



MEETING OF THE
COUNCIL OF THE BOROUGH OF MELTON

SCALFORD HALL, SCALFORD ROAD, MELTON MOWBRAY

20 JULY 2011

PRESENT

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

Chief Executive
Strategic Director (KA), Strategic Director (CM)
Head of Regulatory Services
Senior Democracy Officer

The Reverend Kevin Ashby offered a prayer

CO19. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Sheldon and Slater.

CO20. MINUTES

- (a) The minutes of the meeting held on the 20 April 2011 were confirmed and authorised to be signed by the Mayor.
- (b) The minutes of the Annual Meeting held on 19 May 2011 were confirmed and authorised to be signed by the Mayor.

Councillor O'Callaghan raised a procedural matter with regard to the Annual Meeting and stated that it was procedurally incorrect for the Chief Executive and Leader to have chaired part of the meeting. He further advised that the Leader of the Council was not allowed to chair part of a Council Meeting.

It was noted that this arrangement had been in place due to the outgoing Mayor not attending the meeting and the difficulty this put the Deputy Mayor in, as she would be chairing her own investiture as Mayor.

CO21. DECLARATIONS OF INTEREST

Councillors Orson, Posnett and Rhodes each declared a personal and non-prejudicial interest in any items relating to the County Council due to their roles as County Councillors.

CO22. MAYOR'S ANNOUNCEMENTS

The Mayor stated that since becoming Mayor on 19 May 2011, she had attended numerous mayoral appointments, sometimes accompanied by her Consort, the Young Mayor, other Councillors, and on occasions on her own.

The stated that her aim during her time as Mayor was to visit as many schools within the Borough as possible. She had diary appointments in place for some schools in September and beyond to talk about the importance of Mayor and Democracy locally.

Some of the events she had attended to date included :-

- Lord Mayor's Civic Service
- Opening an Art Exhibition
- Meeting a delegation of teachers from China
- Training on Civic Head
- Opening of New Cafe at Samworth Centre
- Girl Guides on Camp Tilton
- Dove Cottage 15 year Celebrations
- Youth Games
- Thorpe Arnold Festival Weekend
- Celebrating 4 year olds graduating from Nursery School
- Opening of Sure Start at Bottesford
- Celebrating 60 years of Mars Petcare in Melton
- Joint Masters – Judging Young Hound
- Closure of Melton Courts
- Unveiling of three blue plaques - Civic Society
- Promoting Young Mayor Elections at Schools
- Celebrating 30 years of Home-Start
- Opening a new building at Dalby School with Town Estate
- Annual Vista Garden Party at Belvoir Castle
- Summer Degree Congregation at De Montfort University
- Launch of MAID
- Judging Competition at Longfield School

Armed Forces Day

It had been both an honour and privilege to host the Fly the Flag Day on 20 June 2011 at Phoenix House to recognise Armed Forces Fly the Flag Day and be given the opportunity to join the nation to reflect on the crucial role played by the Armed Forces.

Melton Country Fair

The Melton Country Fair was a bustling day with lots of attractions, there was a great crowd with people for far and wide, a credit to its organisers. The Country Fair has a rural approach. It was a hot sunny day.

Visit to Sochaczew – June 2011

Civic Trip to the twin town Sochaczew in Poland was a fantastic and memorable experience – trips like this would no doubt further develop the Borough's friendship with our twin town Sochaczew. Councillor Graham and she had a fantastic time and the hospitality and care that was afforded was unbelievable. Friends with the Tourism industry and the museum in Sochaczew. The Mayor and Deputy Mayor of Sochaczew wished every Councillor and Council Officer their best wishes and look forward to seeing them all in the future.

She was in the process of inviting Polish colleagues here to Melton to look at the new offices and the popular Food Fair in October. More details would follow as arrangements unfold.

Leicestershire Youth Games

She had visited the Leicestershire Youth Games held at Loughborough University. Melton entered a large team and she was proud to be Mayor in a Borough with so much sporting talent amongst its young people, she felt most fortunate in Melton to have such focused and talented individuals who took part in these games.

Melton Times Sports Awards

She would also like to recognise with the Melton Times readers who voted in their hundreds to reward the pick of the sporting community and whilst winners had to be chosen each nominee should feel extremely proud to have been recognised in such a prestigious ceremony. She hoped to meet some of them during her mayoral year. It was an excellent evening arranged by Melton Times.

Romy Fund – Mayoral Support

The Mayor stated that she was supporting the Romy Fund during her year in office.

To date the fund has handed out more than £35,000 to improve the quality of life of a number of local children. The biggest grant to date is helping to buy a new minibus for Birchwood Special School in Melton.

The fund is a finite resource so we have set up a Friends of Romy group to raise awareness and to fundraise and they will be supporting the Mayor in arranging events for her Mayoral year.

Diary dates

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|----------------------|--|
| Thursday 8 September | : Civic Service at St. Mary's Church |
| Friday 30 September | : Civic Dinner |
| Thursday 8 December | : Mayor's Carol Concert |
| September – date tba | : Car Treasure hunt around the Borough |

The Mayor stated that Councillors' attendance and support at these events would be most appreciated.

She congratulated the Young Mayor on his campaign of retaining free swimming in the summer holidays for 17 and unders and stated that the Young Mayor was unable to attend the meeting.

Councillor Posnett read out the Young Mayor, David Downing's, announcements as follows :-

- Since he was last was at Full Council he had managed to secure the free swimming over the summer for the under 17's and thanked Councillors for backing the motion to help to put it into practice. Since the free swimming had been announced he had had people coming up to him to say they would be going swimming more often this summer.
- The Music Festival arrangements were coming along nicely. He did not get any of the grants that were originally applied for however, this meant that the maximum spending could be approximately £800. This had been raised from fundraising including a donation of £250 from Samworth Brothers. Money had been raised by a stall on Melton Day and he made special thanks to Councillor Posnett, Ronan Browne and Lucie Keeley for their help with this. A concert was held at the Youth Cafe. Due to this there had been a change of plan; Melton Fest would now be held at the Cattle Market as opposed to in the Town Park. All other arrangements were as originally planned. The date was still Saturday 13 August.
- He had been to more functions with the Mayor; these had included the final opening of the Twycross Zoo art gallery where some wonderful exhibits of art were on display. He also attended the Melton Times Sports Awards evening which was a brilliant night. He had not known that there was so much sporting talent in Melton.
- Finally he attended the closing of the magistrates' court, this was his first visit inside the building and it was interesting and he had learned that there had been a few murder cases tried there and the guilty had occasionally been hung.
- He asked Councillors to fill in a short questionnaire for a school coursework, 'Extended Project' that had been circulated to Councillors. The working title of which was 'Is the concept of the Young Mayor working? If not, how can it become more successful?'
- He thanked the Council for listening to his speech and for taking the time to fill in his questionnaire. He requested that completed questionnaires be forwarded to Councillor Posnett and all information provided would be treated in the strictest confidence.

Councillor Orson requested that Ward Councillors be invited to join the Mayor on her school visits. The Mayor agreed to this.

CO23. LEADER'S ANNOUNCEMENTS

The Leader stated that

- (a) it was hard to imagine that this Council's AGM had been held only held two months previously and the amount that has happened in that time/

- (b) his wife and he had thoroughly enjoyed accompanying the Mayor and Consort to our twin town, Sochachew, for a long weekend in June;
- (c) it had been announced the previous day that the first stage in fulfilling one of the Conservative Group's main election pledges had been completed of modernising Waterfield Leisure Pool with the appointment of 'Everyone active (SLM)' to oversee the works and manage the new facilities;
- (d) there had been delays in the planned move to Parkside but he took the view that when the Council did move everything would be as right as possible, so it now looked like a date would be fixed in early September;
- (e) much of his effort had been taken up not just with looking after the affairs of Melton Borough Council but also sticking up for the Council's role in forming our own destiny. Localism was the Governments Mantra but as yet it had not permeated through to the bigger agencies. There was, as could be expected, a lot of posturing before legislation came into force. The County Council, for example, had reorganised Leicestershire Together but had decided that they did not wish all District Councils to be represented. He was glad that he had managed to secure one of only two district Council seats for Melton Borough Council, Charnwood taking the other;
- (f) Councillor Wright would be representing him at The East Midlands Councils meeting on Friday to get a more proportional representation for Districts there;
- (g) it was important that the Council stood up for itself as it had a different role to play than larger agencies and whilst pressure would be applied, from more powerful bodies, for the Council to pool resources for the greater good, it would try and make sure that Melton's resources were used for the benefit of Melton;
- (h) a lot had been achieved in these last two months and many foundations lain for the future of this Council. The main one being that hopefully this would be the last full Council Meeting 'away from home' and that when the Council met again, after 3½ years, it would be once again in its own Council Chamber and that really was something to look forward to.

CO24. QUESTIONS BY MEMBERS OF THE PUBLIC

There were no questions received.

CO25. PETITIONS

There were no petitions received.

CO26. MOTIONS ON NOTICE

The Mayor advised that a motion had been put forward earlier in the day for this meeting. She advised that this did not give the required notice and therefore did not fall within the existing Procedure Rules. She further stated that it could be considered at the next Full Council Meeting.

The Chief Executive explained that motions on notice required 6 working days notice and this item did not meet the procedural requirements as it did not fit with the rule on motions without notice. Also there was no facility at Council Meetings to include urgent business and this was explained in the Constitution Review report to be considered later in the meeting.

CO27. RECOMMENDATIONS AND REPORTS FROM OTHER COMMITTEES

Overview, Scrutiny and Audit Committee : 14 June 2011

Minute OS15/11 : Annual Report 2010/11

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

RECOMMENDED that the Annual Report for 2010/11 be noted and referred to the Council for consideration.

RESOLVED that the Annual Report for 2010/11 be noted.

CO28. 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 :-

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| Special Overview, Scrutiny & Audit Committee | 11 April 2011 |
| Policy, Finance & Administration Committee | 20 April 2011 |
| Development Committee | 21 April 2011 |
| Development Committee | 25 May 2011 |
| Overview, Scrutiny and Audit Committee | 14 June 2011 |
| Rural, Economic & Environmental Affairs Committee | 15 June 2011 |
| Development Committee | 16 June 2011 |
| Community and Social Affairs Committee | 22 June 2011 |
| Policy, Finance & Administration Committee | 5 July 2011 |
| Development Committee | 7 July 2011 |

(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

The Mayor stated that any questions on exempt matters would be dealt with at the end of the meeting.

Community and Social Affairs Committee : 22 June 2011

Minute C13 : Waterfield Leisure Pools – Award of Management Contract and Consideration of Development Proposals

Councillor Wright requested that resolutions 4 and 5 of the exempt minutes be transferred into the public domain as this information was no longer confidential.

Councillor Rhodes expressed concern as to why resolutions 4 and 5 were included in an exempt report and how would they be put into the public domain so that they could be discussed outside a closed meeting.

The Chief Executive responded that once an exempt minute was no longer required to be private, a white minute would then be produced and made available for Councillors and the public. As Members had indicated that this was required at this meeting, an open minute for resolutions 4 and 5 would be placed onto the website

Councillor O'Callaghan stated that he was not happy having exempt reports on Waterfield Leisure Pool and considered that all such reports should be in the public domain.

The Chief Executive responded that there were important business reasons for retaining confidentiality until now on this matter due to the formalities of the procurement process which involved choosing a bidder and adhering to contractual arrangements that had not been completed as well as the possibility of call in. Also she further advised that if Members wished to discuss the matter in more detail then this needed to be in private session.

Councillor O'Callaghan stated that he had a divergence of opinion on the Waterfield Leisure Pools issue on 4 points ie. timescale of 10 years was too long and this should be shorter, full refurbishment was a waste of money when the money could help towards a new building, the people of Melton are upset at the loss of pool for gym facilities and the Council should be reaping the profits in running the facility not using private management arrangements.

Councillor Rhodes disagreed with Councillor O'Callaghan and stated that there were clear reasons to go ahead with the decision to enhance the experience for those using the pools today and this was the best possible offer available although there was work to do in any case on the plumbing. He felt that realistically it may take up to 10 years to get a new pool costing approximately £20m and these matters formed part of the balanced decision to give the best offer of swimming to young people now and he referred to the additional facilities on the KE7 site. He considered that in a few years, the Council would be able to do a good business case and choose the right site for a new pool but at the same time it needed to look after people today.

Councillor Graham stated that with regard to the idea of the Council managing the pool, he responded that this would not work and professionals must be appointed. He further stated that he agreed with Councillor Rhodes views and any future capital receipt needed to be managed carefully for the long term good of the Borough.

CO29. REPORTING OF A FINDING OF 'MALADMINISTRATION' ARISING FROM AN OMBUDSMAN REPORT

The Monitoring Officer submitted a report (copies of which had previously been circulated to Members) which stated

- (a) the purpose of the report was to consider an Ombudsman's report that concluded with a finding of maladministration and recommendations for mitigation, and to determine the response to this finding. The report related to the determination of a planning application in July 2008 and the full Ombudsman's report was appended as Appendix A;
- (b) the Ombudsman's recommendation for mitigation in respect of his finding was as follows :
- a 'before and after' valuation be carried out on the complainants' property. This should ascertain the impact of the new dwelling on the complainants' property
 - the Council should pay the complainants any difference in value and;
 - £500 for their time and trouble in pursuing their complaint

There was a discussion around lessons learnt from this report. It was considered that the Development Committee listened to ward and parish Councillor views and then made a balanced decision based on the report, the site visit and this information. It was felt by some Members that if these representations were not used, then why ask for them and if the Committee was to always adhere to the officers' recommendation, then the Committee's role could be questioned.

Members also considered the personal aspect of determining planning applications and some felt that personal opinions and circumstances should not influence decision-making.

RESOLVED that the Council complies with the Ombudsman recommendations as set out in the report.

CO30. EQUALITIES : LEAD MEMBERS

In order to assist with capacity for the Council's forthcoming inspection against the Equality Framework for Local Government (EFLG), it was considered that a second Equalities Lead Member was needed.

Councillor Horton expressed an interest in any report on equalities and Councillor Posnett agreed to provide this when available.

RESOLVED that Councillor Posnett be appointed as an additional Lead Member for Equalities.

CO31. REVIEW OF THE COUNCIL'S CONSTITUTION 2010-11

The Monitoring Officer submitted a report (copies of which had previously been circulated to Members) which was deferred by the Council Meeting on 20 April 2011 and

- (a) requested the Council to consider a list of proposed amendments to the Constitution that were considered by the Constitution Review Task Group on 29 March 2011 and the Overview, Scrutiny and Audit Committee on 11 April 2011. The detail and associated appendices were enclosed at Appendix A;
- (b) requested the Council to note that there had been two items approved for inclusion in the Constitution at Council Meetings in the last Civic Year and they were as follows :-
- the Petitions Scheme including E-Petitions
 - the Reduction in Site Visit Allowance for Members to £25 to allow a £5 contribution to a buffet between the Site Visit and the Committee meeting
- (c) circulated an additional list of recommendations from the meeting of the Constitution Review Task Group held on 18 July 2011.

Councillor O'Callaghan proposed the report and the additional recommendations from the Constitution Review Task Group meeting held on 18 July 2011. Councillor Dungworth seconded the motion.

Councillor Rhodes stated that he supported the report and proposed an amendment as he considered that the Overview, Scrutiny and Audit Committee had a heavy workload in dealing with constitutional matters and audit as well as its policy, regulation and scrutiny role. The amendment was as follows :-

The Council believes the time has come to set up a Governance Committee to deal with matters affecting the work of the Council other than those concerning policy and regulation but including the Constitution and Audit. Accordingly agrees in principle to set up such a committee and asks the Chief Executive to draw up the necessary changes to the Constitution for consideration at the next meeting of the Council.

Councillor Orson seconded the amendment.

Councillor O'Callaghan expressed concern that most Councillors were not aware of this amendment and considered that it needed alteration to be acceptable as follows :-

The Council believes the time has come to set up a Governance Committee to deal with matters affecting the work of the Council other than those concerning policy, regulation and overview and scrutiny but including the Constitution and Audit. Accordingly the Council asks the Chief Executive to draw up any necessary changes to the Constitution for consideration at the next meeting of the Council.

Councillors Rhodes and Orson agreed with the alteration to the amendment.

On the amendment being put to the vote, the amendment was carried.

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

RESOLVED that

- (1) the Overview, Scrutiny and Audit Committee's recommendations set out at Appendix A and the recommendations from the Constitution Review Task Group held on 18 July 2011 be approved;
- (2) the Constitution be amended in accordance with (1) above;
- (3) it be noted that there had been two items approved for inclusion in the Constitution at Council Meetings this Civic Year and they are as follows :-
 - Petitions Scheme including E-Petitions
 - Reduction in Site Visit Allowance for Members to £25 to allow a £5 contribution to a buffet between the Site Visit and the Committee meeting
- (4) it be noted that the revised Constitution would be made available electronically to Members and Officers to meet the Council's commitment to the paperlight project.
- (5) the item relating to the Calendar of Meetings be disregarded due to having been resolved at the Annual Meeting of the Council;
- (6) the Council believes the time has come to set up a Governance Committee to deal with matters affecting the work of the Council other than those concerning policy, regulation and overview and scrutiny but including the Constitution and Audit. Accordingly the Council asks the Chief Executive to draw up any necessary changes to the Constitution for consideration at the next meeting of the Council.

EXCLUSION OF THE PUBLIC

RESOLVED that the Public be excluded during the consideration of the following items of business in accordance with Part 1 of Schedule 12A of the Local Government Act 1972 (Access to Information: Exempt Information under Paragraph 3.

CO32. QUESTIONS FROM MEMBERS

Special Overview, Scrutiny and Audit Committee : 11 April 2011

Minute OS64/10 : Review of the Council's Constitution 2010/11

With regard to the matter of substitutes at Development Committee, would dual-hatted Members who had received planning training with the County Council need to have the training at this Council to enable them to be appointed as a substitute at Development Committee.

The Chief Executive stated that she would respond following the meeting.

Policy, Finance and Administration Committee : 5 July 2011

Minute P3 : Declarations of Interest

Councillor Orson stated that his name had been missed from the declarations of interest item for the same interest as Councillors Posnett and Rhodes on County Council matters. He requested that the minutes of the next meeting of the Committee reflect this amendment.

The meeting which commenced at 7.00 p.m., closed at 8.07 p.m.

Mayor