



MEETING OF THE  
COUNCIL OF THE BOROUGH OF MELTON

PARKSIDE, STATION APPROACH, BURTON STREET, MELTON MOWBRAY

18 JULY 2012

PRESENT :-

Councillor J. Illingworth (Mayor)  
P.M. Baguley, G.E. Botterill, G. Bush  
P.M. Chandler, P. Cumbers, J. Douglas, S. Dungworth,  
, M. Gordon; M.C.R. Graham MBE, E. Holmes,  
E. Hutchison, V.J. Manderson, T. Moncrieff, J. Moulding  
M. O'Callaghan, J.T. Orson, P.M. Posnett, J.B. Rhodes,  
M.R. Sheldon, J. Simpson, N. Slater, D.R. Wright, J. Wyatt

Chief Executive  
Strategic Director (KA), Solicitor to the Council (VW),  
Chief Accountant (DC), Acting Senior Democracy Officer

Young Mayor, Sarah Boyce

The Reverend Kevin Ashby offered prayers

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CO16. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Barnes, Freer-Jones, Horton, and Lumley.

CO17. MINUTES

The minutes of the ordinary meeting held on the 18 July 2012 were confirmed as a correct record, subject to an amendment on page 115 to record that Councillor Gordon had not participated with other Labour Group Members in the Market Place asking people to object to paying for a brown bin.

The minutes of the Annual Meeting held on 9 May 2012 were confirmed as a correct record, subject to an amendment to minute CO14 on page 7 to reflect that there had been considerable debate on the allocation of committee seats before a vote had been taken.

Following a vote on the motion to confirm these minutes subject to the amendments above, in accordance with Council Procedure rule 15.6, the following Members requested that their votes against the motion be recorded: Councillors Bush, Gordon, Moncrieff, and O'Callaghan.

## CO18. DECLARATIONS OF INTEREST

Councillor Gordon declared a personal and prejudicial interest in minute OS52 (Solar Panel Scheme) of the Ad Hoc meeting of the Overview, Scrutiny & Audit Committee held on 3 May 2012 by virtue of her being a council house tenant in a property which could benefit.

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.

## CO19. MAYOR'S ANNOUNCEMENTS

The Mayor advised on those engagements he had attended since the Annual Meeting, highlighting in particular the following:

- (a) A visit to the Rainbows Hospice which had been an 'eye opening' experience;
- (b) A visit to the twin town of Sochaczew in Poland during which he and Councillors Holmes and Posnett had received fantastic hospitality and care by their Polish hosts;
- (c) The sad passing of former Mayor 1998/99, Frank Moore-Coltman who had represented the Craven ward from 1994 to 2001;
- (d) A newsletter received from HMS Quorn dated 12 June 2012 which had been circulated at the meeting;
- (e) A number of dates for Members' diaries: a Charity Cricket match on 16 August between MBC staff and the Waterfield leisure staff; his Civic Service on 7 October at 1pm (proposed); the Mayor's Carol Concert on 13 December, and the Civic Dinner, the date of which would follow in the New Year;
- (f) A reception to recognise the achievement of Claire Lomas who had completed the London Marathon was being considered.

The Mayor concluded his announcements by expressing his appreciation of the enthusiasm and willingness of his Deputy Mayor, Councillor Gordon, in attending events and functions on his behalf.

The Young Mayor, Sarah Boyce first read out a summary of the report written by the immediate past Young Mayor, David Downing, on the role of the Young Mayor. The full detailed report had previously been circulated to Members and the short summary highlighted a number of points concluding with the fact that the turnout for the Young Mayor elections in Melton had previously been at a level of over 50% which was higher than the adult population turnout for elections.

In her own announcements, the Young Mayor congratulated Jack Fox who had been very involved in the opening of the Youth Shelter in the park. She also referred to the fantastic atmosphere that had been generated in the town as a result of the Olympic Torch Relay on 3 July and mentioned how the local primary schools had come together to take part in the School Olympics. She also wished to place on record her congratulations to Melton in Bloom for their hard work in the magnificent planting around Parkside and other areas of the town. She had

participated with other members of the Youth Council in planting an 'Olympic Torch' on the grassed bank outside the Co-op store on Scalford Road.

## CO20. LEADER'S ANNOUNCEMENTS

The Leader began his announcements by referring to criticism of the Council which often appeared in the local press. However, the recent Olympic Torch Relay through the town had been very positively reported as representing the power of the community and showing the Borough at its best. He stated that he had never been so proud of what the Borough could do, or what the Council can do. Unfortunately the same edition of the local paper was characterised by the usual criticism, scepticism and invective from people of a much less cheery disposition,

However, the Leader stated he had more good news to report:

- Melton County Park had been awarded the Green Flag award which represented a national benchmark standard for all parks and open spaces;
- The Council was funding over £400,000 worth of improvements to the Burton Street car park;
- The Council had agreed to make a contribution of £360,000 from capital receipts to bring high speed Broadband access to the Borough's villages and rural communities;
- The Council would be making a matching contribution towards the dredging of the Leicestershire part of the Grantham canal to support wildlife and encourage the recreational use of the canal;
- The Leisure Centre Project Board held its first meeting last week under the chairmanship of the Deputy Leader, Councillor Posnett.

The Leader concluded his announcements by extending his good wishes to Councillor Holmes on an imminent important birthday, and stating that Councillors had much to look forward to ahead of the summer break.

## CO21. QUESTIONS BY MEMBERS OF THE PUBLIC

On behalf of the Melton North Action Group, Mr Geoff Griffiths put the following question to the Leader which had been submitted on 6 July in accordance with Council Procedure Rule 9 of the Constitution. Before so doing he endorsed the remarks made by the Leader about the Council's organisation of the Olympic Torch Relay and congratulated the Council's staff who had been involved.

*In light of the impact of the NPPF and the recent consultation process on the MBC Core Strategy, we understand that MBC has begun negotiations with consultees and relevant bodies regarding common ground or compromise which may lead to the full or partial withdrawal of objections where possible.*

*Could you please tell us exactly who the negotiations are taking place with, how the public will be informed about the content and outcome of these negotiations and how this process might impact or change the Core Strategy document submitted for examination?*

*Supplementary question: [submitted with the main question on 6 July 2012]*

*Can you please give us the timetable of events as it now stands regarding the submission and inspection of the MBC Core Strategy.*

The Leader gave the following response:

‘So far discussions, either by meeting or telephone, have been held with the Melton Northern Acton Group, planning consultants Barton Willmore (on behalf of developers for the proposed northern Sustainable Urban Extension), Hinckley and Bosworth Borough Council, Friends of Melton Country Park and Melton Mowbray Town Estate. It is proposed to have further talks with English Heritage and Leicestershire County Council.

Other consultees may be identified as the responses to the consultation are analysed. This will depend upon the potential to reach agreement and the availability of staff resources. It is intended that any such discussions be held during July so that the outcome can be fed into a report, a Statement of Consultation and a schedule of minor and focussed changes, to be considered by Council on 12<sup>th</sup> September before formal submission for Examination.

There will be public documents and consultees will be informed of their availability as part of the submission procedure. They will be made available for public inspection at all the places where the submission documents were made available, will be placed on the Council’s website and their availability will be advertised in local newspapers.

The schedule of changes to the Core Strategy document will include minor typographical changes, changes in response to the consultation (whether or not they have been subject to negotiation), changes to reflect the new National Planning Policy Framework and other points of clarification.

It is not anticipated that it will contain any major changes to the Core Strategy which would necessitate re-consultation in advance of the Examination. However the changes will be subject to formal consultation once the Examination has been held. It is usual for the Inspector to keep open the Examination pending such consultation. This is so it can be re-convened if the Inspector considers that the consultation raises any issues which warrant further examination before his/her report is finalised.

Mr Griffiths thanked the Leader for his response which he acknowledged also covered the supplementary question. He requested that he be permitted to make a short statement about MNAG. The Mayor exercised his discretion and permitted Mr Griffiths to address the Council. Mr Griffiths stated his wished to dispel some misunderstanding about how MNAG operated; it had been suggested that MNAG was not willing to co-operate or enter into negotiations. This was untrue as it had been made clear in MNAG’s constitution that the organisation was interested in both questioning the Core Strategy process and was willing to contribute constructively.

## CO22. PETITIONS

(1) The Chief Executive reported that no petitions had been received in accordance with Procedure Rule 24.1;

(2) The Mayor reported that under the Statutory Petitions Scheme a combined paper petition received on 6 July 2012 and an e-petition received on 8 July 2012 from local residents containing a combined 1982 signatures which stated:

*“We the undersigned petition Melton Borough Council to ensure that robust security measures are put in place to prevent vandalism and theft from Melton Thorpe Road Cemetery.”*

Mrs Lynn Orridge, the petition organiser, addressed the Council: she stated she had visited the Thorpe Road Cemetery on a regular basis over the last 18 months and had noticed changes in the way that it was run. The gates were now left open at night and she was aware of the concerns of many people that robust security measures were needed to prevent the risks of theft and vandalism. She spoke about how her daughter’s grave had been subject to theft and damage four times in the last year and sought clarification about plans to install cameras. People wanted the gates to be closed at night and the toilets to be reopened for visitors to the cemetery.

A Member opened the debate on the petition by expressing his deep concern and sympathy for those families who had suffered the devastating experience of finding a loved one’s grave being desecrated. He had discussed the issue with the Leader and both had agreed that action was needed to improve security which included locking the gates at night. He expressed sadness that there were those within the community who would steal special items of remembrance from graves and the Council must find solutions to ensure this was avoided. Similar views were also expressed and the Chairman of the Community & Social Affairs Committee stated he had spoken to the Head of Communities & Neighbourhoods who had assured him no incidents of vandalism or theft had taken place recently. CCTV was installed and he would refer the issue to the next meeting of the Committee in September.

A suggestion was made that the cottage within the cemetery grounds be used as offices to ensure there was a daytime presence. For night time protection, the Member also suggested that the use of a security beam be investigated. The Leader thanked Mrs Orridge for her moving account of the problems within the cemetery and stated that it was a sad fact that there were some people who did not respect the cemetery. The issues required discussion in a more detailed and considered way and therefore he moved that the petition be referred to the CSA Committee, taking into account all the points raised at this meeting. The motion was seconded, and following a vote, it was unanimously

**RESOLVED** that the petition be referred to the next meeting of the Community & Social Affairs Committee.

## CO23. RECOMMENDATIONS AND REPORTS FROM COMMITTEES

The Mayor advised that there were no recommendations or reports from Committees for consideration.

#### CO24. QUESTIONS FROM MEMBERS

The Chairmen of Committees to answer any questions upon items of reports to Committees when those items are being received or under consideration by the Council in accordance with Council Procedure Rule 10.1 of the Constitution:

Standards Committee	29 March 2012
Development Committee	5 April 2012
Policy, Finance & Administration Committee	17 April 2012
Development Committee	26 April 2012
Ad Hoc Overview & Scrutiny Committee	3 May 2012
Governance Committee	22 May 2012
Development Committee	24 May 2012
Rural, Economic & Environmental Affairs Committee	30 May 2012
Development Committee	13 June 2012
Community & Social Affairs Committee	20 June 2012
Standards Committee	21 June 2012
Ad Hoc Community & Social Affairs Committee	27 June 2012
Policy, Finance & Administration Committee	3 July 2012

#### Ad Hoc Meeting of Overview, Scrutiny & Audit Committee: 3 May 2012

The former Chairman of the OS&A Committee referred to minute OS51 and the penultimate paragraph on page 4 in which the Strategic Director (CAM) had been present and had given advice on procedural matters. He stated that the officer had adopted her other role of Monitoring Officer whilst giving such advice and that this should be reflected in the minutes. He had raised this point as the OSA Committee had since been abolished and there was no longer an opportunity for this to be corrected at another meeting.

#### Rural, Economic & Environmental Affairs Committee: 30 May 2012

Councillor O'Callaghan was recorded as being an observer at this meeting when he was a voting member of the Committee.

#### Development Committee: 13 June 2012

The minutes recorded that this meeting had taken place at Parkside when it had been held at the Melton Mowbray Baptist Church.

It was agreed that the amendments to the REEA Committee minutes and the Development Committee minutes detailed above would be passed to those Committees.

## CO25. MOTIONS ON NOTICE

The Mayor advised that no motions on notice were received by the deadline.

## CO26. ANNUAL REPORT ON THE TREASURY MANAGEMENT ACTIVITIES AND ACTUAL PRUDENTIAL INDICATORS 2011-12

Members had before them the report of the Head of Central Services which provided a summary of the Treasury Activities in 2011-12 and covered the actual position on the Prudential Indicators in accordance with the Prudential Code.

In moving the recommendations contained in the paper, the Leader acknowledged that it was a complicated and technical paper but nonetheless its contents and the implications set out therein were important for the Council. The motion was seconded and it was unanimously

**RESOLVED:** That

- (1) the Treasury Management Annual Report for 2011-12 be approved; and
- (2) the actual position on Prudential Indicators for 2011-12 be noted.

## CO27. CONSTITUTION 2012/13 – UPDATE

In a report previously circulated, the Monitoring Officer requested the Council to consider a number of updates to the Constitution:

- (a) to reflect the changes to the system of regulation for standards of conduct in respect of elected and co-opted Members of the Council introduced by the Localism Act 2011 on 1 July 2012;
- (b) the consequential changes as a result of the abolition of Overview, Scrutiny and Audit Committee by Full Council on 18 April 2012 and as referred by Full Council on 9 May 2012 to the Governance Committee to consider;
- (c) the revision of Part 8 of the Constitution to include the 2012 version of the Performance Management Framework and System as reported to the Governance Committee on 27 June 2012;
- (d) other minor corrections and amendments.

Circulated at the meeting were Appendix C to the report - the proposed draft register of interests form, and Appendix E – the Groups' nominations for appointed substitutes for 2012/13 in respect of Committees and Sub-Committees where substitutes were required.

The Chairman of the Governance Committee moved recommendations 2.1 to 2.10 set out in the report subject to an additional paragraph being added to 13(3) to the draft Code of Conduct as 13(3)(g) as follows: "(g) an interest arising from your membership of another local authority."

The motion was seconded.

In opening the debate, the Leader of the Labour Group expressed the view that the report before Members was extensive and comprised many important aspects.

Whilst indicating support for the adoption of the new code with the proposed addition, a request for a separate vote on the amendments to the Constitution was made due to concerns over the consequential changes as a result of the abolition of the Overview, Scrutiny & Audit Committee. The Member reiterated previous views he had raised that this had been a wrong decision by the Council and he had concerns over the way in which it was done. Many local authorities had retained a scrutiny committee despite the Localism Act no longer requiring this to be mandatory. He suggested that the Governance Committee did not have the same role as the overview and scrutiny function. Other concerns he had about changes to the Constitution related to the quorate number for committee being 4 which, for delegated decisions, could potentially result in the use of the Chairman's casting vote fundamentally affecting changes to Council services. The removal of the six Member motion also effectively removed the form of appeal against a delegated decision. He expressed concerns about the current arrangements for the Monitoring Officer; there was no reference within the Constitution on how the Monitoring Officer was appointed. He disagreed with the delegation of powers to the Monitoring Officer to authorise amendments following legislative changes and minor procedural and operational changes as he considered any changes to the Constitution should be made by the Council itself or a body appointed by it.

Another Member spoke against the removal of the six Member motion suggesting that this was undemocratic. She urged Members to reconsider this aspect. Reference was made to paragraph 3.10 within the report concerning outstanding Standards complaints having been dealt with. She stated that the outcome of the last one was subject to appeal.

In exercising his right to reply, the mover of the motion emphasised that the Constitution was a working document and if change was required then it was open to Members to bring these forward for consideration.

The motion was then put to the vote and received 13 votes in favour, 8 votes against and 2 abstentions. Accordingly, it was

**RESOLVED:** To

- (1) approve the Constitution as set out at Appendix A including the update to Part 8 of the Constitution to include the 2012 version of the Performance Management Framework and System;
- (2) approve a new Code of Conduct as attached at Appendix B subject to an additional paragraph being added to 13(3) as 13(3)(g) as follows: "(g) an interest arising from your membership of another local authority.";
- (3) approve the revised interests form circulated at the meeting as Appendix C;
- (4) approve the process for dealing with complaints as set out at Appendix D;
- (5) approve the Governance Committee taking responsibility for dealing with complaints regarding failure to comply with the Code of Conduct;
- (6) approve that Council fill any vacancies on the Governance Committee so that it may fully undertake its role in dealing with complaints;
- (7) approve three nominated Parish Councillors to be co-opted onto the Governance Committee for the purpose of being involved in Parish Conduct issues;
- (8) delegate authority to the Monitoring Officer to implement the new standards arrangements in accordance with the above recommendations;



- (9) approve conversion of the MLDF task group to a working group reporting directly to Full Council following a request from Members;
- (10) approve the substitute table circulated at the meeting as Appendix E in accordance with the approved substitutes policy.

#### CO28. LOCALISM ACT 2011: APPOINTMENT OF INDEPENDENT PERSONS

In her previously circulated report, the Monitoring Officer explained the requirement under the Localism Act 2011 to appoint at least one 'independent person' who must be consulted before a decision is made on a Member conduct complaint that has been investigated. Details were given on the recruitment process that had been undertaken for this appointment as a result of which the Independent Persons recruitment panel had recommended that the Council appoint Mr Leonard Tempest and Mr Gordon Grimes as the Independent Persons for Melton Borough Council. A summary of the background of each recommended candidate was given which indicated their suitability to fill these posts. The recommended appointments were moved and seconded, and following a vote, it was unanimously

**RESOLVED:** that Mr Leonard Tempest and Mr Gordon Grimes be appointed as the Independent Persons for the purposes of the Localism Act 2011 and these appointments be effective forthwith.

#### CO29. POLICE AND CRIME PANEL: COMPOSITION AND TERMS OF REFERENCE

Members had before them the report of the Monitoring Officer (copies of which had previously been circulated to Members) in which the Council was requested to agree the arrangements for the operation and composition of the Police and Crime Panel to enable that Panel to be set up. It was intended that the Police and Crime Panel should come into existence on 23 November 2012 following the election of a Police and Crime Commissioner on 15 November. The host authority for the Police Force area that includes Melton and the other districts of Leicestershire and Rutland is the Leicestershire County Council all of whom would be considering similar reports. The recommendations contained in the report to agree these arrangements were moved and seconded with the addition that Councillor Wright be proposed as the substitute Member representative to the Panel for 2012/13.

A Member highlighted recommendation 2.4 which referred to the co-option of members in order that political balance was secured across the area covered by Leicestershire Police. Having regard to the large political control across the county, he considered this important principle was reflected in that recommendation. Following a vote, it was unanimously

**RESOLVED:** To

- (1) agree that the Leicestershire County Council acts as the host authority for the Police and Crime Panel;

- (2) agree that the Panel arrangements as required by the Police Reform and Social Responsibility Act 2011 and the Terms of Reference of the Panel, as set out in Appendices A and B to the report;
- (3) note that the County Council is proposing to authorise its Chief Executive to make such further practical arrangements with regard to the procedures and protocols to be followed in relation to the Police and Crime Panel as may be appropriate to facilitate its operation;
- (4) agree, as a matter of principle, that co-option of members from constituent authorities should be used to secure the balanced appointment objectives in relation to political balance and representation of the area covered by Leicestershire Police;
- (5) agree that, subject to ongoing review, as provided by the Panel arrangements, the Police and Crime Panel should consider co-option of three additional members from the Leicester City Council to achieve the balanced appointment objectives;
- (6) note that Councillor Rhodes is the Council's Member representative for 2012/13 and this be an annual appointment;
- (7) agree that Councillor Wright be appointed as the substitute Member representative to the Panel for the year 2012/13 and this be an annual appointment;
- (8) note that travel and subsistence expenses will be payable to the Council's appointed representative to the Police and Crime Panel.

The meeting, which commenced at 6.30 p.m., closed at 7.35 p.m.

Mayor