



MEETING OF THE
COUNCIL OF THE BOROUGH OF MELTON

BAPTIST CHURCH, LEICESTER ROAD, MELTON MOWBRAY

21 APRIL 2010

PRESENT:-

Councillors E. Holmes (Mayor)
N.R.G. Angrave, P. Baguley, M.W. Barnes, G.E. Botterill, P.M. Chandler
C.O. Chapman, P. Cumbers, M. Dean, S. Dungworth, A. Freer, M.C.R. Graham MBE
R. Holt, A. Jackson, R. Marks, T. Moncrieff, M. Moore
R.F. Moore-Coltman, M. O'Callaghan, D.E. Orson, J.T. Orson, P.M. Posnett
J.B. Rhodes, M.R. Sheldon, N. Slater, D.R. Wright, J. Wyatt

Chief Executive
Corporate Director (KA), Corporate Director (CM)
Head of Legal Services
Democratic Services Officer

The Reverend Beverley Stark offered a prayer

CO78. APOLOGY FOR ABSENCE

An apology for absence was received from Councillor Illingworth.

CO79. MINUTES

The minutes of the meeting held on the 25 February 2010 were confirmed and authorised to be signed by the Mayor.

CO80. DECLARATIONS OF INTEREST

Councillors J.T. Orson, Posnett and Rhodes each declared a personal and non-prejudicial interest in any matters relating to the Leicestershire County Council, not specified below, due to their roles as County Councillors.

Minute CO88 - Inter Agency Working In Leicestershire : Consultation

Councillor Rhodes declared a personal and non-prejudicial interest in this item due to his role with the Leicestershire County Council and being a member of the Public Services Board. He stated that he intended to remain in the meeting to listen to the debate but take no part thereon or vote on the matter.

Councillor J.T. Orson declared a personal and non-prejudicial interest in this item due to his role with the Leicestershire Police Authority.

Minute CO89 – Melton Local Development Framework Processes

Councillor Graham declared a personal and prejudicial interest in this item due to being a trustee of the Sir John Sedley Educational Foundation which was an organisation that owned land locally.

Councillor Holmes declared a personal and prejudicial interest in this item due to being a local landowner

Councillor D.E. Orson declared a personal and prejudicial interest in this item due to being a local property owner.

Councillors J.T. Orson, Posnett and Rhodes each declared a personal and prejudicial interest in this item due to their roles as Leicestershire County Councillors and the County Council's land holdings.

Councillor O'Callaghan stated that due to being involved in the support group for a northern bypass called 'Melton Detour', it may be perceived by the public that he had predetermined his decision in this item and therefore he stated that he would withdraw from the meeting when the item was considered.

CO81. MAYOR'S ANNOUNCEMENTS

The Mayor stated that since the Council Meeting held on 25 February 2010 she had carried out the following engagements :-

- Last Night at the Proms at Newark and Sherwood District Council
- Visited Old Dalby School and talked to the students about life as Mayor
- Opened a new wing at Scaford Court Residential Home
- Joined European visitors on a tour of Brownlow School
- Hosted a Civic Pork Pie Making event
- Attended the High Sheriff Handover Ceremony and the Melton Times Business Awards which was a very successful event
- She had judged the school competition for designing art of the new build joined by the Leader
- Visited Mary Topps who was 100 years old and joined her birthday celebrations

The Mayor reported that with regard to events still to be held in this Civic Year

- she would be joining the St. George's Day celebrations and also the finishing line of the Cicle Race which was to end in Melton on Sunday 25 April
- On 1 May, she would be hosting a Casino Night at Fairways Restaurant which was £15 per person and which she encouraged Members to attend
- On 4 May, she would be hosting a Civic Visit to the Defence Animal Centre to which all Members had been invited

The Young Mayor was not in attendance therefore there was no Young Mayor Update on activities at this meeting.

(Councillor Dean entered the meeting during the preceding item.)

CO82. LEADER'S ANNOUNCEMENTS

The Leader stated that he had no announcements.

CO83. QUESTIONS BY MEMBERS OF THE PUBLIC

There were no questions received.

CO84. PETITIONS

There were no petitions received.

CO85. RECOMMENDATIONS AND REPORTS FROM OTHER COMMITTEES

- (a) Overview, Scrutiny and Audit Committee : 21 April 2010 : 3.30 p.m.
Review of the Council's Constitution 2009/10

The Monitoring Officer submitted the Overview, Scrutiny and Audit Committee report for its meeting on 21 April 2010 (copies of which had previously been circulated to Members) and in addition circulated to the Council Meeting an additional list of proposed amendments by the Committee which had been agreed for referral to Council earlier the same day.

RECOMMENDED that

- (1) *the Council approve the Committee's recommendations relating to*
- (a) *updates to the Constitution for 2009/10 shown as tracked changes in the electronic version of the Constitution Parts 1, 2, 3, 4 and 6 previously circulated to Members;*
- (b) *the guidance to changes of scheduled meetings being :-*
- 'Scheduled meeting are not to be changed unless there are exceptional circumstances such as inclement weather conditions';*
- (c) *the additional list of items circulated at the Council meeting including the Calendar of Meetings for 2010/11;*
- (2) *following approval by the Council of (1), the Constitution be amended accordingly.*

The County Councillors expressed concern regarding the proposal to move the Annual Meeting in 2011 to Wednesday 17 May 2011 due to this being the same date as the Annual Meeting of the Leicestershire County Council.

Councillor Cumbers proposed that the Annual Meeting for 2011 be held on Thursday 19 May 2011 as previously agreed by the Constitution Review Task Group. Councillor Rhodes seconded the motion.

Councillor Jackson advised that his rationale for proposing the Wednesday date at this meeting and at the Overview, Scrutiny and Audit Committee from that that had been previously agreed by the Constitution Review Task Group, was that it was his understanding that the County Council meeting would end by 5 p.m. and the County Councillors may be able to attend both meetings. He also considered that there were always Members who could not attend a meeting for various reasons and 'dual-hatted' Members needed to make a choice as to which meeting to attend. Councillor Sheldon seconded the amendment.

On the amendment for the 18 May being put to the vote, there were 4 in favour and the majority against therefore the amendment was lost.

On the motion for the 19 May being put to the vote the majority were in favour, there were none against and 2 abstentions, therefore the motion was carried.

There was a query raised by the Chair of the Licensing Committee, Councillor Marks, relating to the membership of the Licensing Sub-Committee. He stated his agreement with the Overview, Scrutiny and Audit Committee that there be 4 Members permitted to sit on a sub-committee/panel with the minimum requirement being 3. The Head of Legal Services responded that this was not within the law and external advice from a leading expert on licensing matters had advised that the limit to sit on a sub-committee/panel was 3 Members. However the same practice could continue in recruiting Members for the panel, in that 4 be requested to attend to ensure there is a reserve and a decision be made as to who sits on the panel before the start of the meeting.

Councillor Graham proposed the recommendations of the Overview, Scrutiny and Audit Committee, with the exception of the change of date of the Annual Meeting in 2011 having already been voted upon, and Councillor Wright seconded the motion. Upon being put to the vote, the majority were in favour and none against.

RESOLVED that

- (1) the Committee's recommendations relating to updates to the Constitution for 2009/10 be approved;
- (2) the additional list of items circulated at the meeting be approved subject to the date of the Annual Meeting in 2011 being Thursday 19 May 2011;
- (3) the guidance to changes of scheduled meetings be approved, this being :-

'Scheduled meeting are not to be changed unless there are exceptional circumstances such as inclement weather conditions';

- (4) following approval of the above, the Constitution be amended accordingly.

- (b) Policy, Finance and Administration Committee : 21 April 2010 : 5.30 p.m.
Minute P116(2) : Carry Forward of Revenue Budgets

RECOMMENDED that the Full Council be requested to approve those items shown in Appendix A which were in excess of £50,000 in accordance with Financial Procedure Rules.

RESOLVED that the items in Appendix A which were in excess of £50,000 be approved in accordance with the Financial Procedure Rules.

CO86. MOTION BY COUNCILLORS POSNETT AND RHODES

In accordance with Procedure Rule 11.1, the following motion was received on 11 April 2010 from Councillors Posnett and Rhodes.

'We the undersigned wish no action to be taken on the decision made by the Community and Social Affairs Committee on March 17th 2010 to sell the toilets on Wilton Road.'

Councillor Posnett proposed the motion and stated that it was important to reconsider the decision as once the premises were sold there could be no reversal. She considered that the premises were not only used by visitors but also by local residents. She referred to the increase in footfall to the town in 2009 and the Council should be seen to be supporting the promotion of the town and Borough by providing such facilities in this location.

Councillor Rhodes seconded the motion as a rural Member. He considered that the withdrawal of these facilities was a loss to the Borough. He understood that there were problems with the building but these could be resolved in the future when the Council could afford to do the necessary works and reinstate the toilet facilities. He considered that this was an asset the Council needed to retain. He advised that he was against using St. Mary's Way as a coach drop off point due to directing coaches into the town centre which would have an impact on traffic movement in this area. He stated that he hoped the Council would support this motion and find the capital to reinstate the facility in the future.

Councillor O'Callaghan stated that he had met with many tour operators and had shown them around the town and there was considerable interest in Melton. He advised that tour operators had expressed a preference for the use of Wilton Road as a car park as the access and parking at that car park was excellent and coaches could get in and out of the town easily using this site. The operators did not consider public house toilets a suitable option although they needed toilet facilities close by for use by visitors upon arrival to the town and before departure. He considered the reinstatement of the Wilton Road toilets a priority and the Council should not wait until it had the funding but start work on this project immediately.

Councillors Jackson, Cumbers and Holt spoke in support of the motion and considered action should be taken to reinstate the toilets as soon as possible. It was also mentioned that a bus shelter would also be preferable as well as consideration given to disabled facilities.

Councillor O'Callaghan proposed an amendment that the following words be added to the motion 'and a report be brought forward on the refurbishment as soon as possible with the financial implications'. Councillor Dungworth seconded the amendment.

The original proposer and seconder agreed with the amendment and it therefore became the substantive motion.

On the substantive motion being put to the vote, it was unanimously carried.

RESOLVED that no action be taken on the decision made by the Community and Social Affairs Committee on 17 March 2010 to sell the toilets on Wilton Road and a report be brought forward on their refurbishment with the financial implications as soon as possible.

CO87. QUESTIONS FROM MEMBERS

- (a) The Chairmen of Committees to answer any questions upon items of reports of Committees when those items are being received or under consideration by the Council in accordance with Council Procedure Rule 10.1 of the Constitution :-

Development Committee	24 February 2010
Overview, Scrutiny & Audit Committee	25 February 2010
Policy, Finance and Administration Committee	3 March 2010
Rural, Economic & Environmental Affairs Committee	10 March 2010
Standards Committee	11 March 2010
Community & Social Affairs Committee	17 March 2010
Licensing Committee	23 March 2010
Development Committee	8 April 2010

- (b) The Mayor, the Leader and the Chairmen of Committees to answer any questions on any matters in relation to which the Council has powers or duties or which affect the Borough of which due notice has been given in accordance with Council Procedure Rule 10.5.

Policy, Finance and Administration Committee : 3 March 2010
Minute P92 – Minutes

Minute P89/09 – Affordable Housing Project

Councillor Wright requested that the word 'some' be added after the word 'but' to the following statement :-

'However he considered that not all garage sites were misused but some were used only for storage.'

It was noted that the Policy, Finance and Administration Committee had already considered this amendment.

Rural, Economic and Environmental Affairs Committee : 10 March 2010

Minute R49 – Car Parking : Review

Councillor Moncrieff stated that the wording in the last paragraph before the resolutions on page 21 did not reflect the debate relating to evening charges.

It was noted that the comment would be referred to the Committee for consideration at its next meeting.

(Councillor Rhodes declared a personal and non-prejudicial interest in the following item due to his role with the Leicestershire County Council and due to being a member of the Public Services Board. He stated that he intended to remain in the meeting to listen to the debate but take no part thereon or vote on the matter.)

(Councillor J.T. Orson declared a personal and non-prejudicial interest in the following item due to his role with the Leicestershire Police Authority.)

CO88. INTER AGENCY WORKING IN LEICESTERSHIRE : CONSULTATION

The Chief Executive submitted a report (copies of which had previously been circulated to Members) which requested the Council to consider and approve the Council's response to the consultation paper "Inter Agency Working" sent to the Council by the Public Services Board.

The Leader stated that

- (a) the Council had before them an interesting attempt to try and improve the ways that agencies worked together. He considered that at the first time of reading some may say why bring it to the Full Council to discuss – in the past it was known that the County Council had aspirations for unitary status and the Leicestershire Districts worked together to thwart them – what was different now? He raised this matter in this way, as it was the view of others who had read the paper;
- (b) this time the Council had yet another typical top down approach in Local Government speak, written by a County Council Officer and put forward by yet another strategic talking shop called the Public Services Board, which was jointly chaired by the Leader of Leicestershire County Council. This report aimed to remove influence at a District level and impose strategy from above;
- (c) he considered that although there were parts of the paper that the Council could agree with, there was so much wrong with the rest, that it needed a concerted effort to establish the vision that in Melton the Council had been working towards for the last six or seven years and did not want destroyed. The report quoted The Melton Pilot, which was flattering but the Board never felt that it was in their interest to ask the Council about what its vision or its model was;
- (d) County Council colleagues stated that he was anti the County Council – that was untrue – he recognised that the Councils had different roles to play but he, like every Melton Borough Council Leader in the past was unfettered by divided loyalties. When there was a choice between the County view or

Melton's view as was presented here, he could stand up and be totally focussed and dedicated on what was best for Melton with absolutely no divided loyalty and with the Council's support would do so;

- (e) the paper showed that there was a fundamental difference between this Council and the authors and supporters of the report. In paragraphs 43 and 44, it stated that the County Council liked what this Council was doing but it was obvious from paragraph 44 that the County Council did not understand the depth of Melton's vision and what this Council was capable of, with willing partners, achieving. The Chairman of the Public Service Board and his County Officers may see this Council as an area office – that was not how the Council saw itself and he needed Members' help to get this message across;
- (f) Melton had for several years gone down a clear route of doing away with the traditional silos of Local Government and of trying to put the individual first. The Council had achieved a lot and the rewards were beginning to show. The Council was aware that it was short of financial resources but the ethos and staff more than made up for this. It was important though that in the new offices the Council worked with partners who could be trusted and who would work towards Melton's vision;
- (g) there were things that were more effectively done at County level, as acknowledged in this report, but when it came to dealing with people, those the Council was here to serve, especially the vulnerable, the Council's issues, as was made clear in our Chief Executive's paper, were different to other districts and the Council knew best what was required;
- (h) this Council was fighting for a conservative principle against a socialist one, it was saying things must stop being done from the top down and start to be effective and efficient from the bottom up. It was saying stop directing and trust this Council, so that the two Councils can work together;
- (i) as he fought for Melton, he needed the confidence that came from having the majority of this Council supporting him on the recommendations which he explained as follows :-
 - 2.1 In effect said the Council knew where the County Council was coming from and the Council did not agree
 - 2.2 That he pursue the actions, with the Council's blessing, as set out in paragraphs 3.4 to 3.18 with particular emphasis on paragraph 3.16
 - 2.3 That the Council make this approach a united one and that he consult with the other group Leaders to ensure a united front
 - 2.4 That the report at appendix B be approved as the framework for consultation subject to the comments of other Councils
 - 2.5 There were very strong comments made at the recent Parish Council liaison meeting and these would be considered in the Council's response
 - 2.6 That a paper was taken to the LSP in May and their approach was awaited as to this paper and especially paragraph 41
- (j) it would be a hard fight to change the set ideas and ambitions of a richer and more powerful authority but he believed that at this stage, with the new offices a year away, it was an important one for the new start that the Council could offer to the future of the town and Borough.

The Leader proposed the recommendations in the report and Councillor Wright seconded the motion.

Councillor O'Callaghan thanked the Leader and stated that the report did not match up to the strong views expressed in his speech which he supported. He considered that the report was too balanced and could be considered positive and this was not what Members would like to be associated with.

Councillor J.T. Orson spoke in support of the report and the partnership working with the County Council. He gave the example of the success of the Sure Start Centres. He further advised that the Extraordinary Efficiency Task Group was looking for efficiencies through partnership working on kerbside collection and considered this a positive move forward. However with regard to the CDRP, he considered that this function be retained by individual districts.

Councillor Jackson considered that we needed local government that was in touch with people and this could be delivered through districts working together on shared services. These would then be responsive to local demand.

Councillor Graham responded that the Council needed to continue to work with other Councils. He stated that the Sure Start Centres were created from the bottom up hence their success and as an example of working from the top down, he considered that the Community Forums did not work. He advised that the Council did not need this paper to encourage it to work together and with others as this Council was already doing that.

Councillor O'Callaghan proposed an amendment that the following be added to the response to the consultation :-

- Whilst economies of scale may suggest the sharing of services this may be overridden by questions of local accountability and responsiveness to local needs
- Melton Borough Council will resist unitary status in the County and any move to reduce local democracy, accountability and delivery at district or Borough level

The Leader and Deputy Leader accepted the amendment and this became the substantive motion.

On the substantive motion being put to the vote, the majority were in favour, there were none against and 1 abstention.

RESOLVED that

- (1) the "Inter Agency Working in Leicestershire" report from the Public Services Board be noted as a first stage in developing a Sub Regional and locality approach;
- (2) the issues set out in Paragraphs 3.4 to 3.18 to this report be sent to the Joint Chair of the Public Services Board as this Council's comments to the consultation by the Leader of the Council;

- (3) the Chief Executive be authorised to prepare a detailed commentary on Consultation report to append to the consultation response in consultation with the Leaders of the Parties;
- (4) the Locality Model of working at Appendix B be approved as the Framework for locality working and attached to the consultation response, subject to comments from other Districts which are received by the Chief Executive;
- (5) comments of Parish Councils in Melton be considered in preparing the Consultation Response;
- (6) the local Strategic Partnership be asked to comment, as appropriate;
- (7) the following be added to the response to the consultation :-
 - Whilst economies of scale may suggest the sharing of services this may be overridden by questions of local accountability and responsiveness to local needs
 - Melton Borough Council will resist unitary status in the County and any move to reduce local democracy, accountability and delivery at district or Borough level

(Councillor Rhodes requested that his abstention from voting on the preceding item be recorded.)

(Councillor Graham declared a personal and prejudicial interest in the following item due to being a trustee of the Sir John Sedley Educational Foundation which was an organisation that owned land locally and here left the meeting.)

(Councillor Holmes declared a personal and prejudicial interest in the following item due to being a local landowner and here left the meeting.)

(Councillor D.E. Orson declared a personal and prejudicial interest in the following item due to being a local property owner and here left the meeting.)

(Councillors J.T. Orson, Posnett and Rhodes declared a personal and prejudicial interest in the following item due to their roles as Leicestershire County Councillors and the County Council's land holdings and here left the meeting.)

(The Deputy Mayor, Councillor Moore, in the Chair.)

EXCLUSION OF THE PUBLIC

RESOLVED that the Public be excluded during the consideration of the following item of business in accordance with Part 1 of Schedule 12A of the Local Government Act 1972 (Access to Information: Exempt Information under Paragraph 5.

Councillor O'Callaghan stated that due to being involved in the support group for a northern bypass called 'Melton Detour', it may be perceived by the public that he had predetermined his decision in the following item and therefore here left the meeting.

CO89. MELTON LOCAL DEVELOPMENT FRAMEWORK PROCESSES

The Chief Executive submitted a report (copies of which had previously been circulated to Members).

RESOLVED that the recommendations be approved as set out in the report.

The meeting which commenced at 6.30 p.m., closed at 8.20 p.m.

Mayor