



MEETING OF THE
COUNCIL OF THE BOROUGH OF MELTON

SCALFORD HALL, MELTON ROAD, MELTON MOWBRAY

24 FEBRUARY 2011

PRESENT

Councillors M. Moore (Mayor)
N.R.G. Angrave, P. Baguley, M.W. Barnes, G.E. Botterill, P.M. Chandler
C.O. Chapman, P. Cumbers, S. Dungworth, M.C.R. Graham MBE
E. Holmes, J. Illingworth, A. Jackson, R. Marks, T. Moncrieff
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
Strategic Director (KA), Strategic Director (CM)
Head of Central Services
Senior Democracy Officer

The Reverend Kevin Ashby offered a prayer

CO64. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors, Dean, Freer, Holt and Moore-Coltman. An apology for late attendance was received from Councillor Angrave.

CO65. MINUTES

The minutes of the meeting held on the 2 February 2011 were confirmed and authorised to be signed by the Mayor.

CO66. 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 due to their roles as County Councillors.

CO67. MAYOR'S ANNOUNCEMENTS

The Mayor

- (a) advised the Council of the recent sad death of the Council's first Young Mayor, Nikki Orridge and expressed her condolences to Nikki's family;
- (b) stated that the Award of Merit Scheme was seeking nominations from Councillors of people who were doing good work in their communities and advised that further information on this had been circulated to Members;
- (c) stated that her Civic Dinner was to be held on Friday 11 March at Scalford Hall and encouraged Members to attend;
- (d) requested donations for tombola prizes for a Tombola that Councillor Holmes was running at the Civic Dinner.

The Young Mayor, David Downing,

- (a) thanked the Mayor for taking him to a wide range of civic engagements including an art gallery at Twycross Zoo, the PERA 'Yes' Challenge Finals and to a KE7 School musical production;
- (b) stated that with regard to his manifesto promises, he was pursuing the safe cycle routes and reported that a map showing cycle routes was being finalised and leaflets showing these routes would soon be available for the public;
- (c) advised that both the cycle routes and the free swimming for the under 17s would encourage healthy living and the bit of investment needed now, could mean less expenditure in the future on obesity and heart problems;
- (d) explained that he was liaising with Colonel Roffey and the Patient Participation Group at Latham House to discuss the possibility of setting up a teenage drop in clinic on Saturday afternoons;
- (e) stated that he hoped Councillors would seriously consider his Free Swimming for the under 17s petition as swimming was a positive pastime for young people and could help counter boredom which could lead to vandalism and cost to the public;
- (f) advised that he was organising a Melton Music Festival in the Play Close in August which would be in memory of Nikki Orridge, the Council's First Young Mayor. He hoped this would become an annual event and he was looking to the Council and the Arts Council to help source funding;
- (g) reported that he was looking forward to future events, one being to attend the opening of Belvoir Castle's new Sculpture Trail;
- (h) thanked the Council for their support and for allowing him to address the Meeting.

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

CO68. LEADER'S ANNOUNCEMENTS

The Leader, Councillor Graham MBE, stated that

- (a) Councillors had confirmed the new structure that would take the Council into the new Council Offices;
- (b) the Government Office of East Midlands had indicated that more time was needed to consider the Sainsburys development;
- (c) he was writing to the Secretary of State for Communities and Local Government in response to a recent publication called 'Delivering Effective Estate Management' which contained certain proposals about managing the public estate effectively. He quoted from the letter as follows :-

'My Council believes in the public service ethos. We have three simple organisational aims :

- ***To do what we do well*** – *The Council was judged as a Level 3 Council – “Performing Well” under the recent Organisational Assessments. We achieved this by doing what was important to the Council – we are a top 20 recycling Council, the decent homes target was achieved one year early and we are a Planning Authority which is in the top quartile for performance and the second most efficient in the country in a recent CIPPA/PAS national benchmark club. This was achieved while we recovered from our fire and planned for the future of Public Sector Services in Melton.*
- ***To look after our finances*** – *for successive years we have set a balanced budget each year, maintained reasonable balances, strictly managed cash flow and taken up the challenge of the Council Tax freeze for 2011/12. We have operated shared services with many Council partners, for several years being part of the Welland Partnership which was sponsored by Government.*
- ***To look after those in need*** – *not only do we run the Children's Centres and the Early Years Services, we also provided a Hub, in partnership with the County and Police to offer education to excluded and problem teenage pupils. We are proud that for 2 years no child left school in Melton without a qualification. Most importantly we provide a Family Intervention Project (FIP) linked to our Pathways (reoffending) project. The FIP was only 1 of 2 such projects rated “Green” following the recent Government inspection in the East Midlands. The project has had a significant impact on families with complex needs improving their opportunities. Our work was highlighted, in the recently published Allen Report, as an example of an area tackling the ‘root causes’ of dysfunctional families. We believe our new building with its intended new ways of working will further improve this work.*

All of this is achieved by 172 full-time equivalent staff, still providing the full range of Council Services. The top salary in my Council is £82,300, we do

not pay for payment sake, we believe our staff are committed to delivering good services competently and efficiently and are willing to change how they work and respond to customer needs as a first priority.'

(d) he would arrange to circulate a copy of the letter to all Councillors.

CO69. QUESTIONS BY MEMBERS OF THE PUBLIC

There were no questions received.

CO70. PETITIONS

There were no petitions received.

CO71. RECOMMENDATIONS AND REPORTS FROM OTHER COMMITTEES

Licensing and Regulatory Committee : 8 December 2010
Minute L27/10 – Sex Entertainment Venues

RECOMMENDED that the Council adopt the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 as amended by the Policing and Crime Act 2009.

The Council considered the above recommendation with the benefit of the relevant report that had previously been circulated to Members.

RESOLVED that the Local Government (Miscellaneous Provisions) Act 1982 Schedule 3 as amended by the Policing and Crime Act 2009 be adopted.

CO72. 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 :-

Standards Committee	9 December 2010
Overview, Scrutiny and Audit Committee	14 December 2010
Development Committee	16 December 2010
Special Rural, Economic & Environmental Affairs Committee	20 December 2010
Development Committee	13 January 2011
Community & Social Affairs Committee	25 January 2011
Policy, Finance & Administration Committee	26 January 2011
Special Development Committee	27 January 2011
Development Committee	3 February 2011
Overview, Scrutiny and Audit Committee	8 February 2011

(b) The Mayor, the Leader and the Chairmen of Committees answer any questions on any matters in relation to which the Council had powers or duties or

which affected the Borough of which due notice had been given in accordance with Council Procedure Rule 10.5.

(c) In accordance with Procedure Rule 10.5(a), Councillor O'Callaghan submitted the following questions on 15 February 2011 :-

1. *How many cases are currently being dealt with by the standards committee /process at the council?*
2. *How long has each being going on for?*
3. *How long do you envisage each taking before resolution?*
4. *How many of these are using resources external to the council?*
5. *At what level are these resources eg. Barrister, Solicitor?*
6. *Who decides what resources are allocated?*
7. *In how many of these cases is the resource being used for the investigation and in how many to support the 'defendant'.*
8. *What is the criteria for a decision to support a 'defendant'?*

The Leader responded for the Chair of the Standards Committee who had given his apologies due to being out of the country. The Leader stated that the answers to the questions were set out in a detailed response that had been circulated to Members prior to the meeting.

He advised that in summary, the Committee had 5 complaints currently outstanding. There were two investigations outstanding that were currently being dealt with. All other questions were answered on the paper circulated to Members.

Councillor O'Callaghan asked 3 supplementary questions as follows :-

- (1) The cost of external resources had been approximately £10,000 – how much staff time was involved?
- (2) With regard to the process, had mediation been used at the start of each case?
- (3) Given that some investigations had taken up to 18 months, did this not bring the process into disrepute and cause stress to the individual concerned?

The Monitoring Officer responded as follows :-

- (1) An account of approximate staff time for each complaint would be provided following the meeting.
- (2) The legislation does not allow for mediation to be used as a matter of course. She outlined the process and explained that each complaint was considered by an Assessment Sub-Committee within an average of 20 days of receipt and the Sub-Committee determined the appropriate action to be followed from a choice of 3 options. Only one of the options, Other Action, included a choice for mediation. From recollection mediation had only been proposed as an option once and one party was willing to participate and the other not and as a result the 'Other Action' had failed.

- (3) With regard to the delay in investigations, there were many factors involved that could cause a delay in an investigation including the complexity of the case, the legislative process and availability of all the parties involved in order to complete the process.

Councillor Holmes made a point of personal explanation and advised Members that the booklet called 'Local Assessment of Complaints' was available from the Standards Board and was a helpful guide to those involved in the process. She advised that she had been in contact with the Standards Board and they had advised her that only exceptional cases should be dealt with externally and in a small Council where personalities were known to each other, cases could be dealt with by another Council.

- (d) Councillors D.E. Orson, J.T. Orson, Posnett and Sheldon submitted the following question on 23 February 2011 which the Mayor had agreed to be included at the meeting under Procedure Rule 10.5(b) and the Leader had agreed to respond.

Given the announcement that the Chief Executive of Harborough District Council has resigned and will be leaving her post in May 2011. Will Cllr Graham liaise with the Leader of Harborough District Council to look at new opportunities that now exist for further collaborative working arrangements between the two authorities?

The Leader responded that he had met with the Leader of Harborough District Council that week and had advised him that when he had agreed a way forward to review his senior management structure, Melton Borough Council would be more than happy to discuss any role that Melton could play that would be beneficial to both parties. He advised that he must respect the confidence of the further conversation on this matter. The Leader stated that he had been requested to remind Members that the decision was entirely within Harborough District Council's remit to resolve.

Councillor J.T. Orson thanked the Leader for his response and asked that all Members be updated of discussions with the Leader of Harborough District Council on potential efficiencies and collaborative working arrangements.

Councillor Graham responded that Harborough was only just at the beginning of the process and he would advise Members when he had any new non-confidential information.

CO73. MOTION ON NOTICE: 'FIT FOR THE FUTURE' RESTRUCTURE: FROM COUNCILLORS O'CALLAGHAN AND DUNGWORTH

Councillors O'Callaghan and Dungworth proposed and seconded the following motion:-

In accordance with Procedure Rule 11.1, the following motion was received on 14 February 2011 from Councillor O'Callaghan as proposer and Councillor Dungworth as seconder:-

This Council regrets that so few councillors were involved in the decision taken by the PFA Sub Committee on Friday 4th February regarding 'Fit for the Future' - Member Support Options

Councillor O'Callaghan stated that the Cabinet model had not been chosen for Melton due to it not being appropriate for this Council, this was to enable all Councillors to be involved in decision-making. He added that although the Council had opted for the Fourth Option there had been a gradual erosion of the ordinary Council decisions such as at this meeting being consigned to looking at minutes, a couple of questions and the formality of noting a Council Tax report. This resulted in fairly quick meetings with little purpose. He considered that too many powers had been delegated to Committees, Sub-Committees and Officers. Therefore he considered that Councillors were going into an election with little individual powers. He added that he did not agree with the Government's move for quicker decisions and efficiencies and considered the Council should have a participative democracy or the Council should move to the Cabinet model like, he felt, it almost operated. He outlined the particular instance of this motion i.e. delegation to a Committee and then to a Sub-Committee with only 3 Councillors being present for a decision that affected people's lives. He considered the Council should be making decisions altogether and there be no backbenchers i.e. one Councillor, one vote.

Councillor Dungworth seconded the motion and stated that it was not about criticising individuals or the process, the motion was concerned with the gradual devolution of powers. He stated that he accepted the need for efficiency but did not consider it was always appropriate to move too quickly.

Councillor Jackson advised that when the Constitution was constructed there was a major shift in delegation at that time. Matters were delegated to committees to enable actions to be implemented faster. He considered that some of the things that were delegated to officers should not be delegated and this often came down to the cost of an activity as to whether it could be delegated. He felt that some activities that were not heavy in cost could have a big effect e.g. the Swimming Baths' Flume, bus shelters at the bus station. He explained that Councillors needed to know what was happening. He considered that the Scheme of Delegations should be reviewed.

Councillor Holmes stated that she had requested that the Constitution Review Task Group meet several times.

Councillor Moncrieff gave an example of a matter that he had been unaware of relating to the Waterfield Leisure Pools.

Councillor J.T. Orson stated that Members were in favour of the Fourth Option as it enabled all Members to be involved but considered that after the elections in May, the Council may wish to take another look at Fourth Option vs Cabinet.

Councillor Graham stated that Fourth Option was democratic and the Cabinet model was not. The Leader referred to the previous government that had created the Constitution and the current structure of decision-making. He advised that the Localism Bill would enable a new way of working. With regard to the consultation and decision-making on the new structure, he advised that Members were given

endless opportunities to be briefed or to comment on the new structure. He considered that the Council could only involve those that wanted to be involved.

He stated that he did not feel that the Council could support this motion as the Policy, Finance and Administration Sub-Committee had complied with the rules as set out in the Constitution. He stated that he could not force Members to attend meetings and the Council did not have a substitute system.

He advised that if any Councillor wished to amend the Constitution, it should not be done as a knee-jerk reaction to one decision that a Councillor objects to. Any Councillor was entitled to put any Constitutional changes to the Constitution Review Task Group and the Task Group would bring back to the Council any proposed changes, having reviewed the arguments rationally. In the matter referred to in this question, it triggered a concern for the Overview, Scrutiny and Audit Committee and quite rightly that Committee took the decision to make representations to that Task Group which would be considered.

Councillor Rhodes stated that he considered it inappropriate for a small group of Members to make significant policy decisions. He explained that it had been a mistake to create a Policy, Finance and Administration Sub-Committee for such important matters and the decisions should have been taken by the full Committee. He advised that the issue had been reconsidered by the full Committee and the decision had now been made correctly. He considered that the Council should learn by this and he would support any proposal to abolish the Policy, Finance and Administration Sub-Committee as he felt the full Committee should deal with all its business.

Councillor O'Callaghan ended the debate by stating that he felt the Council's staff deserved better than decisions about their lives being made by 3 Members on a Sub-Committee. He considered important decisions should come back to the Council and the Council should have a role in staffing matters.

On the motion being put to the vote, there were 4 in favour, 14 against and 6 abstentions, therefore the motion was lost.

RESOLVED that there be no action taken.

CO74. MAYOR OF SOCHACZEW

The Mayor

- (a) submitted a notice from the Town Council in Sochaczew which
 - (i) reported that local government elections had been held in Poland on 5 December 2010 and a new Mayor, Deputies and Chief of the Town Council had been appointed for the 2010-2014 term;
 - (ii) advised that the new Mayor was Mr. Piotr Osiecki and his deputies were Mr. Marek Ferginski and Mr. Dariusz Zawidzki;
 - (iii) advised that new Chief of the Town Council was Ms. Jolanta Gonta and her deputies were Mr. Stanislaw Wachowski and Mr. Marcin Cichocki;

- (iv) declared their intent of continuing partner collaboration and the development of a close relationship between Melton Mowbray and Sochaczew;
- (v) wished the inhabitants of Melton Mowbray all the best in the New Year 2011;
- (vi) requested that the Council send a similar message of friendship to the new administration and citizens of Sochaczew.

The Leader proposed that a holding response be sent to Sochaczew thanking them for their post election update and the Mayor of Sochaczew be advised that this Council would consider a similar response after the Borough Elections in May 2011. He added that the post election response be in polish and the previous Mayor of Sochaczew be thanked for his contribution to the strong twinning relationship between the two towns. Councillor Wright seconded the motion.

On the motion being put to the vote, the majority were in favour and the motion was carried.

RESOLVED that a holding response be sent to the Mayor of Sochaczew thanking him for the post election update and the previous Mayor of Sochaczew be thanked for his contribution to the strong twinning relationship between the two towns. Following the Borough Elections in May 2011, the Council consider a response to the Mayor of Sochaczew of this Council's post election results and any such communication be also provided in polish.

CO75. SETTING OF COUNCIL TAXES

The Head of Central Services

- (a) submitted a report (copies of which had previously been circulated to Members) which submitted the council tax calculations required under the Local Government Finance Act 1992 for 2011/12;
- (b) reported that the Leicestershire County Council figures had been approved at their meeting held on 23 February 2011;
- (c) reported the changes between the original report to the revised one circulated earlier in the week;
- (d) advised that Budget Books were available to Members upon request however the information was mainly being supplied electronically to meet the Council's commitment to be paperlight.

The Leader proposed the recommendations in the report and this was seconded by Councillor Wright.

On the motion being put to the vote, the majority were in favour and the motion was carried.

RESOLVED that the Council note the calculations for the year 2011/12 made in accordance with regulations set out in the Local Government Finance Act 1992.

The meeting which commenced at 6.30 p.m., closed at 7.31 p.m.

Mayor