



MEETING OF THE  
COUNCIL OF THE BOROUGH OF MELTON

PARKSIDE, STATION APPROACH, BURTON STREET, MELTON MOWBRAY

24 APRIL 2013

PRESENT

Councillors J. Illingworth (Mayor)  
P.M. Baguley, G.E. Botterill, G. Bush, P.M. Chandler,  
P. Cumbers, J.M. Douglas, A. Freer-Jones, M.C.R. Graham, M. Gordon;  
E. Holmes, L. Horton, E. Hutchison, S. Lumley, V.J. Manderson, T. Moncrieff  
J. Moulding, M. O'Callaghan, J.T. Orson, P.M. Posnett, J.B. Rhodes,  
J. Simpson, N. Slater, M. Twitney, D.R. Wright, J. Wyatt

Georgia Paddock – Young Mayor

Chief Executive  
Strategic Director (KA)  
Head of Communications & Monitoring Officer  
Senior Democracy Officer

The Reverend Kevin Ashby offered prayers

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CO88. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Barnes and Sheldon.

CO89. MINUTES

The minutes of the Meeting of the Council held on 21 February 2013 were confirmed and authorised to be signed by the Mayor.

CO90. DECLARATIONS OF INTEREST

Councillors Orson, Posnett and Rhodes each declared a personal interest in any matters relating to the Leicestershire County Council due to their roles as County Councillors.

CO91. MAYOR'S ANNOUNCEMENTS

The Mayor stated that before the meeting started he had hosted a reception in honour of the awardees for the Award of Merit, Mayor's Award and the Young Citizen Award. He explained that he would now formally make the presentations to

in the presence of the Council. He stated that these awards were for those citizens who had made significant contributions to the Borough which if they did not do what they did, then we would all be the poorer. He added that these people did it for love and the community was indebted to them as they did things for the rest of us because they wanted to and they put their time and effort into improving the lives of others.

The Mayor made the following Award of Merit presentations :-

Marie Walters, in respect of

- Being involved in Melton in Bloom and EMIB Campaigns, and other gardening projects for over six years;
- Brightening up the town for residents, at the same time encouraging visitors to return;
- Promoting Pride in Melton;
- Encouraging local groups to become involved i.e. the Mount School, the Learning Hub, Melton Borough Council, Melton Country Park and many more;
- Providing inspiration and enthusiastically encouraging all volunteers to help in projects such as Gretton Court Gardens, the Sensory Garden, the Royal Bed in the Country Park and the Medieval Bed in King Street;
- Being heavily involved in the Parkside and St Mary's Church displays, involving different groups in the Community;
- Winning the Silver Gift Award in East Midlands in Bloom (EMiB) in 2012

Eric Tindall in respect of

- Successfully extending the Neighbourhood Watch Scheme to provide full coverage for Melton Town instead of a limited number of streets;
- Completing 3,090 hours of volunteer work since September 2009;
- Holding regular Neighbourhood Watch meetings, thereby helping communities come closer together;
- Distributing newsletters to the public which provide information on recent crimes, latest scams, door step crimes and ways to keep yourself safe;
- Encouraging people to look for need in the Community and address this, thereby enabling people to feel valued through their contribution to community life

Malcolm Johnson in respect of

- Dedicating 47 years of voluntary work to the Allotment Association;
- Fulfilling the roles of Secretary and Treasurer of the Association for many years;
- Supplying materials for general gardening and providing advice on gardening problems;
- Working hard to help coordinate the recent relocation of the Association to its new premises

Janey Branstone and Julian Spong in respect of

- Providing cooking classes for FIP and ex FIP Service users;
- Coordinating the 'free cakes for kids' project in Leicestershire, helping families who find it difficult to provide birthday cakes for their children;
- Working hard to gain extra volunteers for projects;
- Working with families in the 3 priority areas in Melton, promoting healthy eating and educating families to live within their means;

- Creating a Community Blog to help engage residents in South Melton with local services;
- Being instrumental in the FIP Focus Group which has positively changed the behaviour of families and individuals through peer to peer mentoring

The Mayor made the following presentation for the Melton Borough Award :-

Roger Petchy in respect of

- Completing 3,667 hours of CCTV volunteer work since August 2002;
- Overseeing a team of volunteers and often working unsociable hours;
- Liaising with SMART (Secure Melton Against Retail Theft) and PubWatch;
- Ensuring cameras are maintained and kept to a high standard, providing reassurance to visitors and residents and helping reduce the fear of crime;
- Providing essential assistance throughout the Olympic Torch Relay event.

The Mayor made the following presentation for the Young Citizen Award :-

Shane Chapman, Tom Nicol and Jason Gasgoine

- Working hard helping vulnerable members of the community with gardening;
- Improving the life of people within the community by helping to break down the barriers that exist between young people and other members of the community;
- Volunteering for Melton in Bloom and helping to paint the boat in the Community and Heritage Garden at Parkside;
- Overcoming significant difficulties and showing real resilience and determination with his voluntary commitments and greatly increasing own confidence;
- Successfully completing the Princes Trust Programme despite own difficulties (Shane and Tom)

The Mayor presented the Robert Hyslop Citizen of the Year Award to Malcolm Johnson.

The Mayor presented the Derek Sanders Cup for the Outstanding Young Citizen collectively to Shane Chapman, Tom Nicol and Jason Gasgoine.

The Mayor thanked all those who nominated, seconded and supported the nominees and paid tribute to all the unsung heroes of the Borough. He congratulated the awardees and referred to them as very special people.

(The Awards party here left the meeting.)

The Mayor referred to his other announcements and particularly to the national Pork Pie judging that he had been involved in that day and also asked Members for volunteers to help with marshalling and collecting buckets at the Twinlakes Classic Car Meet to be held on Sunday 28 April from which his appeal would benefit.

The Young Mayor, Georgia Paddock, stated that the Youth Cafe would be open soon and a person had been appointed on a 2 days per week basis to work on finalising the arrangements.

## CO92. LEADER'S ANNOUNCEMENTS

The Leader, Councillor Rhodes, stated that he had no announcements for this meeting however he would be reporting to the Annual Meeting on 8 May 2013.

#### CO93. PUBLIC QUESTION TIME

There were no questions received.

#### CO94. PETITIONS

There were no petitions received.

#### CO95. RECOMMENDATIONS AND REPORTS FROM COMMITTEES

There were no recommendations and report from Committees.

#### CO96. QUESTIONS FROM MEMBERS

(a) In accordance with Procedure Rule 10.1, the Chairmen of Committees were to respond to any questions upon items of reports of Committees when those items were received or were under consideration by the Council as follows :-

Development Committee	20 February 2012
Ad Hoc Governance Committee	21 February 2013
Rural, Economic & Environmental Affairs Committee	6 March 2013
Development Committee	14 March 2013
Community & Social Affairs Committee	20 March 2013
Governance Committee	28 March 2013
Development Committee	4 April 2013
Policy, Finance & Administration Committee	10 April 2013

##### Ad Hoc Governance Committee – 21 February 2013

Councillor O'Callaghan raised some issues regarding this meeting and referred to it as a 'kangaroo court'. He objected to the meeting and that the subject Member was not invited nor provided with papers for the meeting.

The Mayor intervened and stated that the matters raised related to the exempt minute, therefore the public were to be excluded if the Member wished to continue on this point. The Mayor put the exclusion of the public motion to the vote at this point and this was defeated therefore it was agreed that the exempt minute be considered at the end of the meeting in private session.

##### Rural, Economic & Environmental Affairs Committee – 6 March 2013

Minute R63 – Exemptions and Concessions for Replacement Wheeled Bin Charges  
Councillor Gordon stated that she had left the meeting for this item and it had not been recorded. The Chair of the Committee advised that this would be corrected at the next meeting.

Rural, Economic & Environmental Affairs Committee – 6 March 2013

Minute R61 – Town Centre Performance 2012

Councillor Moulding referred to the amendment in the first paragraph relating to car parking occupancy and stated that such figures needed to be correct in the first instance within the published report as any change to the figures would not be known or so easily available to the public.

The Chair of the Committee agreed that such figures should be correct when first presented to the Committee and he would respond to the Councillor following the meeting on how this discrepancy had occurred.

Development Committee – 4 April 2013

Minute D89 – Declarations of Interest – Application Reference 13/00110/FUL

Councillor Gordon referred to the wording of her interest in respect of the garage sites and agreed with the Chair of the Committee that the wording of her interest be similar to that of the Chair of the Development Committee and this amendment be reported to the next meeting of the Committee on 25 April 2012 ie.

‘Councillor Gordon stated that she was at the Community and Social Affairs Committee meeting as an observer not as a Member but left the meeting before any decision was made on the garage sites and was therefore free to participate in the decision-making.’

(b) In accordance with Procedure Rule 10.5, the Mayor, the Leader and the Chairmen of Committees were 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 had been given.

There were no questions received under Procedure Rule 10.5.

CO97. REVIEW OF THE COUNCIL’S CONSTITUTION 2012/13

The Monitoring Officer’s report (copies of which had previously been circulated to Members) was presented which requested the Council to approve the Governance Committee’s recommendations for amendments to the Constitution as well as note changes to the Constitution approved by the Council since the last review.

The Chair of the Governance Committee, Councillor Graham, proposed the recommendations in the report with an addition of two items at 2.7 and 2.8 as follows :-

2.7 The Waterfield Leisure Pool Working Group be discontinued and any related matters be dealt with by the Community and Social Affairs Committee.

2.8 The politically balanced Melton Local Development Framework Working Group be increased in size from 7 to 9 Members.

Councillor Douglas seconded the motion.

Councillor O’Callaghan asked the Chair of the Committee if he could raise some individual matters within the report and the Chair signified his agreement to this approach.

Councillor O'Callaghan proposed the following three items for deferral to allow the Governance Committee to reconsider the wording of these items for the reasons given below under each sub-heading :-

A1 – New Officer Delegation to the Head of Communities and Neighbourhoods -

'To consider and make all decisions relating to Neighbourhood Plans in consultation with the Chair of the relevant Committee.'

Councillor O'Callaghan's concerns related to delegating this important function to an officer as these plans could make significant changes and have a high impact on the community they serve. He understood they were currently defined for parishes and no there were no details yet for these in the town. He recognised that the delegation was in consultation with the Chair of the relevant Committee but did not consider this appropriate as the Council did not operate an executive model. He felt that it would be a better way forward that they be reported to the Rural, Economic and Environmental Affairs Committee for approval.

A6 – Timing for speeches

Councillor O'Callaghan's concerns related to major speeches and debates and he considered that 10 minutes should be allowed not just for the Leader and the Leader of the Opposition but for proposers of the main motion and amendments as in these circumstances Councillors needed the extra time to set out their reasons for their proposals.

It was noted that the Mayor had discretion to allow a change in timing of speeches as needed.

A9 – Role of Leader of the Opposition

Councillor O'Callaghan referred to the wording of this item and considered that it did not show commitment to the role but indicated that the Council 'may appoint' a Leader of the Opposition. He felt that it should be more definite as to the Council's intentions and state something along the lines of 'The Leader of the largest opposition group, will be the Leader of the Opposition'.

Councillor Moncrieff seconded deferral in each of the three cases above.

Councillor Graham was in agreement that these matters be reconsidered by the Committee and stated that he wanted the Council to be satisfied that its own Constitution was right and suited their requirements. He further stated that on the Officer Delegation he had requested that this be in consultation with the Chair of the relevant Committee and on the role of Leader of the Opposition, he also felt there needed to some provision for opposition parties of the same size.

Councillor Moncrieff stated that he had concerns on certain elements within A12 which related to a series of proposed changes within Part 5 of the Constitution.

Councillor Holmes made a comment that the report should be deferred apart from changing Development to Planning Committee.

Councillor Graham stated that the Council should move forward and agree individual items that it accepted and he was happy to take any questions on the

report defer any matters that the Council was not satisfied with at this meeting. He reiterated that he was happy to take back those individual items already mentioned.

The Mayor summarised the amendment being that items A1, A6, A9 and A12 be deferred and the remainder be accepted. Councillor O'Callaghan also requested that the amendment not include approval of the new recommendation at 2.8 on the Order Paper as he wished to discuss this. The seconder agreed this change as did the Chair of the Committee.

#### **Vote on amendment**

On the amendment being put to the vote that the recommendations 2.1 to 2.7 be approved apart from items A1, A6, A9, A12 which were to be deferred, the majority were in favour and there were none against. Therefore the amendment was carried.

Councillor Holmes withdrew her previous comment.

With regard to recommendation 2.8 Councillor O'Callaghan considered that it was not the right time to set up a revised structure of the Melton Local Development Framework (MLDF) Working Group until the review was completed. Also he questioned the way the working group operated and whether being politically balanced was appropriate and considered that it may need to be balanced in other ways. He proposed that this working group not be changed now but await the outcome of the review which would provide guidance on the way forward.

Councillor Moncrieff seconded the amendment and stated that the MLDF was a task group and not a working group. He recalled that at the Extraordinary Council Meeting held on 15 April 2013, the Council agreed to encourage people from outside the Council to be part of the group and this would be allowed in the task group format.

The Mayor advised that there were going to be reference groups for external bodies and that the MLDF had been in the working group format for some time. He explained that the reference groups would work in consultation with the working group. The Mayor advised that the Council wanted to involve all interested parties in the process and he would make sure this happened.

The Leader reminded Councillor Moncrieff that at the Extraordinary Council Meeting he had voted for a working group and that the Council had decided the way forward at that meeting and this was not being changed at this meeting. He explained that a working group was needed to support the decisions made by the Council in the previous week.

#### **Vote on amendment**

On the approved motion with the amendment to defer recommendation 2.8 being put to the vote, there were 9 in favour, 16 against and no abstentions therefore the amendment was lost.

#### **Vote on substantive motion**

On the substantive motion being put to the vote including recommendation 2.8, there were 17 in favour, none against and 8 abstentions therefore the substantive motion was carried.

**RESOLVED** that

(1) the actions set out at Appendix A and listed below in the number order that they appear be approved as follows :-

- A2 Change to Deputy Proper Officer Provisions
- A3 Rename Development Committee to Planning Committee
- A4 Deletion of delegated function (3) of Appeals Committee
- A5 Procedure Rule 12.1(p) - Motions without Notice - Correction
- A7 Procedure Rule 10.6(e) – Correction
- A8 Revised Contract Procedure Rules
- A10 Revised Equalities & Diversity Statement
- A11 Code of Conduct – clarification on paragraph 7(2) by LCC

(2) the amendments as detailed in paragraph 3.3 of the report and set out at Appendices B1 and B2 be approved as follows :-

- B1 Procedure Rule 22.2 : Public Speaking at the Development Committee
- B2 Consultation Arrangements for Planning Applications

(3) It be noted that there had been four items approved for inclusion in the Constitution at Council Meetings in this Civic Year which are set out at Appendix C and are summarised as follows :-

- C1 Amendment to the Members' Remuneration Scheme
- C2 Amendment to the Petitions Scheme and removal of the E-Petitions facility
- C3 Transfer of Equalities and associated delegations to the Governance Committee
- C4 Police and Crime Panel – Overview and Scrutiny Arrangements – to lie with the Community and Social Affairs Committee and associated documents be added to the Constitution

(4) the Calendar of Meetings for 2013/14 be approved (Appendix D);

(5) due to the Constitution being a living document there may be requirements for changes within the year. Therefore as well as the annual review, items will be referred to the Governance Committee as required;

(6) any change in legislation overrides the current wording of the Constitution and the Monitoring Officer has delegated authority to make amendments as required by the law. Therefore such legal consequential changes will be put in place immediately and reported to the Governance Committee, and subsequently the Council, as soon as practicable thereafter;

(7) the Waterfield Leisure Pool Working Group be discontinued and any related matters be dealt with by the Community and Social Affairs Committee;

(8) the politically balanced Melton Local Development Framework Working Group be increased in size from 7 to 9 Members;



(9) the selected actions set out at Appendix A and listed below be deferred and referred back to the Governance Committee for reconsideration :-

- A1 New Officer Delegation to Head of Communities & Neighbourhoods
- A6 Procedure Rule 13.4 – Timing for Speeches
- A9 Role of Leader of the Opposition
- A12 Part 5 - Consequential Name Changes and current practical arrangements including updated Code of Conduct, Task Group Protocol, Minutes Procedure, Member Roles and Responsibilities, ICT Protocol for Members

#### CO98. POLITICAL BALANCE AND ALLOCATION OF SEATS

The Leader introduced the report (copies of which had previously been circulated to Members) and outlined the reasons for the report being

- (a) following a change in political group membership initiated by the resignation of a Councillor from the Labour Group becoming a sole independent, the Council was requested to review its political balance arrangements;
- (b) the Council was requested to consider the proposals of the political groups in respect of its allocation of seats to committees, a sub committee and working groups;
- (c) the Council was requested to consider the membership of the Development Committee being the only committee that will meet before the Annual Meeting on 8 May 2013.

The Leader proposed the recommendations in the report with an amendment (in italics) to 2.4 as follows :-

2.4 To approve the allocation of seats to the Working Groups as set out in paragraph 3.10 *with the exception of the Melton Local Development Framework which due to the increase in size approved in the previous item, the allocation of seats for that working group be as follows :-*

<i>Conservative</i>	6 (5.76%)
<i>Labour</i>	2 (1.62%)
<i>Independent</i>	1 (1.26%)
<i>Single Cllr</i>	0 (0.36%)
<i>Total</i>	9

Councillor Posnett seconded the motion and reserved her right to speak.

There was a discussion on managing the role of Mayor and being on committees. It was noted that custom and practice had been that the Mayor did not take up committee roles. Some related their experiences and felt that the Mayoral role would need to take precedence as the Council had elected the Mayor to represent the people of the Borough and this involved attending many engagements and impacted heavily on the Mayor's time. However it was noted that the Constitution allowed for the Mayor to take up committee memberships but not Chair or Vice Chair roles.

Councillor Gordon as Deputy Mayor stated that she was concerned at being appointed to two committees during her proposed incoming Mayoral Year and at the public perception if she were unable to attend all the meetings of these committees. It was pointed out that the public would understand any apologies for attendance due to her other commitments but if the Councillor was not comfortable with this position then there was the option to decline taking up her committee places. It was further mentioned that the Mayor would be chairing the Council Meetings and the most important decisions were made by the Council.

On being put to the vote, there were 18 in favour, none against and 6 abstentions.

**RESOLVED** that

- (1) the revised political balance percentages and number of seats allocated to each political group as set out in paragraph 3.4 be approved;
- (2) the allocation of Councillors to each Committee and a Sub-Committee as set out in paragraphs 3.5 and 3.8 be approved;
- (3) the change in membership of the Development Committee until the Annual Meeting on 8 May 2013 being to replace Councillor Gordon with a Labour Councillor;
- (4) the allocation of seats to the Working Groups be approved as set out in paragraph 3.10 *with the exception of the Melton Local Development Framework which due to the increase in size approved in the previous item, the allocation of seats for that working group be as follows :-*

<i>Conservative</i>	6 (5.76%)
<i>Labour</i>	2 (1.62%)
<i>Independent</i>	1 (1.26%)
<i>Single Cllr</i>	0 (0.36%)
<i>Total</i>	9

- (5) It be noted that political balance is not required for the Licensing & Regulatory Committee;
- (6) It be noted that in accordance with the political balance rules set out in the Local Government and Housing Act 1989, S15-17 (as amended) political balance is to be achieved in total across all the Committees and within all individual Committees requiring political balance and to note also that political balance applies to Sub-Committees as required.

(Councillor Holmes requested that her abstention from voting on the preceding item be recorded.)

**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 paragraphs 1, 2 and 7.**

**CO99. QUESTIONS FROM MEMBERS**

**Ad Hoc Governance Committee – 21 February 2013**

There was a question asked relating to the Ad Hoc Governance Committee meeting held on 21 February 2013 and a discussion followed.

(Councillor Baguley left the meeting during the discussion of the preceding item.)

The meeting, which commenced at 6.30 p.m., closed at 8.23 p.m.

Mayor