



MEETING OF THE  
COUNCIL OF THE BOROUGH OF MELTON

BAPTIST CHURCH, LEICESTER ROAD, MELTON MOWBRAY

14 JULY 2010

PRESENT:-

Councillors M. Moore (Mayor)  
N.R.G. Angrave, P. Baguley, G.E. Botterill, P.M. Chandler  
C.O. Chapman, P. Cumbers, A. Freer, 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, N. Slater, D.R. Wright, J. Wyatt

Chief Executive  
Corporate Director (KA), Corporate Director (CM)  
Senior Democracy Officer, Democracy Officer

The Reverend Kevin Ashby offered a prayer

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The Chief Executive advised that a procedural issue would be raised later in the meeting prior to Minute CO22 which related to the power to receive a late motion and the Councillor concerned had requested that this be mentioned at the start of the meeting.

Councillor O'Callaghan stated that he wished an urgent motion to be raised which had arisen since despatch of the agenda relating to the potential closure of the Melton Mowbray Court and his motion requested that the Council lobby the government not to close the court.

The Leader stated that the item could not be considered urgent as the potential closure had been known since March 2010. He also advised that Councillor J.T. Orson had raised a question under Minute CO22 – 'Questions from Members' and this question had met the requirements of the Constitution.

Councillor O'Callaghan considered his item could be considered under Minute CO25 – 'Urgent Business' as he considered it to meet the urgency requirements.

A vote was taken to deal with Councillor O'Callaghan's item at this point of the meeting which resulted in 4 being in favour. Therefore the motion was lost.

(Councillor Jackson entered the meeting during the preceding debate.)

#### CO14. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Barnes, Dean, Dungworth, Holt, Moore-Coltman and Sheldon.

#### CO15. MINUTES

- (a) The minutes of the meeting held on the 21 April 2010 were confirmed and authorised to be signed by the Mayor.
- (b) The minutes of the Annual meeting held on the 12 May 2010 were confirmed and authorised to be signed by the Mayor.

#### CO16. DECLARATIONS OF INTEREST

There were no declarations of interest.

#### CO17. MAYOR'S ANNOUNCEMENTS INCLUDING PRESENTATION BY THE YOUNG DEPUTY MAYOR

The Mayor stated that

- (a) she was sorry to learn that Councillor Sheldon was unwell having suffered a heart attack recently and was in hospital. He was due to have an operation and she wished him a swift recovery. She urged Members to sign a Get Well Card that was circulating for Councillor Sheldon;
- (b) since becoming Mayor she had attended numerous Mayoral appointments accompanied by different consorts including the Deputy Mayor, other Councillors and on occasions on her own. These events had included :-
  - the opening of the New Scout Hut in Melton Mowbray;
  - hosting the 'Fly the Flag' event on 21 June 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 our Armed Forces. At this event she was honoured to meet sailors from our affiliated ship, HMS Quorn, and representatives from the Defence Animal Centre based in the town. She thanked The Reverend Kevin Ashby, Tony Refugiato and the Armed Forces personnel who had attended the event;
  - the Melton Country Fair which had been a bustling day with lots of attractions. The event had been a credit to its organisers;
  - a Civic visit to our twin town, Sochaczew, which had been a fantastic and memorable experience and such visits would hopefully further develop our friendship with our twin town. The hospitality and care that was afforded to the Civic Party was unbelievable. The Mayor and Deputy Mayor of Sochaczew sent their best wishes to Councillors and Officers;

- the Leicestershire Youth Games held at Loughborough University. Melton entered a large team and she was proud to be Mayor of a Borough with so much sporting talent in its young people;
- (c) she wished to recognise the excellent Melton Times Sport Awards and stated that the nominees should feel extremely proud to have been recognised at such a prestigious ceremony and she hoped to meet some of them again during her Mayoral Year;
- (d) her Civic Service would be combined with the Mayor's Carol Concert at St Mary's Church, Melton Mowbray on Thursday 9 December 2010 and Councillors' attendance and support at this event would be most appreciated;
- (e) she stated that there was to be an Affiliate's Sea Day onboard HMS Quorn on 20 July and many people from the Borough would be attending this event.

The Deputy Young Mayor, Adam Culley, stated that

- (a) the Young Mayor was in India for a few weeks and he was standing in for him as his Deputy at the Council Meeting. He had attended the opening of the new scout hut – which was a fantastic facility for young people in Melton. He had met the judges and guests of Melton in Bloom in the previous week and he would be attending the Leicestershire and Rutland Heritage Awards at Snibston Discovery Centre with the Mayor shortly;
- (b) he was very involved with the Youth Council. The Youth Council was co-ordinating a Youth Community Forum to take place on 16 September 2010 – the outcomes of which would feed into the Community Forum, this was very exciting as young people's views would feed into the process. The Youth Council was also working with Melton Borough Council on activities for Local Democracy Week and involving the schools in the Young Mayor Election;
- (c) the Youth Council was pleased to see an article in the Melton Mail regarding the Youth Council especially as this publication had been distributed throughout the Borough;
- (d) the Youth Council would like to be more involved in projects such as the Local Plan with regard to new housing and industrial developments and contribute to decisions which would affect the future generation;
- (e) the Youth Council had a responsibility of fighting the cause for young people throughout the Borough and they would like to get more involved in Melton issues.

## CO18. LEADER'S ANNOUNCEMENTS

The Leader stated that

- (a) looking back to the last full Council meeting, he thanked the Council for giving him the support to lead the campaign against the inter-agency report. It seemed that the matter had gone away but the sentiments in it were the natural default of those who produced it and requested its acceptance. He considered that the Council needed to be mindful of this in the future;
- (b) looking forward to the last year of the Council's term, the Council was in interesting and uncertain times. Margaret Thatcher had once said that the problem with socialism was that someone had to pay for it. He advised that the message from the Local Government Conference recently was that trying to repay the vast debts that were accumulated by the last government was going to be difficult. Councillors who were elected within the last couple of terms would only have known one style of government, one which involved performance indicators, targets, political correctness and in his view a lack of freedom as elected representatives to do things they felt they should be able to do as the norm;
- (c) this was going to change. As Councillors, they were about to be empowered to serve the community and not the state, to ask the community what was important to them and act on it. The only freedom that would be lacking was a financial resource. Some of them would have seen this time of austerity looming and as a Council they were in a healthier position than many but until the Autumn spending round in October, the release of the formula grant figures and the Government's White Paper on Local Government around Christmastime, the Council would not know how it stood financially;
- (d) the Council already knew that it needed to decide on its priorities and as mentioned at the Annual Meeting, the days of being all things to all people by Councillors who did not like making difficult decisions was over;
- (e) he felt like a 'caged tiger', the Council had spent the last 10 years pacing the cage, being frustrated by the bars and limitations but knowing that it had to obey the rules from above or it would not be fed. At last with a change of keeper, the Council was about to be released into the wild and when this happened, sometime would be spent looking outside the cage wondering what freedom meant. In Melton's case with all the changes taking place it meant at last decisions and responsibilities were being passed to the Council and the Council would be able to prove how once again it could flourish unfettered.

#### CO19. QUESTIONS BY MEMBERS OF THE PUBLIC

There were no questions received.

#### CO20. PETITIONS

There were no petitions received.

#### CO21. RECOMMENDATIONS AND REPORTS FROM OTHER COMMITTEES

There were no recommendations and reports from other Committees.

## CO22. 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 :-

Special Overview, Scrutiny & Audit Committee	21 April 2010
Policy, Finance & Administration Committee	21 April 2010
Development Committee	29 April 2010
Rural, Economic & Environmental Affairs Committee	26 May 2010
Overview, Scrutiny & Audit Committee	8 June 2010
Special Community & Social Affairs Committee	9 June 2010
Development Committee	10 June 2010
Special Policy, Finance & Administration Committee	11 June 2010
Standards Committee	17 June 2010
Community & Social Affairs Committee	23 June 2010
Special Community & Social Affairs Committee	29 June 2010
Policy, Finance & Administration Committee	29 June 2010

### Development Committee : 29 April 2010 – Attendance

Councillor Moncrieff requested that the Committee be advised that he was in attendance at that meeting although the minutes did not reflect this. It was noted that the minutes of that meeting had been approved by the Committee however his attendance was noted by the Council.

### Special Policy, Finance and Administration Committee : 11 June 2010 – Minute P4/10 - OJEU Process and Appointment of New Contractor

Councillor Cumbers asked the Chairman if he was aware that the company awarded to build the new Council Offices had been fined last year? If so, was the Chairman happy to award the contract considering this?

The Chairman replied that he was aware of the fine and this was not a matter that was a consideration during the process for the award of the contract.

(b) The Mayor, the Leader and the Chairmen of Committees answered 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.

### Question received from Councillor J.T. Orson on 13 July 2010

*Will the Leader confirm he shares my dismay at the proposals to close the Melton Magistrates' Court and advise Council what steps are being taken by the Council and our Partners to respond to the Consultation?*

The Leader, Councillor Graham, responded that the issue had been raised in March 2010 and therefore was not a Coalition initiative. He advised that the Melton Community Partnership (MCP) was aware of the potential closure and in consultation with the Melton Area Safer Communities Partnership was in the process of compiling a letter to the Ministry of Justice which had to be received by the Minister by 15 September 2010. He advised that the journey mapping of offenders was to be reviewed and there were ongoing discussions with the Police in

retaining a seat of justice in the town and the new Council Offices was to be offered as a possible court venue.

Councillor Jackson pointed out that youth hearings had been transferred to other courts in neighbouring towns a couple of years ago and there had been a reduction in all hearings at Melton during this time.

Councillor J.T. Orson thanked the Leader for his positive response and stated that he would like to see local justice for local people. He advised that if the court was closed the savings would not necessarily be as significant as anticipated as there would be costs involved for offenders, solicitors, and other court personnel in needing to travel to other towns to use this service. He stated that he was delighted at the proposal to offer the new Council Offices to the court service and a good precedent had been set for this type of shared working at Rutland County Council. He considered that this proposal could add to the efficiency of both organisations.

Councillor Holmes stated her concerns of people on probation having to travel for court services to different towns and the views of social workers should be added to the MCP's letter.

Councillor O'Callaghan stated his concern at combining the court service with other towns and advised that not only would the public be inconvenienced but the cost of justice would be raised by solicitors who would raise their fees to allow for the additional time involved in travelling to other towns. There would also be a loss of Police time involved in Melton activities in Policemen having to travel to other towns for court cases. He considered that the Council should propose a motion to call on the Coalition to abandon its plans to close the court. He raised this motion under Procedure Rule 13.14 (Urgent Business) of the Constitution and considered it was in the public interest for the Council to show its strength of feeling in this matter.

The Chief Executive advised that her interpretation of the procedure rules was different with regard to placing items on the agenda and she would ask the Constitution Review Task Group to review the issue of 'urgent motions' and to consider that these may be acceptable if received by a set time on the day of the meeting in the same way as questions from Members. She also referred to some intricacies within the law that had arisen relating to urgency at Council meetings. The Constitution made provisions with respect to motions and that they required the normal notice period and Councillor O'Callaghan's item was for a motion. With respect to urgent items, there were provisions and Councillors had discussed this interpretation. There were provisions for motions therefore this was separate to the provisions for urgent business. She further advised that there were some difficult areas of the Local Government Act that required further investigation and these would be referred to the Constitution Review Task Group. Also with regard to the provisions for urgent business and if applied in this case, the matter could not be categorised as urgent as the issue had been known since before the agenda was distributed. However it was understood that there was public interest in this matter and the Council was already working on a response.

Councillor Jackson advised that he was happy for an urgent item to be a motion however whether the item or motion met the urgency criteria was a separate matter. He further advised that as there were no holding cells in Melton, offenders had to be transferred to other towns and he considered this was another element of the

judicial process that should be considered in any review and suggested an urgent meeting for this purpose.

Councillor O'Callaghan proposed a motion that the procedure rules be suspended to allow his motion, Councillor Moncrieff seconded the motion. Upon being put to the vote, there were 4 in favour and the majority against therefore the motion to suspend the procedure rules was lost.

#### CO23. LICENSING COMMITTEE : MEMBERSHIP

The Chairman of the Licensing Committee, Councillor Marks

- (a) reported that there were 2 vacancies on Licensing Committee;
- (b) advised the Committee is not required to be politically balanced;
- (c) requested nominations for membership to the 2 vacancies.

It was proposed, seconded and upon being put to the vote carried, that Councillors Freer and Holmes be appointed to the vacant seats on the Licensing Committee for 2010/11.

**RESOLVED** that Councillors Freer and Holmes be appointed to the Licensing Committee membership for 2010/11.

#### CO24. LISTENING TO COMMUNITIES – STATUTORY GUIDANCE ON THE DUTY TO RESPOND TO PETITIONS

The Senior Democracy Officer submitted a report on behalf of the Monitoring Officer (copies of which had previously been circulated to Members) which requested the Council to

- (a) consider and approve a Petitions Scheme under the provisions of the Local Democracy, Economic Development and Construction Act 2009 which imposed a duty on local authorities to respond to petitions – Appendix A;
- (b) note that the Overview, Scrutiny and Audit Committee had considered the Petitions Scheme at its meeting on 8 June 2010 and to consider its recommendation that with regard to an Officer giving evidence, the Overview, Scrutiny and Audit Committee also consider any petitions under the 750 signature threshold;
- (c) approve that the Constitution be amended accordingly;
- (d) note that a review of the scheme and the procedure for the E-Petition element of the scheme be considered by the Council prior to the 15 December 2010 deadline;
- (e) agree a supplementary estimate of up to £7,000 to purchase an E-Petition facility to meet the 15 December 2010 deadline for this requirement.

Councillor O'Callaghan proposed the recommendations but stated that the 750 threshold was a high number and if an issue affected a smaller community, such as a village he considered 5% of the community could be considered a suitable threshold. Councillor Moncrieff seconded the motion.

Councillor Graham enquired whether it would be possible to share the e-petitions software with other authorities. The Corporate Director (CM) advised that the use of freeware had been investigated and it had been determined that there were issues around the security of people's personal details when using free e-petition sites. She further stated that most other authorities had a dedicated democratic service software package already, therefore it was not such an issue for them to add the e-petition facility onto their existing software.

Councillor Jackson noted that he agreed in principle but stated that there needed to be a mechanism for deciding how 5% of a locality would be calculated and what could be done if a petition came in with fewer signatures. Councillor Holmes confirmed that they had discussed this at the Overview, Scrutiny and Audit Committee and they were keen that smaller communities such as villages were able to use the scheme for local issues.

The Chief Executive stated that there needed to be a method of determining the number as the definition of small community could be challenged and advised that the Constitution Review Task Group could be requested to investigate this.

It was noted that the Council retained a procedure for dealing with petitions within the Procedure Rules of the Constitution which enabled a petition containing 20 signatures to be considered by a relevant Committee and reported to the Council.

Councillor Rhodes stated that he did not consider that the funding for an e-petition facility could be approved due to the current financial climate. Therefore he proposed an amendment for paragraphs (a), (b), (c) and (d) within the purpose of the report and removed paragraph (e). Councillor J.T. Orson seconded the amendment. The Corporate Director (CM) advised that in her capacity as the Monitoring Officer it was her duty to advise that the Council had to meet the statutory requirements for e-petitions by 15 December 2010 to ensure the Council was compliant with the legislation.

Councillor Graham requested that a cheaper option for e-petitions be investigated and only if absolutely necessary a supplementary estimate be requested. Councillor Jackson suggested taking the supplementary estimate to the next Policy, Finance and Administration Committee for approval.

The Corporate Director (CM) added that there had already been research undertaken and options such as using freeware had been considered but legal advice had deemed this to be an unacceptable way forward.

Councillor Rhodes agreed to add Councillors Graham and Jackson's suggestions to his amendment to investigate cheaper options for an e-petitions facility and if absolutely necessary take the supplementary estimate to the next Policy, Finance and Administration Committee into his amendment.

Councillor O'Callaghan accepted Councillor Rhodes' amendment to his original motion and seconded it. This then became the substantive motion.



Councillor D.E. Orson suggested putting the thresholds to the Constitution Review Task Group for reconsideration and drafting the subsequent wording and figures.

Councillor Jackson proposed an amendment to paragraph (d) to add that the review of the scheme include options on flexible thresholds for matters of concern to smaller communities to be considered at public meetings. Councillor Holmes was a seconder for this amendment. However Councillor Jackson then withdrew his amendment to paragraph (d) due to there already being a review of the scheme proposed within the existing (d).

Councillor Rhodes advised that between now and the next Policy, Finance and Administration Committee he would put forward the e-petitions element of this scheme and his concern at the associated cost involved for Councils to the Deputy Prime Minister (DPM) as the DPM was seeking suggestions of unnecessary legislation.

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

**RESOLVED** that

- (1) the Petitions Scheme at Appendix A be approved;
- (2) it be noted that the Overview, Scrutiny and Audit Committee had considered the Petitions Scheme at its meeting on 8 June 2010 and the Council approved its recommendation that with regard to an Officer giving evidence, the Overview, Scrutiny and Audit Committee also consider any petitions under the 750 signature threshold;
- (3) the Constitution be amended accordingly;
- (4) it be noted that there be a review of the scheme and the procedure for the E-Petition element of the scheme be considered by the Council prior to the 15 December 2010 deadline;
- (5) with regard to the request for a supplementary estimate of up to £7,000 to purchase an E-Petition facility to meet the 15 December 2010 deadline, this be investigated as to whether absolutely necessary and if so, refer to the Policy, Finance and Administration Committee for further consideration.

(Councillors Angrave and Freer left the meeting during the consideration of the preceding item.)

**CO25. URGENT BUSINESS**

There was no urgent business.

The meeting which commenced at 6.30 p.m., closed at 7.50 p.m.

Mayor