



MEETING OF THE  
COUNCIL OF THE BOROUGH OF MELTON

BAPTIST CHURCH, LEICESTER ROAD, MELTON MOWBRAY

13 OCTOBER 2010

PRESENT:-

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

Mr. Martyn Mayes : Chairman of Standards Committee

Chief Executive  
Corporate Director (CM)  
Solicitor to the Council  
Senior Democracy Officer, Democracy Officer (EG)

The Reverend Kevin Ashby offered a prayer

---

CO26. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Angrave, Botterill and Holt.

CO27. MINUTES

(a) Minute CO24/10 : Listening to Communities – Statutory Guidance on the Duty to Respond to Petitions

Councillor Rhodes requested that the minutes be amended to reflect that in his statement on page 27 he had stated that he would be contacting the Minister for Communities and Local Government and not the Deputy Prime Minister as stated in the minutes;

(b) subject to the foregoing, the minutes of the Council meeting held on 14 July 2010 were confirmed and authorised to be signed by the Mayor.

## CO28. DECLARATIONS OF INTEREST

### Minute CO37 : Motion from Councillors O'Callaghan and Dungworth

Councillors J.T. Orson, Posnett and Rhodes each declared a personal and prejudicial interest in this item due to the issue raised being a County Council matter and due to their roles as County Councillors.

### Minute CO41 – Melton Local Development Framework Processes

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

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

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

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

## CO29. MAYOR'S ANNOUNCEMENTS INCLUDING YOUNG MAYOR'S PRESENTATION

The Mayor

(a) stated that

- (i) she had been extremely busy and was making every effort to reach out to all corners of the Borough. For the month of October she had over 20 engagements to cover;
- (ii) in September her duties had included the NSA Ram Sale which had been a very interesting day. She had also attended the Battle of Britain Parade along with some other Councillors;
- (iii) in July and August she had had a busy time in all kinds of weather like launching the Walk Week in the rain. She had given a talk at the Rotary Club on Mayoral Life which had been well received and opened 'Melton by the Sea' which was also great fun;
- (iv) schools had been voting all that week for the Young Mayor Election. She wished the best of luck to all three candidates and advised that the count was to be held the next day. She wished the incoming new Young Mayor every success in the role. She expressed her thanks and appreciation to the current Young Mayor, Vaz Mohankumar, who would end his term of office on the next day. She stated that he done a wonderful job in supporting her, being well mannered and an excellent role model for young people. The previous Mayor, Councillor Holmes also expressed her appreciation to the Young Mayor and both the Mayor and Councillor Holmes presented gifts to the Young Mayor;

- (v) the Annual Armistice Parade was to be held on Sunday 14 November and she hoped that Members were able to join her to represent their Wards at this important community memorial event;
  - (vi) events coming up included :-
    - Switch on of Christmas Lights on Friday 26 November
    - Carols by Candlelight Christmas Concert and Civic Service at St. Mary's Church Melton on Thursday 9 December
  - (vii) the next Full Council meeting would be held at Scalford Hall and Christmas drinks would be available following the meeting;
  - (viii) it was hoped that a Quiz in aid of the Mayor's Appeal would be held in November at Gloucester House;
- (b) introduced the Young Mayor, Vaz Mohankumar, to speak to the Council.

The Young Mayor stated that the role had given him a great opportunity to address the needs of young people, work closely with the Mayor and attend many functions within and outside the Borough. He had been involved with the Youth Council and the Youth Community Forum. He thanked Councillor Posnett as the Lead Member for Youth, the previous and current Mayors – Councillors Holmes and Moore and the Democracy and Involvement Officer for their help and support during his year in office.

#### CO30. LEADER'S ANNOUNCEMENTS

The Leader stated

- (a) his appreciation to the Young Mayor for his work over the past year;
- (b) that the budget process for 2011/12 had started;
- (c) that he would be meeting Mr. Pickles in the following week and he hoped that he would understand the concerns of this Council;
- (d) that the steelwork was going up on the new Council Offices site.

#### CO31. QUESTIONS BY MEMBERS OF THE PUBLIC

There were no questions received.

#### CO32. PETITIONS

There were no petitions received.

#### CO33. RECOMMENDATIONS AND REPORTS FROM COMMITTEES

There were no recommendations and reports from Committees.

## CO34. QUESTIONS FROM MEMBERS

- (a) The Chairmen of Committees answered the following questions upon items of reports of Committees when those items were received or were under consideration by the Council in accordance with Council Procedure Rule 10.1 of the Constitution :-

Development Committee	1 July 2010
Special Policy, Finance & Administration Committee	13 July 2010
Development Committee	22 July 2010
Development Committee	12 August 2010
Development Committee	2 September 2010
Special Overview, Scrutiny & Audit Committee	7 September 2010
Rural, Economic & Environmental Affairs Committee	8 September 2010
Special Overview, Scrutiny & Audit Committee	20 September 2010
Community & Social Affairs Committee	21 September 2010
Development Committee	23 September 2010
Overview, Scrutiny & Audit Committee	28 September 2010
Policy, Finance & Administration Committee	29 September 2010

- (b) The Mayor, the Leader and the Chairmen of Committees to answer 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. There were no such questions received.

### Development Committee : 1 July 2010 – Minute D9 – Application 10/00246/FUL

Councillor Rhodes requested that with regard to his statement at paragraph (d) on page 8, the sentence at bullet point 2 be deleted and in the final bullet point the sentence be amended to include the word ‘opposition’ in place of the word ‘opinion’ ie. ‘There was substantial local opposition about the application’

It was advised that the Development Committee had already approved these minutes however the amendment was noted by the Council.

### Rural, Economic and Environmental Affairs Committee : 8 September 2010 : Minute R24 – Briefing Paper – Leicester & Leicestershire Local Enterprise Partnership Proposal and Leicester & Leicestershire Review of Economic Development Delivery

Councillor O’Callaghan referred to this minute with regard to Prospect Leicestershire and requested that the Leader comment on the recent announcement that Prospect Leicestershire was to be made insolvent on 1 November and what was the latest position.

The Leader requested that a written response be provided following the meeting.

### Community and Social Affairs Committee : 21 September 2010 : Minute C33 – Capital Programme 2010-11 to 2014-15

Councillor Wright referred to his enquiry at paragraph 3 and requested that the words ‘Waterfield Leisure Pool’ be added to the sentence as it was not obvious to where his enquiry referred.

It was noted that this amendment would be referred to the next meeting of the

Committee.

Overview, Scrutiny and Audit Committee : 28 September 21010 : Minute OS30 : Work Programme 2010-11

The Chairman of the Committee stated that the role of the Mayor had been included as an item for review. She further explained that if the Council was to have a Mayor then there needed to be sufficient administrative support for the role. Councillors Chapman, Cumbers and Moncrieff supported this view.

Policy, Finance and Administration Committee : 29 September 2010 : Minute P43 - Council Offices and New Ways of Working (NWW) : Update on Progress

Councillor O'Callaghan asked the Leader to reassure the Council that the new Council Offices would be completed on time and on budget.

The Leader requested that the Corporate Director (CM) respond. The Corporate Director (CM) stated that the Council was working closely with the contractor and there had been a delay of 3 to 4 weeks in the programme due to the asbestos and the archaeological investigations. She further stated that the build was now officially 3 weeks late but there was still some optimism in being able to retrieve some of the time back. She advised that the build was currently within budget.

Councillor Holmes stated that she was concerned at reported discrepancies in the budget to build the new Council Offices and she quoted two figures. The Corporate Director (CM) stated that she was not familiar with the figures quoted and was therefore unable to comment. She further mentioned that the contract was £5.6m however there were other items to consider such as IT which were part of the Council's insurance claim. Other related figures were shown in the Capital Programme report which had been considered at the same Committee.

**CO35. POLICY, FINANCE AND ADMINISTRATION COMMITTEE: MEMBERSHIP**

The Chairman of the Policy, Finance and Administration Committee, Councillor Graham

- (a) reported that there was a vacancy on the Policy, Finance and Administration Committee;
- (b) advised that the Committee was politically balanced and that the vacant seat was in the ownership of the Independents 2 Group;
- (c) advised that the Leader of the Independents 2 Group had indicated that the group did not wish for the seat to be offered to the other groups. In accordance with the rules of political balance, if any other group was to be proposed to take up this seat, the Council needed to be in agreement and there must be no votes against the proposal;
- (d) requested the Council approve a nomination for a Conservative Councillor, Councillor Wyatt, to fill the vacancy.

The Leader of the Independents 2, Councillor Moore-Coltman confirmed the group's position that they did not wish to give up the seat as they considered they would be

able to take it up in January 2011. He therefore advised that he would vote against any motion to allocate the seat to any other group.

Councillor Graham withdrew the motion and no vote was taken therefore there was no change to the membership of the Policy, Finance and Administration Committee.

#### CO36. OVERVIEW, SCRUTINY AND AUDIT COMMITTEE: MEMBERSHIP

The Chairman of the Overview, Scrutiny and Audit Committee, Councillor Holmes

- (a) reported that there was a vacancy on the Overview, Scrutiny and Audit Committee;
- (b) advised that the Committee was politically balanced and that the vacant seat was in the ownership of the Conservative Group;
- (c) requested a nomination from the Council to fill the vacancy.

It was noted that if a Councillor other than a Conservative was proposed to fill this vacancy, then there could be no vote against the motion.

Councillor Holmes proposed Councillor Moncrieff to fill the vacancy and Councillor Dungworth seconded the motion.

Upon the motion to vary political balance being put to the vote, the majority were against therefore the motion was lost.

Therefore there was no change to the membership of the Overview, Scrutiny and Audit Committee.

(Councillor Moore-Coltman left the meeting during consideration of the preceding item.)

(Councillors J.T. Orson, Posnett and Rhodes each declared a personal and prejudicial interest in the following item due to the issue raised being a County Council matter and due to their roles as County Councillors. The Councillors here left the meeting.)

#### CO37. MOTION FROM COUNCILLORS O'CALLAGHAN AND DUNGWORTH

In accordance with Procedure Rule 11.1, the following motion was received on 30 September 2010 from Councillor O'Callaghan as proposer and Councillor Dungworth as seconder :-

*'This Council requests the Leader to write to the Leader of Leicestershire County Council expressing concern at the potentially damaging commercially level of charges and regulations proposed by the County Council for pavement cafes in Melton Mowbray.'*

Councillor O'Callaghan spoke in support of his motion and explained that he wished to promote tourism and regenerate the area and that tourism generated £65m in the Borough. He considered this an enormous sum in an area that had no natural

advantages apart from Belvoir Castle. He referred to the increase in coaches to the town and how they relied on a hospitable welcome to the town in the form of restaurants and cafés. He stated that a café culture was being promoted in the town and cafés were providing their own outdoor tables and seating to help this. The letter from the Leicestershire County Council telling café owners to pay £300 for an application for a licence to have furniture on the street and adhere to certain regulations had been a huge blow to café owners. The County Council's restrictions would stifle the growth and initiative shown in creating this new culture. The requirements set down by the County Council were barriers around the seating area, furniture to be taken in at night, furniture to be set out 1.8 metres from the front of the building and a certain meterage away from the kerb – all of these requirements were not practical. He advised that he had done a survey of the facilities involved and there were 15 businesses in the town in this position and if they were forced into the new regulations, they wouldn't bother to provide this service and a thriving aspect of café culture would be destroyed. He suggested that Melton create its own standards and these be monitored by the Town Centre Manager.

The Leader read out a letter he proposed to send to Mr. Parsons, the Leader of the Leicestershire County Council.

Councillor Cumbers reminded the Council of equalities issues and did not wish to see indirect discrimination against the disabled. She advised that there was value in the café culture to those in wheelchairs and most cafes allowed enough pathway for a wheelchair to pass.

Councillor Jackson pointed out that each case was different and individual assessment for premises was required rather than the same regulations for all.

Councillor Dungworth as the seconder for the motion stated that businesses in the town could be stifled by this type of blanket legislation. He considered that the café furniture did not block the street any more than market stalls and that most premises had liability insurance. Although he agreed with the Leader's letter he wondered if more localism or reference to local circumstances could be added.

In closing the debate, Councillor O'Callaghan stated that he was grateful to the Leader for agreeing to write a letter.

Upon the motion being put to the vote, there were 19 in favour, none against and 1 abstention therefore the motion was carried.

**RESOLVED** that this Council requests the Leader to write to the Leader of Leicestershire County Council expressing concern at the potentially damaging commercially level of charges and regulations proposed by the County Council for pavement cafés in Melton Mowbray.

(Councillor Sheldon left the meeting during the preceding item.)

(Councillor Baguley here left the meeting.)

(Councillors J.T. Orson, Posnett and Rhodes here re-entered the meeting.)

## CO38. STANDARDS COMMITTEE: ANNUAL REPORT

The Monitoring Officer submitted a report (copies of which had previously been circulated to Members) which updated Members on the activities of the Standards Committee in 2009/10.

The Chairman of the Standards Committee, Mr. Mayes was in attendance to answer Members' questions.

Councillor O'Callaghan had no criticism of local arrangements but considered there was a lot of bureaucracy and time spent on an unfair process. With regard to 'Other Action' mentioned in the report, the Monitoring Officer advised that she would provide further information to the Councillor after the meeting.

The Leader thanked Mr. Mayes for his work on the Standards Committee.

It was noted that Honorary Alderman Dames' husband was unwell and as he was a good friend of the Council, the Mayor write to wish him a speedy recovery.

Councillor Chandler stated that she considered the independently appointed Members of the Standards Committee should be more involved in attending Council meetings so that they could see how the Council worked to assist them in their role.

Mr. Mayes responded that personally he did not agree with this approach and his view was that the independently appointed Members should operate at 'arm's length' of the Council. He further advised that at national gatherings of those involved in Standards matters, its Members were divided as to the approach to follow.

Mr. Mayes thanked the Monitoring Officer for her support to the Standards Committee and stated that she had the balance right in monitoring and improving standards.

**RESOLVED** that

- (1) the Mayor write to Mr. John Dames to express the Council's sincere good wishes for his return to good health;
- (2) the report be noted.

## CO39. PETITIONS SCHEME AND E-PETITION FACILITY

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

- (a) addressed the Council's decisions made at its last meeting held on 14 July 2010 :-
  - (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.*

- (b) requested the Council consider a procedure for the E-petition facility within the revised Petitions Scheme at Appendix A (amendments highlighted) and to approve its inclusion within the Constitution;
- (c) updated the Council on the Policy, Finance and Administration Committee's decision to purchase an E-petition facility from mysociety.com at a cost of £1,999 per annum.

Councillor Rhodes stated that he was pleased to see the report and that the Policy, Finance and Administration Committee had looked into the matter and agreed a lower cost option than was originally proposed at the last Council meeting.

**RESOLVED** that

- (1) a procedure for the E-petition facility within the revised Petitions Scheme be approved together with its inclusion within the Constitution;
- (2) it be noted that the Policy, Finance and Administration Committee had approved an E-petition facility to be provided by government area grant funding;
- (3) delegated authority be granted to the Monitoring Officer to amend the procedure in line with good practice and the supplier's advice/policies.

#### **CO40. MELTON MOWBRAY : FAIRTRADE TOWN**

The Deputy Mayor, Councillor Freer, submitted a report on behalf of the Head of Social and Economic Development (copies of which had previously been circulated to Members) which updated Members on the town's Fairtrade status and progress over the last three years. It also requested that Melton Borough Council pass a resolution to again support the renewal of the town's Fairtrade status in 2010.

Councillor Freer proposed the recommendations in report and Councillor Moore seconded the motion. Councillor Cumbers also spoke in support of the report.

Councillor Rhodes stated that he was in favour of free trade and questioned the exclusivity of only having those named Fairtrade products available to the Council.

Councillor Jackson referred to the previous decision of the Council made in July 2000 that had never been fully implemented. He stated that if the Council was going to go ahead with this, then it should implement the previous decision for the Council offices and premises. With regard to 2.3, he proposed an amendment to add the word 'all' and delete the words 'potentially the new' so that the end of 2.3 reads 'and all council offices'. Councillor Moncrieff seconded the amendment.

The Leader, Councillor Graham, proposed an amendment to move 2.1, 2.2 and nominate Councillor Cumbers as the Council's Lead Councillor and at 2.3 add the words 'but not exclusively' after the word 'premises' and accept Councillor

Jackson's proposal. Councillor J.T. Orson seconded Councillor Graham's amendment.

Councillor Cumbers stated that there were many brands of Fairtrade products and it was worth shopping around until the right one was found that suited the majority. She considered that people should not drink what they did not like just because it was Fairtrade.

Councillors Freer and Moore agreed to the Leader's amendment and it became the substantive motion.

The Chief Executive advised that the word 'potentially' implied that the Council would have to negotiate with partners in the new Council Offices and to delete this took away this option.

It was noted that Fairtrade should not just apply to co-operatives in other countries but at home too and as the rural capital of food, everybody should be given a fair deal including our own farmers.

Upon the substantive motion being put to the vote, the majority were in favour, there was 1 against and 1 abstention.

Fairtrade representatives were thanked for serving tea and coffee prior to the meeting.

**RESOLVED** that

- (1) the Melton Mowbray Fairtrade Town Steering Group be supported in their 2010 renewal application, to renew Melton Mowbray's status;
- (2) Councillor Cumbers be appointed as lead Councillor as part of the steering group, to ensure future commitment;
- (3) the promotion and use of Fairtrade refreshments be supported on all Council premises but not exclusively; including meeting rooms, community centres and the new Council Offices.

(Mr. Martyn Mayes here left the meeting.)

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

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

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

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

## **EXCLUSION OF THE PUBLIC**

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

Councillor O'Callaghan asked why the report was exempt. The Solicitor to the Council responded that the report referred to advice received from Counsel and this attracted legal privilege. If the report was heard in public, it would be brief and Counsel's advice could not have been included.

### CO41. **MELTON LOCAL DEVELOPMENT FRAMEWORK PROCESSES: UPDATE REPORT**

The Solicitor to the Council submitted a report (copies of which had previously been circulated to Members).

**RESOLVED** that 4 resolutions were approved, (1)-(3) being based on the recommendations in the report and (4) being an additional resolution.

The meeting which commenced at 6.30 p.m., closed at 8.31 p.m.

Mayor