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West Lindsey District Council - 10 October 2016

WEST LINDSEY DISTRICT COUNCIL

Minutes of the Meeting of Council held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 10 October 2016 at 7.00 pm.

Present: Councillor Roger Patterson (Chairman)
Councillor Mrs Jessie Milne (Vice-Chairman)

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| Councillor Gillian Bardsley | Councillor Hugo Marfleet |
| Councillor Sheila Bibb | Councillor Giles McNeill |
| Councillor Owen Bierley | Councillor Mrs Pat Mewis |
| Councillor Matthew Boles | Councillor Richard Oaks |
| Councillor David Bond | Councillor Maureen Palmer |
| Councillor Jackie Brockway | Councillor Malcolm Parish |
| Councillor David Cotton | Councillor Judy Rainsforth |
| Councillor Stuart Curtis | Councillor Mrs Diana Rodgers |
| Councillor Christopher Darcel | Councillor Lesley Rollings |
| Councillor Michael Devine | Councillor Reg Shore |
| Councillor Adam Duguid | Councillor Thomas Smith |
| Councillor Steve England | Councillor Lewis Strange |
| Councillor Paul Howitt-Cowan | Councillor Jeff Summers |
| Councillor Stuart Kinch | Councillor Trevor Young |
| Councillor Angela Lawrence | |

In Attendance:

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|---------------|--|
| Manjeet Gill | Chief Executive |
| Ian Knowles | Director of Resources and S151 Officer |
| Penny Sharp | Commercial Director |
| Mark Sturgess | Chief Operating Officer |
| Alan Robinson | Strategic Lead Democratic and Business Support |
| Andy Gray | Housing and Communities Team Manager |
| Dinah Lilley | Governance and Civic Officer |

Also Present: Four members of the public

Apologies for absence: Councillor Ian Fleetwood
Councillor John McNeill
Councillor Tom Regis
Councillor Anne Welburn
Councillor Angela White

45 CHAIRMAN'S WELCOME

The Chairman of Council welcomed the newly elected Councillor Maureen Palmer and congratulated her on the election result at Cherry Willingham.

The Chairman also noted good wishes to be sent to Reverend Sue Deacon, recovering from illness.

46 MINUTES OF THE PREVIOUS MEETING

RESOLVED: that the Minutes of the meeting held on 5 September 2016 be confirmed as a correct record, subject to the amendment that Councillor Angela Lawrence be marked as present.

47 MEMBERS' DECLARATIONS OF INTEREST

No declarations were made.

48 MATTERS ARISING

One item was noted as having been completed.

RESOLVED: that the Matters Arising Schedule as at 30 September 2016 be noted.

49 ANNOUNCEMENTS

Chairman of the Council

The Chairman informed the meeting that he and the Vice Chairman, Councillor Jessie Milne, had attended a number of events, one worthy of particular note was the Wolds Arts Festival at Market Rasen and Caistor which had been well attended by the public.

Leader of the Council

The Leader announced that he had recently attended a tour of the Gainsborough Academy and commended the enthusiasm of staff and students, and expressed the hope that Ofsted would give the establishment the time needed to turn itself around. Support was being offered by the Council, local colleges and businesses with work experience and mentoring.

The Leader also noted that a local business had approached him to thank the Council for the provision of free parking after 3pm which had seen an improvement in footfall.

The Leader also mentioned the work of the Joint Planning Committee on the Central Lincolnshire Local Plan, and the Devolution report on the agenda. It was noted that those authorities undergoing Devolution would be at the front of the queue for Housing funding in the future.

Head of Paid Service

The Chief Executive wished the Commercial Director, Penny Sharp, well in her new job, and listed a number of her achievements while she had been at West Lindsey District Council.

There had been a number of developments in the health arena, an update on which would be given at the following meeting in November.

50 PUBLIC QUESTION TIME

There were no questions from the public.

51 QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE NO. 9

A Question had been received from Cllr Lewis Strange.

“Chairman thank you.

My question to you, is to ask that this Council and the Prosperous Communities Committee, to look again at car park charging in Market Rasen before the implementation is delivered.

If it is really too late, to stop car park charges, then at least adopt the approach of north Lincolnshire and elsewhere, where a visitor can park for two hours free of charge, at any time. This has proved to work in Brigg which is booming, would you not agree that we need to work with the businesses and town council of Market Rasen? And listen to the comments from our member of parliament and its local West Lindsey Members - they are local and understand the problems that Market Rasen faces.”

Lewis Strange-the Kelsey Wold ward.

A response was given by the Chairman of the Prosperous Communities Committee, Councillor Sheila Bibb.

“Thank you Cllr Strange for this question regarding the car parking charges in Market Rasen. However this is only one area within West Lindsey and the proposed charges are in fact part of an overall strategy regarding car parking charges throughout the District. This was adopted by the council as part of its medium term financial strategy at the Council meeting held in March 2016 and followed a series of workshops and public engagement exercises.

It may be worth noting here that some businesses in Market Rasen expressed the view that, because many people took advantage of the free parking to leave their vehicles there all day, there was in fact insufficient ‘churn’ of vehicles which in turn adversely affected the businesses in Market Rasen.

The subject of Market Rasen parking charges has been debated at all committees and the current policy reflects the outcome of those deliberations and is designed to comply with the agreed strategy namely:

- A full cost recovery for operating and maintaining West Lindsey District Council car parks
- Equity in approach across all West Lindsey District Council car parks
- Support for local businesses by offering an element of free parking

In the case of Market Rasen this has meant recognizing that they have a different offer and therefore the parking charges there will be at half the rate of Gainsborough. There will be free parking after 3.00 pm, in line with car parks elsewhere in the District.

When brought to the Prosperous Communities Committee it was agreed that once the charges were implemented, the situation would be reviewed in six months. We are certainly mindful of all the comments received, both before the strategy of introducing charges was developed and since. What we are aiming for here is an equitable approach and the actions taken will be monitored and reviewed after six months.

A clear decision has been made, and in line with the Council's constitution, can only be reviewed after 6 months. The Council is committed to reviewing the impact of charges in Market Rasen, and is working with the Chamber of Commerce to make sure that the evaluation captures the perspective of businesses and residents as well as car park performance.

Thank you again for the question and raising the continued concerns of your constituents."

Councillor Strange further noted that he was not against car parking charges, but wished to dissuade long term parking of commuters. East Lindsey had implemented charges and then withdrawn them. Gainsborough had six times the footfall of Market Rasen and shops were in danger of closing.

52 MOTIONS PURSUANT TO COUNCIL PROCEDURE RULE NO. 10

There were no motions pursuant to Procedure Rule 10.

Note Councillor Shore questioned the status of the meeting, as this date had not been in the scheduled timetable and if the meeting was an extraordinary one then the agenda should comprise a single item.

The Chief Executive responded by stating that the minutes of the previous meeting record that an 'additional' meeting had been arranged to tie in the requirements of the Devolution agenda. The Constitution was silent on the arranging of additional meetings, however the required five days' notice had been given. There was never any intention that the meeting be an 'extraordinary'.

53 DISTRICT COUNCIL BY-ELECTIONS 2016

The Chairman again congratulated Councillor Palmer on being elected and also thanked all staff who had worked on the election process.

RESOLVED: that the result of the by-election at Cherry Willingham on 29 September 2016, be received.

54 GREATER LINCOLNSHIRE DEVOLUTION PROPOSAL

The Chief Executive noted that a workshop had been held during the previous week in order to clarify any queries or answer questions on Devolution, there had been no political bias or persuasion involved. The Chief Executive then briefly recapped the history and timeline to date, and noted that the latest position was set out in the report, which invited consent for the Secretary of State to make an order. The ensuing financial and legal implications were set out in the report.

All constituent authorities had been requested support an annual contribution of £50,000 towards the cost of the Combined Authority. Council was therefore requested to approve this ongoing contribution, which would require an increase to the Base Budget of £50,000 which would therefore be included in the 2017/18 Medium Term Financial Plan. However these costs would be made from reductions in budgets to the Central Lincolnshire Combined Authority costs for the JPU (Joint Planning Unit) as the combined Authority will discharge some functions of that unit such as infrastructure delivery once the Local Plan was in place.

This contribution would meet the costs associated with a Mayoral election and the establishment of statutory and other support to enable the work of the Combined Authority to be discharged.

It was noted that there was an error in paragraph 4.1 in that 'North Lincolnshire' should be replaced with 'West Lindsey'.

Devolution 2 had been under discussion since April, which would cover matters such as Health, Housing and Public Protection. The Manchester devolved authority had reached level 8-9.

A letter was circulated, which had been received that afternoon, from Sajid Javid, the Secretary of State for Communities and Local Government, which outlined a number of areas, and confirmed that Government was "keen to use the opportunity of any second deal to build on the positive progress made in discussions to date around Greater Lincolnshire's ambitions to accelerate housing delivery."

The One Public Estate project sought to ensure better delivery of services, a good example of which was the installation of the Job Centre within the Council building. The John Coupland Hospital had under-utilised space which was being considered for a health hub. These issues were relevant to the Corporate Plan Priorities.

The Leader of the Council noted that all Members had had access to the governance

documentation and scheme of delegation for some time, and that the deal represented a significant amount of funding for Lincolnshire. Areas to benefit from this and future deals included Skills and Education for 16+, accelerated growth for business (particularly agriculture and energy), Transport (particularly public), Housing, a Strategic Infrastructure Plan, a review of public sector land, protection against coastal and fluvial flooding, increased powers for Internal Drainage Boards, the previously mentioned John Coupland Hospital Hub, and the retention of business rates.

Lengthy debate ensued with Members raising a number of questions.

It was noted that the Manchester authority received twice the amount of funding that was proposed for Lincolnshire, whereas Lincolnshire was five times the size of Manchester. There were distinct differences within different areas of Lincolnshire – North and North East Lincolnshire had good connections yet the rest of the area was more rural. There were two separate Police and Ambulance services, which were shared with the north bank of the Humber. The figures for consultation with the Citizens Panels were also queried.

Some Members felt that the deal meant a loss of, rather than a gain, of power and control, the cost of the Mayoral role was questioned, and it was asked whether the funding was new money or simply reallocated.

Other Members felt that the opportunity was unique and it would be a momentous occasion for West Lindsey. Some parts of the district were adjacent to the other authorities and it would be good to work together. The Central Lincolnshire Local Plan was almost adopted and this was an example of working with other partner authorities. It was felt that a fairer deal for rural areas could be better achieved locally than from central Government. However it was stated that the authorities could work together without having to accept the deal as offered.

A number of Members remained sceptical, however agreed that whilst the offer was not ideal, a certain amount of trust had to be exercised. There were pros and cons to the deal, and the biggest concern of most people was the requirement for a Mayor, but there would be no deal without one. In response to some of the questions it was affirmed that the Government wanted a single point of accountability, hence the requirement for the mayoral post.

The Chief Executive confirmed that all those members of the citizens' panel who had email addresses had been contacted. The comparison with the deal for Manchester was referred to, whilst acknowledging that Lincolnshire was the larger area, the population figures were lower. It was affirmed that £15m was new money to Lincolnshire, and that the report referred to the annual contribution of £50,000 towards the cost of the Combined Authority and mayoral election.

Further concerns were expressed as to perceived 'double taxation', and the details being insufficient. It was suggested that there should be further bargaining to get a better deal. It was noted that to reject the deal would mean a loss for the whole of Lincolnshire, and a new deal having to be agreed for the remaining authorities.

Other Members made comparisons with the unification of London under the establishment of a Mayor, and that there were more common issues at local rather than central levels, exemplified by the Brexit result. There was no 'one size fits all'. It would be good to see the whole of Lincolnshire back together.

The recommendations in the report were moved and seconded en bloc, and in accordance with the Constitution Part V, page 11, paragraph 14.4, two Members of the Council called for a recorded vote to be taken.

For: Councillors Bardsley, Bibb, Bierley, Brockway, Cotton, Curtis, Duguid, England, Lawrence, Marfleet, G McNeill, Mewis, Patterson, Rollings, Shore, Strange and Summers.

Against: Councillors Boles, Bond, Darcel, Devine, Howitt-Cowan, Milne, Oaks, Parish, Rainsforth, Rodgers, Smith and Young

Abstained: Councillors Kinch and Palmer.

A total of 17 votes for, 12 against and two abstentions.

RESOLVED that:

- (i) the contents of the consultation report at Appendix 1 ("the Consultation Report") be noted;
- (ii) the giving of consents in principle be supported on behalf of West Lindsey District Council, as a constituent council of the proposed combined authority for the Greater Lincolnshire area, to the making by the Secretary of State of an order:-
 - a) for the establishment of a combined authority for the Greater Lincolnshire area pursuant to section 110 of the Local Democracy, Economic Development and Construction Act 2009 (LDEDCA).
 - b) for the making of constitutional provisions in relation to the combined authority in accordance with the draft Order at Appendix 2 pursuant to section 104 of LDEDCA.
 - c) for the delegation to the combined authority of the transport functions of the Secretary of State and the other functions of public authorities set out in the draft Order at Appendix 2 pursuant to sections 104 and 105A of LDEDCA.
 - d) for the functions of the Combined Authority specified in the draft Order to be exercisable only by the mayor subject to the conditions and limitations specified in the draft Order pursuant to S107D of LDEDCA.
 - e) for Chapter 1 Part 1 of the Localism Act 2011 to have effect in relation to the combined authority as it has in effect to a local authority.
 - f) for the combined authority to be treated as a levying body for the purposes of section 74 of the Local Government Finance Act 1988 in respect of expenses of the combined authority that are reasonably attributable to the exercise of any of its functions other

- than mayoral functions.
- g) for the combined authority to be given power to borrow under section 1 of the Local Government Act 2003 for a purpose relevant to any of its functions.
- (iii) the Chief Executive be delegated, in consultation with the Leader of the Council, authority to approve the giving of consent to the matters referred to in paragraph 3 when the terms of the Order are known; and
- (iv) Council notes and has due regard to the contents of the Equalities Impact Analysis at Appendix 2.

Note: Councillors Bond, Darcel, Rodgers and Young left the meeting at 9.01pm

55 WEST LINDSEY INDEPENDENT LIVING POLICY 2017-2019

The Chairman of the Prosperous Communities Committee, Councillor Sheila Bibb, introduced the report which had been considered by the Committee on 13 September 2016. Full Council are asked to note the policy and approve the introduction of the additional fee for the stairlift pilot.

The West Lindsey Independent Living Policy 2017-2019 replaced the Housing Assistance Policy 2014-2016 and set out the intention to undertake Disabled Facilities Grants and also improve service by offering another project through independent living. It was decided this being a standalone policy would ensure it was clear how West Lindsey intend to support the Better Care Fund and improve services to disabled people living in West Lindsey.

The independent living policy had been written to include a one year pilot project for the delivery of Stairlifts. Stairlifts were an essential part of many disabled people's lives as it allows them to access essential facilities. The benefits of the pilot project were set out in the report:

- Quicker installation of stairlifts for customers who are identified as needing them.
- One stop shop for all people who require a stairlift whether eligible for a DFG or not
- Warranties offered for all stairlifts (currently not offered under DFG)
- Reduced risk of falls on stairs due to faster installations
- Help and advice for all people in West Lindsey seeking a stairlift. (not just those with an OT recommendation)

The recommendations were moved and seconded and on being voted upon it was:

RESOLVED that:

- a) the policy be noted, and
- b) the additional fee of £120 be added to the fees and charges schedule be approved.

Note: Councillor Boles left the meeting at 9.03 pm.

56 FOUR YEAR AGREEMENT

The Chairman of the Policy and Resources Committee, Councillor Jeff Summers introduced the report. As part of the local government final settlement in February 2016, the DCLG offered Local Authorities the opportunity to sign up to a four year deal regarding the three elements of grant within the announcement. Those grant areas are, Revenue Support Grant (RSG), Rural Services Delivery Grant (RSDG) and Transition Grant (TG).

The level of reductions to the bottom line exceed the net funding gap for the years 2018/19 and 2019/20 as there was a requirement in 2020/21 of £1,065k. The proposals were therefore geared to deliver a balance over four years not just the four years required by DCLG.

In making a decision on submitting a four year efficiency plan and agreeing the level of government funding set out in the settlement for 2016/17 the following matters should be taken into account.

- Revenue Support Grant (RSG)
- Rural Service Delivery Grant (RSDG)
- WLDC Strategy
- the Risks involved

The recommendations as set out in the report were amended for the Council meeting, and were moved and seconded, and on being voted upon it was:

RESOLVED that:

- a) the Council pursue a 4 Year Settlement and provide a supporting Efficiency Plan;
- b) the Efficiency Plan along with the MTFP as agreed in March 2016 be submitted;
- c) the Chief Executive and Director of Resources in consultation with the Leader be delegated to make any presentational changes deemed appropriate before submission.

Note: Councillors Shore and Rollings left the meeting at 9.06 pm.

57 WEST LINDSEY TRADING COMPANY

The Commercial Director introduced the report which had been considered by the Corporate Policy and Resources Committee and also the Governance and Audit Committee, the minutes of which were set out in the body of the report. Support for

the proposals was voiced by both Committee Chairmen.

A number of local authorities had identified that setting up a trading company – wholly owned by the Council, but operated as a separate legal entity – offered a way to develop services beyond their existing focus.

West Lindsey District Council was developing a portfolio of commercial propositions based on both existing and new activities. Currently these activities were generating a modest level of income, but there was an ambition to build a number into significant revenue generating operations.

Further taxation advice was being taken for each individual company.

The recommendations as set out in the report were moved en bloc and were seconded and voted upon. It was then:

RESOLVED that:

- a) the proposed group structure for trading companies (the trading arm) to facilitate the return of profits to the Council which can be used to ensure the sustainable delivery of front line services, be approved;
- b) authority be delegated to the Corporate Policy and Resources Committee for approval of annual business plans and accounts for the Group Holding Company and its individual subsidiaries;
- c) the Shareholder Agreement for the Group Holding Company and its associated subsidiaries be approved;
- d) the Articles of Association for the Group Holding Company and its associated subsidiaries be approved;
- e) the nomination of the Commercial Director as Company Director and Chief Executive as Non-Executive Director for the Group Holding Company (WLDC Trading Ltd) and its Sure Staff subsidiaries (Sure Staff Lincs Ltd and WLDC Staffing Services Ltd) be approved;
- f) the nomination of the S151 Officer, (the Director of Resources) as the Council's Shareholder representative be approved; and
- g) That Council authority be delegated to the Council's Section 151 Officer and the appointed Director of the SureStaff subsidiaries to agree the format and content of a Resourcing Agreement for the supply of services by the Council.

58 MINUTES OF COMMITTEE MEETINGS

RESOLVED that the minutes of the Committee Meetings published since the Council meeting of 5 September 2016 be received.

The meeting concluded at 9.14 pm.

Chairman