fit for the Boundary Commission's requirements on population figures but no consideration had been given to community cohesion, and it was a disgrace to split the community in two.

Investigation would be undertaken to question the authority of the Boundary Commission and what steps could be taken in the event of disagreement with their decisions. West Lindsey District Council knew its communities and it was felt that the Boundary Commission had shown total contempt for Ward boundaries. There was cross party support for steps to be taken to lobby MPs. It was also noted that there were inaccuracies in the report, implying that old data had been used.

Civil Servants in London did not know Lincolnshire and the proposals had provoked anger amongst residents. Democracy was not simply about numerical parity.

The Chairman of the Governance and Audit Committee outlined an alternative set of recommendations for a division pattern for the district to include a Bardney and Cherry Willingham Division comprising those wards, a Nettleham and Saxilby Division comprising those wards, a Welton Rural Division comprising the Welton and Dunholme and Sudbrooke wards, a Gainsborough Trent and Gainsborough Hill Division comprising the town of Gainsborough, a Gainsborough Rural South Division comprising the Lea, Scampton, Stow and Torksey wards, a Scotter Rural Division comprising the Scotter and Blyton and Hemswell Ward, save that some part of the Hemswell ward might be allocated to ensure appropriate numbers of electors did not breach the 10% variance set by the commission to the Market Rasen Wolds Division, a North Wolds Division comprising Caistor and Yarborough, Kelsey Wold and Wold View Wards, save that some part of the Wold View ward might be allocated to ensure appropriate numbers of electors did not breach the 10% variance set by the commission to the Market Rasen Wolds Division comprising the Market Rasen and Waddingham and Spital Wards (together with such parts of the Hemswell and Wold View Wards that might reasonably be assigned).

The Chairman of the Governance and Audit Committee read out the revised recommendations and these were seconded and voted upon.

**RESOLVED** that:

a) delegated authority be granted to the Director of Resources, in consultation the Chairman of the Governance and Audit Committee and Leader of the Opposition, to draft a formal substantive consultation response to the Local Government Boundary Commission, based on the points raised during the discussion at Council and providing detailed, specific for an alternative set of recommendations for a division pattern for the district;

(b) the views expressed by Welton Parish Council be supported and the commission proposals for the re-warding of Welton Parish and reduction in numbers of councillors be condemned; and

(c) that details of what options are open to the Council be investigated, prior to the final recommendations of the Commission being published, so that should the commission not respond favourably to the Council recommendations the next steps are clear and can be considered for implementation without undue delay.

**Note** Councillor Strange left the meeting at 8.21pm

## **75 MEMBERS' ALLOWANCES (PAPER G)**

Mr David Lomas – Chairman of the Independent Remuneration Panel introduced the report and the Panel's recommendations. Previous formats had been used and comparisons had been made with other authorities, with which West Lindsey compared favourably. Staff salaries had been taken into account and consultation undertaken with Members of the Council. The Panel was looking to the future and seeking alternative ways to consider Councillors' remuneration.

Councillor Shore felt that the report had failed to acknowledge the significance of the role of the Leader of the Opposition and that this was an important position, and as the report stood it could be construed as reward for the party faithful. Mr Lomas acknowledged that this role had not been given special consideration by the Panel, but that it would be borne in mind for the next review.

It was felt that the calculations should be formulaic based on recommendations from Government, and Members expressed discomfort at voting on the matter. Some felt that whilst the recommendations should be fair, equitable and non-political, in these times of austerity, any increase was too much.

Members all agreed that being a Councillor was not something one did for the money, and many stated that it was not possible to hold a full time job and give sufficient time to the role, but yet the remuneration was not enough to be able to not have other paid employment.

The Leader of the Council noted that the position of Leader had no proposed increase, but that it was important for the role of Deputy Leader to be recognised. The 1% increase in basic allowance was to be the same as council officers.

It was moved and seconded that the recommendations be rejected. Whilst it was debated constitutionally whether this was simply a negation of the motion the Leader of the Opposition who had proposed the motion asserted that this was an amendment as he moved that recommendation (a) be agreed, but not the others. On being voted upon the amendment was **NOT AGREED**.

It was moved and seconded that the recommendations be approved.

Two Members of the Council called for a recorded vote to be taken.

**For:** Councillors Bibb, Bierley, Bridgwood, Brockway, Curtis, England, Fleetwood, Howitt-Cowan, Kinch, Lawrence, G McNeill, J McNeill, Milne, Parish, Patterson, Smith and Summers.

**Against:** Councillors Boles, Darcel, Rainsforth, Rodgers, Rollings Shore and Young.

**Abstained:** Councillors Bond, Devine, Oaks, Welburn and White.

A total of 17 votes for, 7 against and 5 abstentions.

It was therefore **RESOLVED** that the following increases be agreed:

- (a) a 1% increase on the basic rate for all Members;
- (b) a £500 increase per annum for the Deputy Leader;
- (c) a £250 increase per annum for Committee Chairs;
- (d) a £100 increase per annum for Committee Vice Chairs; and
- (e) an increase from £38.18 to £50 per attendance for Governance and Audit Independent members, with effect from the Civic year 2016.

## **76 CHANGE OF COMMITTEE MEMBERSHIP (PAPER H)**

The report sought minor changes to the make-up of the Prosperous Communities Committee and an addition to the membership of the Commercial Steering Group.

The recommendations were moved, seconded and voted upon.

**RESOLVED** that:

- a) Councillor Malcolm Parish be appointed to the Prosperous Communities Committee instead of Councillor Marfleet; and
- b) Councillor Stuart Kinch be appointed to the Commercial Steering Group.

**77 TO RECEIVE THE MINUTES OF COMMITTEE MEETINGS PUBLISHED SINCE THE COUNCIL MEETING ON 16 NOVEMBER 2015.**

**RESOLVED** that the minutes of Committee meetings published since the Council meeting on 16 November 2015 be received.

The meeting concluded at 8.46 pm.

Chairman