

WEST LINDSEY DISTRICT COUNCIL

Minutes of the Meeting of Council held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 3 July 2017 at 7.00 pm.

Present: Councillor Mrs Angela Lawrence (Chairman)
Councillor Mrs Pat Mewis (Vice-Chairman)

Councillor Mrs Jessie Milne	Councillor Mrs Gillian Bardsley
Councillor Mrs Sheila Bibb	Councillor Owen Bierley
Councillor David Bond	Councillor Mrs Jackie Brockway
Councillor David Cotton	Councillor Christopher Darcel
Councillor Michael Devine	Councillor Steve England
Councillor Ian Fleetwood	Councillor Paul Howitt-Cowan
Councillor Stuart Kinch	Councillor Giles McNeill
Councillor John McNeill	Councillor Mrs Maureen Palmer
Councillor Malcolm Parish	Councillor Mrs Judy Rainsforth
Councillor Mrs Diana Rodgers	Councillor Thomas Smith
Councillor Jeff Summers	Councillor Mrs Anne Welburn
Councillor Trevor Young	

In Attendance:

Ian Knowles	Director of Resources and S151 Officer
Mark Sturgess	Chief Operating Officer
Eve Fawcett-Moralee	Director Economic & Commercial Growth
Alan Robinson	SL - Democratic and Business Support
Katie Coughlan	Governance & Civic Officer
Julie Heath	Senior Communications Officer
Emma Redwood	Team Manager People and Organisational Development

Also in Attendance: Ms Judith Barnes, Legal Adviser, Bevan Brittan

Also Present: 1 member of the public

19 MINUTES OF THE PREVIOUS MEETING

The Monitoring Officer reported an administrative error contained within the Minutes, which had been circulated to Members, reference Minute 14. The first bullet point with regard to the appointment of representation on the District Health and Well-Being Board stated that Councillor Sheila Bibb had been appointed, however, unfortunately this had not been replicated in the table on page 13 of the minutes, which in the version circulated to members and published still stated the former representative, Councillor Lesley Rollings. This should in fact have read Councillor Sheila Bibb.

Members were asked to note this administrative amendment and advised that this had been corrected in the version for signature.

RESOLVED that the Minutes of the Annual Meeting held on 8 May 2017 be confirmed and signed as a correct record subject to the administrative amendment as detailed above.

20 MEMBERS' DECLARATIONS OF INTEREST

No declarations of interest were made at this point of the meeting.

21 MATTERS ARISING

The Monitoring Officer noted that all items due for completion were showing black, as having been completed.

Of the three remaining green items, two were not yet due for completion but remained on track, the third was an agenda item for later in the meeting and thus would subsequently be deemed completed at the conclusion of the meeting.

RESOLVED that the Matters Arising be noted.

22 ANNOUNCEMENTS

i) Chairman of the Council

The Chairman addressed Council advising it had been a very busy start to the Civic Year and she had already had the pleasure of attending a number of Civic Services and Award Ceremonies. She had also had the pleasure of visiting the Wolds Walking Festival which had attracted thousands of visitors to the area and continued to be a huge success year on year. Events had also been attended at RAFs Cranwell and Scampton. The Chairman had recently hosted a successful and well attended Armed Forces Day Service and thanked Members for their support. In concluding reference was made to the wonderful time had at the Lincolnshire Show. This had proved a great opportunity to meet with business and residents alike and the Chairman thanked all Officers and Members who were involved in organising the event and making it a very special and successful couple of days.

ii) Leader of the Council

The Leader advised Members that he was extremely pleased with how the Commercial agenda was progressing. A number of key projects were moving forward at a good pace and he awaited the outcome with excitement and anticipation.

iii) Head of Paid Service

In the absence of the Head of Paid Service, no announcements were made.

23 PUBLIC QUESTION TIME

There were no questions from members of the public.

24 QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE NO. 9

A point of order was raised that in the documentation circulated to Members the name of the questioner had not been included and the legality of the question was therefore challenged. Officers confirmed that the question had been received in the appropriate manner and accepted by the Proper Officer.

Councillor Trevor Young submitted the following question to the meeting:

As Chairman of Prosperous Communities Committee you recently met with Cllr Richard Davies, LCC Highways Portfolio Holder to discuss the concerns raised by residents about street lights being turned off between midnight to 6am in certain parts of Gainsborough.

It was reported in local media that as a result of your meeting the issue would be reviewed during the summer.

Can you confirm how the review will be conducted?

The period it will be completed?

What Streets will be involved?

How residents will be consulted?

The Chairman of the Prosperous Communities Committee, Councillor Mrs Sheila Bibb, responded:-

Thank you for question.

I have been in contact with the County Council regarding this matter. They have confirmed that consultation will commence 12 months after the changes have been fully implemented. This is expected to commence in September 2017.

As you know I am not a member of the County Council so I will not be directly involved in arranging the consultation process. However I am advised that part of the consultation will be a public meeting involving the Portfolio Holder and a representative from Lincolnshire Police.

I am sorry that I cannot give you any further details at this stage but I will continue to ask for information and where possible share that with the Council.

Councillor Young thanked Councillor Bibb for the response.

25 MOTIONS PURSUANT TO COUNCIL PROCEDURE RULE NO. 10

Councillor Smith had submitted the following motion:-

Fellow members, chairman, in other countries across the world you see from public and private buildings alike the national flag fly's in all weathers proudly, yet in this country it is hardly seen even here on our own office's there is no sign of it except on what have been referred to as designated days. This to me must be changed, we should proudly fly our nation's flag both in the chamber and outside atop this building. Good men and women risk their lives so that it can be flown and we can conduct our business, the least we can do as a mark of admiration and respect for those who defend us is fly our nation's flag everyday with pride. With that I so move that the council fly's the union flag everyday of the year with a flag atop of the council building and one in the Chamber.

Councillor Tom Smith.

The Chairman responded to the motion as follows: -

Thank you for your motion. I have already asked Mr Robinson to look into the legality and costs of your proposal. I am advised that it is now legally acceptable to fly the Union Flag on public buildings so long as they are kept in good order.

In terms of the costs I understand that it is estimated that this would cost approximately £400 to purchase the flags and flag pole. I think that your idea is excellent and subject to questions from other members I am happy to second your proposal.

Debate ensued with a Member indicating he could not support the motion as in his view if the flag was to be flown everyday, it would take away its credence and not be seen as special.

Other Members however welcomed and supported the motion, making reference to other local land marks where flags were regularly seen flying. They shared the sentiments of the Motion.

The associated costs were clarified.

It was then questioned whether the union flag could legally be flown all night / over night, and if not then it was questioned whether associated costs would rise, with the need for personnel to remove and erect the flag daily.

Officers indicated they would need to review official guidance for a definitive position and would advise Members accordingly.

In the absence of this information, it was suggested that the part of the motion relating to the flying of a flag in the Chamber be supported and enacted. The remainder of the motion be supported and enacted subject to it being legal to fly the flag for 24 hours, so as not to incur additional costs.

With the suggested amendment, having been moved and seconded, the motion was voted upon.

RESOLVED that the content of the motion be enacted in accordance with the discussion above and subject to the legal position being determined in respect of the flying of flags externally overnight/24 hours a day.

Councillors Young and Rainsforth had submitted the following motion:-

There has been a significant increase in the drug scene in Gainsborough over the past 10 years and unless we start to tackle the problem it will become a catastrophic time bomb in future years. Class A drugs such as 'crack cocaine' appear to be easily accessible to buy 'off the street'.

It is extremely concerning to learn that the more and more young vulnerable people in the town are becoming victims of the surge in the drug culture. We are informed that children as young as ten are being used as drug runners to supply hardened addicts. There is a desperate need from residents living in the town for agencies to seriously start addressing the problem, and of course it requires far more than just police enforcement.

Therefore as ward members of the Gainsborough South West Ward we request that this council produces a report to the relevant policy committee regarding developing a strategic approach to dealing with drugs in West Lindsey, we 'so move'.

Cllr Trevor Young
Cllr Judy Rainsforth

The Leader of the Council responded to the motion as follows: -

Thank you to Councillors Young and Rainsforth for raising this matter with the Council. This is a very serious issue and one that we as a Council need to understand. I therefore suggest that your motion is passed to Prosperous Communities Committee so that a report can be included in their work plan. Any information you as Councillors can provide to the Chairman or the Committee would be most helpful when the committee have the item on the agenda.

Debate ensued and some Members were concerned about the tone of the motion, indicating that a way a town was described could have an impact on people's perception. It was important that such statements were evidence based.

In responding, Councillor Young advised that he had only today received a letter from a local head teacher, the content of which had been shared with key Members. This matter was not just the perception of local councillors, the local community and key figures within it were continuing to express concerns regarding drug use in the area. All acknowledged that the issues the motion raised were difficult ones but it was important that Council understood the reality for local residents.

Having been moved and seconded the motion was voted upon, when it was:

RESOLVED that the motion be supported and the Prosperous Communities Committee be requested to further investigate the issues the raised.

26 APPOINTMENT OF COMMITTEES

Consideration was given to a report which set out the wishes expressed by the political groups in respect of the appointment of Members to serve on the Committees of the Council.

Membership had previously been agreed at Annual Council on 8 May 2017, however it had transpired that amendments were subsequently required to the Challenge and Improvement Committee and the Corporate Policy and Resources Committee.

Whilst not a recommendation within the report, a vacancy had also recently arisen on the Corporate Policy and Resources , as a result of Councillor Duguid' s resignation and the administration sought indication as to whether it would also be opportune to nominate a replacement Councillor.

Confirmation was received and it was therefore proposed and seconded that Councillor Fleetwood be appointed to the vacant seat on the Corporate Policy and Resources Committee.

On that basis

RESOLVED that, in accordance with the provisions of section 16 of the Local Government and Housing Act 1989 and the wishes expressed by political groups, members be appointed to serve on the Council's committees (Challenge and Improvement and Corporate Policy and Resources) for the remainder of 2017/18 civic year as follows:

Challenge and Improvement Committee (12 members)

Councillor David Bond
Councillor Ian Fleetwood
Councillor Paul Howitt-Cowan
Councillor Jessie Milne
Councillor Malcolm Parish
Councillor Roger Patterson
Councillor Di Rodgers
Councillor Tom Smith
Councillor Lewis Strange

Councillor Anne Welburn
Councillor Angela White
Councillor Lesley Rollings

Corporate Policy and Resources Committee (12 Members)

Councillor Sheila Bibb
Councillor Owen Bierley
Councillor Matthew Boles
Councillor David Cotton
Councillor Michael Devine
Councillor Steve England
Councillor Ian Fleetwood
Councillor Stuart Kinch
Councillor John McNeill
Councillor Tom Regis
Councillor Jeff Summers
Councillor Trevor Young

27 APPOINTMENT TO OUTSIDE BODY

Consideration was given to a report which requested Council's agreement to the addition of a further Outside Body to the existing list of organisations on which the Council had representation. Council were also asked to confirm appointments to that body.

RESOLVED that: -

- (a) the Flood and Water Management Scrutiny Committee be added to the Council's list of Outside Bodies; and
- (b) Councillor Ian Fleetwood be appointed as the Council's representative and Councillor Jeff Summers be appointed as the reserve representative on the Flood and Water Management Scrutiny Committee

28 ANNUAL TREASURY MANAGEMENT 2016-17

Consideration was given to a report which covered treasury management activity during 2016/17 and the actual Prudential Indicators for 2016/17.

The Council was required by regulations under the Local Government Act 2003 to review its Treasury Management Activity.

This was the third report pertaining to 2016/17. In addition the Corporate Policy and Resources Committee had received quarterly update reports.

The Governance and Audit Committee had scrutinised the report prior to its presentation to Council.

The Section 151 Officer was pleased to report that the Authority had not breached its prudential or treasury management indicators nor had it breached its statutory borrowing limit.

The Leader of Council confirmed that the report had been considered and approved at a Committee level and he was therefore happy to move the paper.

This was duly seconded by the Chairman of the Governance and Audit Committee, who also confirmed his Committee had raised no concerns with its content.

A Member was of the view that despite the Council's aspiration to be more commercial, no directional change was evident. In responding Members referenced paragraph 6.3 of the report, which clearly showed returns were much higher than those achieved previously.

RESOLVED that the Annual Treasury Management Report for 2016/17, including the actual 2016/17 Prudential and Treasury Indicators contained therein, be approved.

29 EXCLUSION OF PUBLIC AND PRESS

The Chairman addressed the meeting, advising Council that she would look to Members to firstly resolve to exclude the public and press from the Meeting, after which, the Monitoring Officer would address Members, and explain the process for the next item of business.

On that basis it was: -

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 items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.

The meeting continued in exempt session and the Monitoring Officer advised Council that due to the sensitive nature of the next item of business, it had not been possible to provide Members with a copy of the report in advance.

Members would be provided with their report and a short adjournment would be sort to allow Members time to consider the information which had presented to them, prior to the item being formally debated.

Confidential reports were circulated and having been moved and seconded the meeting was adjourned for 20 minutes.

The meeting re-convened at 8.00 pm and the Monitoring Officer and Chief Operating Officer left the meeting prior to consideration of the next item of business.

30 CONFIDENTIAL STAFFING MATTER

Members gave consideration to a report which on recommendation from the Chief Officer Employment Committee sought approval of a termination package, including the settlement

agreement and payments under the terms of that settlement agreement, in relation to the employee who was the subject of the report.

The report further advised on interim arrangements, for an initial period of six months, and sought Council's approval on recommendation again from the Chief Officer Employment Committee that the Monitoring Officer and Chief Operating Officer be appointed to the statutory posts of Returning Officer and Head of Paid Service respectively.

The Leader of the Council introduced the report, outlining the circumstances which had arisen, resulting in the report being brought for consideration.

The payments to be made under the proposed settlement agreement, as detailed within the report, were clearly outlined to Members, together with the pertinent clauses.

The Settlement process was outlined and it was confirmed that the External Auditor had scrutinised the proposals from a value for money perspective and had raised no concerns or issues. Both parties' legal representatives had indicated their agreement to the termination package, including the settlement agreement and payments under the terms of that settlement agreement.

Debate ensued and Members asked a number of questions of the Leader of the Council and Judith Barnes, Legal representative from Bevan Brittan particularly regarding the settlement process. These were responded to accordingly and Members indicated that they were satisfied with the information received in response.

Further debate ensued and the pertinent clauses within the agreement and the need to maintain these were again stressed to Members.

It was noted that, subject to Council approval of the decision, relevant communications had been drafted for release the following day. All Members would be provided with a copy in advance of its general release to the media. Group Leaders undertook to brief those Members who had been unable to attend the meeting, as a matter of urgency.

Following debate and in light of the information received, Members indicated they were in agreement with the termination package, including the settlement agreement and payments under the terms of that settlement agreement, and on that basis

RESOLVED that:-

- (a) the recommendation from the Chief Officer Employment Committee be accepted and the settlement agreement, severance arrangements and payment details within that settlement agreement, in relation to the employee who is the subject of this report be approved;
- (b) the recommendation from the Chief Officer Employment Committee be accepted and the Chief Operating Officer be appointed as interim Head of Paid Service for an initial period of 6 months.
- (c) the recommendation from the Chief Officer Employment be accepted and the Monitoring Officer be appointed as the Returning Officer for an initial

period of 6 months.

- (d) the Chief Operating Officer be appointed as Director of West Lindsey Trading Limited and its subsidiaries.

Note: Councillor Giles McNeill declared a personal interest in respect of the appointment of a Returning Officer as he was a remunerated election agent.

The meeting concluded at 8.35 pm.

Chairman