



MEETING OF THE
COUNCIL OF THE BOROUGH OF MELTON

PARKSIDE, STATION APPROACH, BURTON STREET, MELTON MOWBRAY

18 APRIL 2012

PRESENT

Councillors A. Freer-Jones (Mayor)
P.M. Baguley, M.W. Barnes, G.E. Botterill,
G. Bush, P.M. Chandler, P. Cumbers, J. Douglas,
S. Dungworth, M.C.R. Graham MBE, M. Gordon,
E. Holmes, L. Horton, E. Hutchison, S. Lumley
V. Manderson, T. Moncrieff, 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), Strategic Director (CAM)
Acting Senior Democracy Officer

The Reverend Kevin Ashby offered prayers

CO95. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Illingworth and Moulding. Apologies for late attendance were given on behalf of Councillor Lumley.

CO96. MINUTES

It was proposed and seconded that confirmation of both sets of minutes from the Extraordinary meeting held on 15 February and the ordinary meeting held on 23 February be taken together.

In respect of Council minute CO83:

Councillor Rhodes declared a personal and prejudicial interest due to being a County Councillor and also due to being a Member of the Cabinet and being the Lead Member for Property.

Councillor Graham declared a personal and prejudicial interest by virtue of being the Council nominee and a Trustee of the Sir John Sedley Trust which owned land to the north of the town.

Councillor Orson declared a personal and prejudicial interest due to being a Cabinet Support Member of the Leicestershire County Council.

Councillor Holmes declared a personal and prejudicial interest due to being a local landowner.

Councillors Rhodes, Graham, Holmes, and Orson here left the meeting.

Council O'Callaghan raised concerns over the accuracy of the minutes in relation to the speeches made by Members. He stated he was aware that no audio recording was made at the meeting and sought clarification on what record had been taken. He asked if a full written record had been taken at the time or had Members been asked for a copy of their speeches afterwards. The Mayor responded to confirm that no recording had taken place and that a written record had been taken by the Senior Democracy Officer. She advised that the draft minutes had been published on the Council's website since mid March which had provided opportunity for any Member to query their accuracy. Councillor O'Callaghan requested to see the notes made by the Senior Democracy Officer on her return from leave. The Mayor confirmed this would be arranged.

Acceptance of both sets of minutes as a true record was proposed by Councillor Posnett and seconded by Councillor Sheldon. Upon being put to the vote, the minutes of the Meeting of the Extraordinary Council held on 15 February 2012 and the minutes of the Meeting of the Council held on 23 February 2012 were confirmed and authorised to be signed by the Mayor.

Councillors Rhodes, Graham, Holmes, and Orson returned to the meeting.

CO97. 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.

Minutes C18. : Solar Panels

Community and Social Affairs Committee : 13 February 2012

Councillor Gordon declared a personal and prejudicial interest in minute C18 and in the motion at item 12 on the agenda (minute CO106 refers) by virtue of her being a council house tenant.

Councillor Slater declared a personal and prejudicial interest in minute C18 and in the motion at item 12 on the agenda (minute CO106 refers) by virtue of him being a council house tenant.

CO98. MAYOR'S AWARDS AND YOUNG CITIZEN AWARD

The Mayor

(a) referred to the good work being done in the community and the extent of voluntary work carried out which various sections of the community like schools, churches, village halls, hospitals and care homes relied upon. With tight budgets, many essential things would not get done without those who were prepared to give up their time often over and above that which was required;

(b) in acknowledging those people who were selflessly prepared to help and support others, she requested that Councillors join her in approving the presentation of the following Awards of Merit to those volunteers who had made outstanding contributions to their community:-

Malcolm Britton

In recognition of:

- Being very active in the Frisby village including being a Parish Councillor for Frisby for many years and has been involved in the Parish of the Upper Wreake 6 Parishes for 24 years unpaid;
- Being the treasurer of the Village Hall and Chair of Frisby School Governer's;
- His work as a Lecturer and Student Services Manager for Brooksby College and he now tells the story of Brooksby to visitors to raise funds including conducting Ghost Walks around the College;
- Taking Services in Melton and other Churches and is a General Secretary for the Diocese of Leicester;
- Mowing the lawn for a new Burial Ground, organising litter picks around Frisby and is the Editor of the Parish Magazine of which many are affected by this activity;
- Devoting his spare time to working within the Community.

Lt Mark Whitehead

In recognition of:

- Devoting and dedicating 5 years into the Melton Army Cadet Force, making it a special place and organization for young people in Melton;
- Being detachment Commander for Melton Army Cadets, which through his leadership has become one of the top detachments in the country;
- Providing Army Cadets with the opportunity to learn and gain life skills by working as a team, discipline and with a spirit of service to the local community;
- Being involved in charity work on a weekly basis;
- Being involved in youth organisations for the past 6 years.

Chris McCluskey

In recognition of

- Being a Gardening Co-ordinator for more than 24 years and supporting a team of 8 volunteers to maintain gardens and help those who cannot manage;
- Regularly putting in 20-30 hours per week voluntarily in to his work;
- Doing work to improve the appearance and physical environment of some of the most deprived areas of Melton, increasing pride and community spirit;
- Approaching local businesses for donations and donations in kind; organising raffles and car boot sales helping to bring people together with joy and friendship;
- Always putting others first.

Di Featherstone

In recognition of

- Helping 16-24 year olds and most 13+ students as a Connexions Personal Advisor;
- Her approach to her work and involvement with young people going way beyond the remit of her duties, offering extraordinary support day in day out in her role at Connexions.
- Having an amazing rapport with people and goes out on a limb to ensure the young people get the support they deserve.
- Being instrumental in setting up the Melton Learning Hub, offering an alternative education provision for disaffected young people unable to access mainstream education;
- Working tirelessly to improve the lives of teenage parents (NEET – Not in Education and Training)
- Changing some people's prospects and helping to improve their lives due to the direct result of her determination to do her best for her clients in Melton Mowbray.

Mayor's Young Citizen Award

Chris Knott

In recognition of

- Helping to deliver the services of the Hub's Country Park Cafe; including catering, internet services and the visitors centre;
- Creating fresh food and helping to apply a healthy approach by assisting in producing healthy menus;

- Working towards raising funds for the Hub and providing supporting activities for all ages;
- Overcoming educational needs and difficulties to achieve at the Hub, obtaining a Level 1 Certificate in Creative Cookery; progressed to Level 2 the following year;
- His work at the Cafe voluntarily but has now progressed and works in a Supervisory position on a Sunday;
- Helping to tutor young people who are learning catering.

The Derek Sanders Cup

The Derek Sanders Cup awarded for Outstanding Achievement was awarded to Lt Mark Whitehead.

The Robert Hyslop Plate

The Robert Hyslop plate for Outstanding Service to the Community was presented on behalf of Mrs Eileen Hyslop by Councillor Orson to Mr Malcolm Britton.

RESOLVED that the nominations be approved and Members joined the Mayor in congratulating the awardees.

(The Awardees here left the meeting.)

(Councillors Baguley and Lumley entered the meeting during the presentation of the awards.)

CO99. MAYOR'S ANNOUNCEMENTS

The Mayor made the following announcements :-

- (a) she and Councillor Posnett, supported by the Chief Executive had welcomed a group of Brownies into the Council Chamber giving them an insight into local council business;
- (b) she and her husband had been invited to represent the Borough at the Queen's Jubilee lunch in Leicester Guildhall/St. Martins House;
- (c) she had attended the Melton's Got Talent final on 10th March 2012 and £1,000 prize money had been raised from several activities that took place in 2011. The organisation for Melton's Got Talent 2013 was already underway;
- (d) March had seen the 20th anniversary of the Clockwise Credit Union, the Rotaries 84th Charter Dinner, and the Local Business Awards organised by the Melton Times which had seen many worthy winners;

(e) Parkside had recently hosted a Multi-faith event supported by Resham and Surrinder Sandhu, the recently retired High Sheriff of Leicestershire. It was hoped to host a similar event next year;

(f) the Leicestershire Fire and Rescue Service recently partnered with the Prince's Trust for a presentation in which a group of disengaged young people from Melton Mowbray took part in a free 12 week programme to build confidence, experience and qualifications to boost prospects. The presentation had been inspiring;

(g) she had also attended a number of fundraising activities, including the Lions Swimathon and the Sport Relief Mile, together with some of her own fund raising activities for the Romy Fund, the Melton's Children's charity.

CO100. LEADER'S ANNOUNCEMENTS

The Leader, Councillor Rhodes, made the following announcements:-

(a) the official opening of Parkside would be undertaken by Councillor Malise Graham MBE and would be held at 12 noon on Monday 23 April 2012. The Leader requested that all Members respond to the invitation that had been sent out;

(b) The Council had recently be recognised as an Achieving Council in respect to the Equality Framework for Local Government following an external review which took place on 27 and 28 March 2012. This was significant achievement for the Council and he hoped that we would now build on this success to achieve the Excellent Standard;

(c) the Customer Service Centre had recently been experiencing considerable difficulties in answering calls due to a number of problems and shortage of available customer service advisors. The situation had been resolved in the short term by calling in managers and senior staff to handle calls at peak times. He expressed his thanks for all the efforts by staff to bring the performance back up to standard. As a long term solution, the PFA Committee had approved the recruitment of four additional customer service advisors and a CRM Development Officer;

(d) the dress rehearsal for the Olympic Torch Relay would be taking place on Friday 20 April 2012 between 12 noon and 2pm. All were welcome to attend.

CO101. QUESTIONS BY MEMBERS

There were no questions received.

CO102. PETITIONS

(1) Melton North Action Group

In accordance with Procedure Rule 24.1, the Mayor referred to the receipt of a petition received on 10 April 2012 from the Melton North Action Group containing 2,423 signatures which stated:

“Melton North Action Group oppose the Melton Borough Council’s preferred urban extension to the North of the town.

1000 homes have been proposed to be built as part of Melton Borough Council’s proposed sustainable urban extension, this number could rise to 3400. The Melton North Action Group oppose this plan and are asking the council to reconsider the extension of the town to the North and consider alternative options.”

Members were advised that, at the express request of the petition organisers, this petition was not for debate but was submitted as part of the consultation for the Core Strategy. Constitutional procedure rules required that receipt of this petition was reported.

It was proposed and seconded that this petition be accepted as part of the Core Strategy consultation process.

RESOLVED That the petition from the Melton North Action Group be accepted as part of the Core Strategy consultation process.

(2) Petitions dealt with under the Statutory Petitions Scheme – Waste Contract

The Mayor reported that a combined paper petition and e-petition was received on 10 April 2012 from local residents containing a combined total of 1945 signatures which stated:

“We the undersigned petition Melton Borough Council to reconsider the proposed changes to the waste management contract because a £32 charge is unfair, and a universal service would be more effective.”

Mr Rob Watson, representing the petition organisers, was invited to address the meeting. Mr Watson:

- thanked the other organisers and the Council staff for putting the petition on line as this was the first e-petition submitted;
- referred to the principle of fairness behind the petition i.e. that some could afford the green waste collection whilst others could not, and the additional cost of the green waste bins. Most of the larger garden owners were in higher council tax bands and already paid more council tax;
- referred to the practicalities as the former waste and recycling scheme was a well engrained habit for everyone;
- stated that the notice about the change to the system was too short;
- expressed the view that there had been a lack of consultation and discussion with residents;
- advised Members that the most frequently expressed comment about the service was that ‘if it wasn’t broke, don’t fix it’

- asserted that the reasons behind the change were political rather than practical;
- stated that many residents were proud of Melton's position in the league table for recycling and feared that the new service would result in more cases of fly tipping having regard to the reduced capability of the Lake Terrace site to take garden waste;
- asked the Council to re-consider the decision, and in so doing, publish the information the decision was based on and set out alternatives, provide an open forum for discussion with residents, and refer the matter back to the committee for further consideration of the technical detail;
- asked how many Councillors had signed up for the new green waste collection service.

The Leader stated that the Council had before it a motion on the agenda which was very similar to the subject of the petition. He therefore proposed that the petition be considered at the same time as the motion. The proposal received a seconder and was carried following a vote.

CO103. 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 :-

Standards Committee	6 February 2012
Overview, Scrutiny and Audit Committee	7 February 2012
Ad Hoc Community & Social Affairs Committee	13 February 2012
Development Committee	23 February 2012
Rural, Economic & Environmental Affairs Committee	7 March 2012
Licensing Committee	13 March 2012
Development Committee	15 March 2012
Community & Social Affairs Committee	20 March 2012

REEA Committee 7 March 2012

Councillor O'Callaghan had abstained from voting on minute R56, he had not voted against as recorded. The Chairman of REEA Committee, Councillor Orson, accepted that amendment would need to be made to these minutes.

CSA Committee 20 March 2012

Minute C21 be amended to reflect that Councillor Gordon had declared both a personal and prejudicial interest.

These comments would be passed to the Committees concerned.

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

(c) In accordance with Council Procedure Rule 10.5(a), Councillor Moncrieff submitted the following questions on 5 April 2012 :-

Phase 1 of the Fairmead Regeneration Plan has been approved by the CSA Committee. A number of residents are concerned that any delay in implementing the plan could blight the area. How is it proposed to take forward this plan, what timescales are involved, what funding would be necessary for its implementation and what are the likely sources of this funding?

The Leader submitted the following written response which was circulated at the meeting:

The Fairmead Regeneration Masterplan approved by members of CSA in March also approved the Business Plan that set out the 1st Phase of the Regeneration Plan.

The cost of the scheme is considerable and we have to take into account any impact on our HRA borrowing limit, the business plan indicates that through either all market sales or rental the scheme is feasible.

Officers are discussing [the Plan] this with the Homes and Community Agency and with potential RSL's and developers with a view to place it into their medium term plans for potential future funding. The Project is already included in our investment plan for future projects and when we are ready to implement the 1st phase a further report will be presented to the CSA committee outlining the costs, funding sources and housing mix.

We have also approved a policy that will deal with immediate concerns of those owners affected by the core Masterplan.

In regards to potential blight unlike major transport (motorway, HS2 etc) projects this type of regeneration project is actually positive for the area.

Councillor Moncrieff submitted a supplementary question. He expressed concern at the phasing of the work and asked if this would cost more, whether there would be provision for additional homes as part of the first phase, and if the properties fronting onto Nottingham Road would be included.

The Leader replied that the plans were clear and indicated it would involve building a number of new homes. The funding would need to come from other sources and therefore progress of the scheme would be dependent on securing that funding. The houses on Nottingham Road would be part of the regeneration scheme, subject to funding.

(d) In accordance with Council Procedure Rule 10.5(a) Councillor Moncrieff submitted the following question on 5 April 2012:-

Is it intended that the new Leisure facilities for Melton will contain a gym?

The Leader submitted the following written response which was circulated at the meeting:

The Council is currently leading for the Melton Community Partnership on a consultation which asks the Community what they would like to see within the broader leisure vision. This may or may not include gym provision. Can I remind that whilst I respond to this question that this consultation is open until 31st May 2012.

(e) In accordance with Council Procedure Rule 10.5(b) Councillor O'Callaghan submitted the following question on 12 April 2012:

Question for the leader for this council meeting:

In the last financial year if possible, if not the one before that what was the total council tax paid for special expenses by the residents of the town of Melton Mowbray?

How much were the total direct costs for running all the services?

How much were the indirect/support costs?

How much were the capital costs?

What income was generated ?

I am hoping this balances from the income and council tax with the direct and support costs.

The Leader submitted the following written response which was circulated at the meeting:

A question has been asked of me as the Leader of Melton Borough Council, regarding the breakdown of costs of running the town services by Councillor Matthew O'Callaghan.

Melton Borough Council has responsibility for the running of a number of services which are primarily for the benefit of the residents within the town of Melton Mowbray.

These are defined by the Council as those functions provided by the Council in part of the area, which are performed elsewhere in the area by a parish council and for which a separate Council Tax levy is raised. The Local Government Act 1992 has determined the following as special expenses for the Area of Former Urban District of Melton Mowbray:

The figures below relate to 2010/11 as the accounts have not yet been finalised for 2011/12.

Total direct costs	£210,422
Total indirect costs (support costs)	£328,100
Capital costs	£91,150
Total costs	£629,672

Income	£120,588
Net expenditure	£509,084
Non service related costs	-£86,259
Net expenditure	£422,825
Met by: Council Tax paid*	-£501,150
Surplus transfer to Special Expense Reserve	£71,614
Surplus for year (increase to Special Expense Working Balance)	£6,711

Support costs for the town's special expenses includes staffing costs as the only directly charged employees in 2010/11 are at the cemetery.

*This is the council tax precept levied for special expenses, not the actual council tax paid. As council tax is collected as one amount per property for all preceptors, any calculation to attempt to split the council tax received between preceptors would be pro-rata and therefore not accurate.

Councillor O'Callaghan thanked the Leader for his written response and asked that he be supplied with the data from the last financial year as soon as that was available.

CO104. MOTION FROM COUNCILLORS O'CALLAGHAN AND MONCRIEFF

In accordance with Council Procedure Rule 11.1, the following motion was received on 5 April 2012 from Councillor O'Callaghan as proposer and Councillor Moncrieff as seconder:

"Council notes:

The short timescale in which a decision on the waste management contract was made

The financial structure of outsourced contracts which include significant overhead charges

The current financial situation of Biffa

The petition regarding the charge for garden waste with over 1,300 signatures and the online petition with almost 500 signatures.

That no full equality impact study was conducted as part of the decision making process for this contract and as a result a number of disadvantaged individuals and groups are being unfairly affected by the new contract.

Council resolves:

To fund the collection of the green waste out of reserves for this year

In the short term to look at ways of mitigating the effect of the charge for disadvantaged individuals/groups

To reconsider the latest Biffa contract to get a better deal so that future green waste collection could be included in the council tax

To investigate the possibility of ending the Biffa contract and consider alternatives including an in-house bid for the waste collection contract”

In proposing the motion, Councillor O’Callaghan stated that he had signed the petition presented earlier in the meeting. He made the following points:

- he had been on the Council since 1996 and each time the subject of the waste contract came up it always caused a big furore, and had necessitated the calling of a special meeting;
- there had been no time for the Waste Management Task Group to consider the issue properly and he expressed the view that the Council had been held over a barrel on this matter;
- referred to the contractor, BIFFA;
- referred to the overall council tax bill increasing but that the rationale behind the green waste service was to save money, yet the result was to push the cost onto the council tax payer;
- expressed the view that the equality impact assessment for the change in policy had not been carried out properly to take account of the full impact;
- asserted that the decision to charge for green waste collection was a retrograde step and would reduce the recycling efforts, undermining the fundamental principle of a universal service.

Councillor Gordon referred to the meeting of REEA Committee on 17 January 2012 at which she had suggested that those residents in receipt of benefits and without access to a car should receive a compost bin free of charge. Her proposal had not been taken forward at the meeting and she asked if this could now be revisited and the cost of the green bin be refunded to those eligible households.

Councillor Orson thanked Mr Watson and the residents of Melton for achieving the high rate of recycling and stated he was confident that residents would continue to maintain this following the changes to the waste collection service. He referred to the previous Government’s financial policies which he said had significantly impacted on this Council’s financial position. If efficiencies had not been made in the waste collection service, other services would have been affected. The Council currently had its lowest staff levels in its history. The change to the waste collection service had resulted in a net saving of £117,000 and had only been achievable because they coincided with the point in the contract that vehicles needed to be replaced. Councillor Orson added that he considered the principle behind the decision was fair; those who did not have gardens or composted waste did not use the service for which they had paid. In

conclusion, he asked why the decision had not subsequently been called in by the OSA Committee as there had been plenty of opportunity to do so before it was implemented.

Councillor Barnes stated that whilst he understood the reasons behind the Councils' previous decision to provide a green recycling scheme he had not agreed with them. He could see no justification for collecting lawn clippings and suggested that composting was the only real green option. Collecting recyclable waste in the brown wheelie bins was simpler and did not create litter. On that basis, he welcomed the new scheme.

Councillor Wyatt questioned the integrity of the petition as he said he had observed Labour Councillors in the market place asking people to object to paying for a brown bin. In raising a point of order, Councillor O'Callaghan stated that residents had been asked to object to paying for brown bin waste, not brown bins.

The Leader referred to the wording of the petition and stated that a charge of £32 for the collection of green waste compared well with other local authorities providing this service. He added that it was important to understand what would have happened if these changes had not been made; there would have been substantial costs to bear involving £400,000 a year to reinstate the service. This would represent an increase on the MBC element of the council tax of 10.46%. He commented that it was fair to charge for what people used; people had the alternative options of taking the waste to the tip or composting at home which should be encouraged.

Councillor Botterill commented that the Council was under no statutory obligation to collect green waste; the previous service had achieved good recycling targets but had been an inefficient system. In contrast, the new service would be far more efficient in the long run and was expected to increase recycling by 25%, although he acknowledged that being in the middle of the contract term had reduced the Council's negotiating position.

Councillor Sheldon made the point that more Labour group Members had signed the petition than had attended the REEA Committee meeting at which the decision was made. He disagreed with the assertion that the decision had been rushed, commenting that the negotiations had taken place from March to September last year. He also put the question as to why, given the objections raised now, the decision had not been called in at the time.

In exercising his right of reply, the seconder of the motion, Councillor Moncrieff made the following points:

- was the loss of jobs considered?
- some forms of garden waste don not compost well;
- the new scheme was not popular with residents;
- the Council should admit it did not negotiate a good contract and that the decision had been rushed;
- taking garden waste to the tip encouraged greater travel;
- suggested that the Council should pay for green waste collection for 2012/13 and review the service again
- asked if the scrutiny process would have stopped the contract from being signed.

In responding to the debate, Councillor O'Callaghan commented that:

- referring to the number of Labour group members attending the REEA Committee was political point scoring
- how could the Council have effectively negotiated a contract when it was in the middle of it, and suggested that this had resulted in a very poor outcome for the authority;
- the take up of the green bins had been small;
- the cost of the new green waste collection service was effectively an additional council tax, designed as a political move to keep the main council tax low;
- he would vote in favour of the motion having heard the debate.

Upon being put to the vote, there were 6 votes in favour of the motion, 19 votes against, and no abstentions. The motion was therefore lost.

The Leader advised that the Council must now make a decision on the submitted waste petition and moved the following motion:

The Council considers that the debate which has taken place this evening has been an appropriate and adequate re-consideration of the green waste collection service as requested in the petition presented earlier and, accordingly, the petition should now be noted. No further action should be taken.

The motion was seconded by Councillor Posnett.

Councillor Holmes referred to the suggestion raised by Councillor Gordon earlier in the debate concerning the provision of a free composter for those in receipt of benefits. She stated that this has been discussed and raised at the Waste Management Task Group and the Waste Management Officer had confirmed this would be taken forward. As Chairman of REEA Committee, Councillor Orson stated that all services were continually reviewed and that he would take this up with officers and refer it back to the REEA Committee.

A vote was then taken on the motion which resulted in 18 votes in favour, none against, and 6 abstentions. The motion was carried and accordingly it was

RESOLVED: The Council considers that the debate which has taken place this evening has been an appropriate and adequate re-consideration of the green waste collection service as requested in the petition presented earlier and, accordingly, the petition should now be noted. No further action should be taken.

CO105. MOTION FROM COUNCILLORS RHODES AND POSNETT

In accordance with Council Procedure Rule 11.1, the following motion was received on 7 April 2012 from Councillor Rhodes as proposer and Councillor Posnett as seconder:

That the Council:

1. *Notes the decision taken by the Council on 14th December 2011 to support the introduction of a Governance Committee;*

2. Notes the decision of the Policy, Finance and Administration Committee on 25th January 2012 to present a paper to the Council before the annual meeting with terms of reference and functions for a Governance Committee;

3. Notes that the proposed terms of reference transfer the responsibilities for Audit, Constitution and Governance, Consultation and Engagement, Electoral Matters, Mayoralty, Members' support and training, Performance Management and Value for money, Risk management and internal control, Voluntary and community sector relationships and Ethics and probity to the proposed Governance Committee;

4. Notes that the Localism Act 2011 permits the abolition of Overview and Scrutiny Committees in fourth option councils after the 4th May 2012.

Accordingly the Council considers that a separate Overview and Scrutiny Committee will no longer serve a useful purpose when the Governance Committee is established and therefore resolves to abolish the Overview, Scrutiny and Audit Committee at the earliest opportunity.

The Council requests the Chief Executive to bring a paper to the annual meeting of the Council to enable the constitution to be changed to bring that into effect.

In proposing the motion, the Leader referred to the decision taken the previous evening at the PFA Committee which gained unanimous support to agree the terms of reference for the new Governance Committee. This Committee would be responsible for 38 different topics. He stated that the overview and scrutiny functions did not sit well with a Council that had retained a committee system and that effective scrutiny already took place within the committees themselves. The Localism Act now permitted the abolition of the Overview and Scrutiny Committee in fourth option councils, thus from 4 May, it was open to the Borough Council to either continue to operate as it has done or decide to not operate an Overview and Scrutiny Committee. To do the latter would result in savings in officer time.

In seconding the motion, Councillor Posnett reserved her right to speak.

Councillor O'Callaghan moved an amendment to delete the wording in the motion after part 1. and replace this with 'refers the matter to the Overview and Scrutiny Committee for its views'. The amendment was seconded by Councillor Moncrieff.

Councillor O'Callaghan put forward the following points in support of his amendment:

- when the new Leader had been elected he had promised an open consensus;
- he felt that it had been discourteous of the Leader to have put this motion without previously mentioning it to him as Chairman of the Overview and Scrutiny Committee;
- when the establishment of the Governance Committee had been considered at Full Council and PFA Committee previously there had

been no mention of the abolition of the Overview and Scrutiny Committee;

- the Governance Committee was agreed in order to deal with the Audit function, thus freeing up Overview and Scrutiny to concentrate on scrutiny;
- Overview and scrutiny provided an opportunity of looking at various issues;
- the Localism Act contained only a discretionary power to abolish a scrutiny committee and suggested that this would be adopted by those fourth option councils scared of challenge;
- the Overview and Scrutiny function represented an internal check on policy before it is placed in the public domain. Abolishing this would remove the ability to call in a decision and would take power away from 'backbench' members;
- the motion was anti democratic and a retrograde step for this authority which would regret this decision if the motion was passed.

Councillor Orson stated that the overview and scrutiny mechanism had proved frustrating for fourth option councils. In a committee system, all members were equal, and contrary to Councillor O'Callaghan's assertion, actually directly involved backbench members in the decision making.

Councillor Sheldon expressed the view that the Governance Committee would work well and would not support the amendment. Councillor Holmes referred to her previous chairmanship of the Overview and Scrutiny Committee and expressed her opinion that she did not think that the Committee had worked as effectively this past year.

Councillor Rhodes endorsed Councillor Holmes' point and referred to the fact that the call in procedure had not been recently used. He stated that many other councils experienced difficulties in operating the scrutiny function effectively and whilst it was needed in a Cabinet system, it was not necessary in a fourth option council like Melton Borough Council.

A vote was then taken on the amendment which resulted in 8 votes in favour, 15 votes against and no abstentions. The amendment was therefore lost.

In exercising her right of reply, Councillor Posnett speaking from her experience as a County Councillor in an authority with a Cabinet system, the overview and scrutiny system worked well and agreed with the comments of the Leader. She stated there would be ten members on the Governance Committee which would be politically balanced, full discussion would take place during meetings at which the opposition would have the opportunity to put their views.

A vote was taken on the original motion. There were 15 votes in favour, 7 votes against and 1 abstention. The motion was carried.

RESOLVED That the Council:

(1) Notes the decision taken by the Council on 14th December 2011 to support the introduction of a Governance Committee;

(2) Notes the decision of the Policy, Finance and Administration Committee on 25th January 2012 to present a paper to the Council before the annual meeting with terms of reference and functions for a Governance Committee;

(3) Notes that the proposed terms of reference transfer the responsibilities for Audit, Constitution and Governance, Consultation and Engagement, Electoral Matters, Mayoralty, Members' support and training, Performance Management and Value for money, Risk management and internal control, Voluntary and community sector relationships and Ethics and probity to the proposed Governance Committee;

(4) Notes that the Localism Act 2011 permits the abolition of Overview and Scrutiny Committees in fourth option councils after the 4th May 2012.

Accordingly the Council considers that a separate Overview and Scrutiny Committee will no longer serve a useful purpose when the Governance Committee is established and therefore resolves to abolish the Overview, Scrutiny and Audit Committee at the earliest opportunity.

The Council requests the Chief Executive to bring a paper to the annual meeting of the Council to enable the constitution to be changed to bring that into effect.

[Having regard to their personal and prejudicial interests declared at the start of the meeting, Councillors Gordon and Slater left the meeting at 8.23 p.m.]

CO106. MOTION FROM COUNCILLORS MONCRIEFF AND O'CALLAGHAN

In accordance with Council Procedure Rule 11.1, the following motion was received on 9 April 2012 from Councillor Moncrieff as proposer and Councillor O'Callaghan as seconder.

Housing Repairs Task Group – *Consideration of a solar panel scheme as proposed by TFEC:*

Council notes:

The difficulties and confusion faced by the Housing Repairs Task Group with regards putting solar panels on Council House properties.

The decision by the CSA committee not to pursue an offer from Venturetricity to carry out a scheme which would have cost MBC nothing and put solar panels on about 600 roofs by June of this year.

The Government's decision to reduce the FIT tariff may well mean that this offer can never be repeated.

Council resolves:

To suspend the Council's contract procedure rules and instruct officers to proceed with all haste to facilitate the securing of a contract(s) in the context of

the above to fit Solar Panels, on as many Council house roofs as is possible by the date that the FIT tariff drops.

In proposing the motion, Councillor Moncrieff thanked the Leader and the Chief Executive for their help and assistance regarding his motion the purpose of which, he emphasised, was not political. He made the following points:

- the Tenants' Forum group deserved credit for this motion as it has arisen following a presentation from an energy company;
- stated that solar panel schemes had not been pursued because of the risk of non compliance with OJEU rules. He had sought advice from the Council's Solicitor who had explained that as the Council was not purchasing roof panels but renting the roof space to the energy company, the procurement rules would not apply;
- taking up the offer to install solar panels on council properties would be at no cost to the council tax payer as costs would be borne by the energy company;
- 30% of tenants would benefit by up to £300 per year and there would be a saving on CO² emissions.

The Chairman of the CSA Committee, Councillor Wright responded to the motion. He:

- acknowledged that fuel poverty can affect the most vulnerable in society and that improving the quality of life for residents and ensuring a prosperous community were key priorities for the Council;
- referred to a briefing note which would be circulated to all Members on the actions that the Council had taken so far to address these issues;
- stated that in order to ensure value for money, officers were contacting other providers of solar panels. He was concerned that by approving the first supplier that approached the Council, it could mean that the authority missed out on other opportunities;
- referred to the energy audit which had been undertaken for all Council properties within the Borough;
- stated that advice from the Council's Solicitor was that bids from other suppliers should be invited;
- had not seen a proper business plan from the company;
- would not support the motion.

Councillor Botterill reported that he had installed a 30kW solar panel system to his property but had recently received a quotation for a 50kW system which was cheaper. He therefore supported holding off on pursuing this offer pending further research on alternatives. He added that the benefit from solar panels should be made available to all residents on a council estate. Councillor Chandler endorsed the views expressed by Councillor Botterill stating that she had attended the presentation by the company to the TFEC group and considered that such a scheme should be beneficial to the HRA, not just the individual tenants. She also expressed concern about the product being 'free' and was of the view that the Council should not commit to this scheme until there had been a ruling from the courts on the legal position regarding the roofs once panels had been installed.

Councillors Lumley, Holmes, Posnett, and Orson expressed similar views that any scheme should benefit all tenants and not just a few. Councillor Posnett stated she agreed with Councillor Moncrieff that the Council did not move quickly enough on this providing that it could benefit all residents suffering fuel poverty. Councillor Holmes stated that a question had been raised about whether flat roofs would be included but a response was still awaited.

The Leader commended Councillor Moncrieff's determination in his campaign but regrettably it was not possible to action his motion as it was predicated on a June deadline. There was no time to go through a competitive procurement process and there were serious risks in not following the procedure for a major contract such as this. There were also other risks to consider regarding the financial implications in the future should the equipment become defective and where responsibility lay for repair.

Councillor O'Callaghan stated he was pleased that the administration had admitted that it did not pursue this opportunity expeditiously. The motion was not against pursuing a multiple offer and there had been precedent for suspending contract procedure rules. Neither did the motion preclude everyone benefitting. Many councils, including Conservative led ones, had adopted similar schemes but a 'do nothing' approach would mean that many residents in the Borough would lose out on the real impact such schemes could have.

In exercising his right of reply, Councillor Moncrieff stated:

- this money had been provided by the energy companies some years ago but was reducing so that time was of the essence;
- both flats and communal areas could benefit from solar panels;
- Leicester City Council had installed solar panels on 1,200 of its properties;
- that OJEU rules did not prevent this work being done.

The Mayor called for a vote on the motion. Several Members had raised their hand when Councillor O'Callaghan called for a recorded vote. The Mayor sought advice from the Chief Executive who stated that the Council's Constitution provided for a vote to be taken by a show of hands unless a ballot or recorded vote was called for. The Constitution was silent on the procedure to be followed once Members had started to vote by a show of hands. She advised that this would be an issue for clarification.

The Mayor ruled that as the vote by show of hands had started, it would continue. The vote resulted in 6 votes in favour of the motion, 14 votes against and 1 abstention. Councillor Holmes requested that her abstention be recorded. The motion was lost.

RESOLVED That no action be taken.

[Councillors Gordon and Slater returned to the meeting at 8.57 pm.]

CO107. PAY POLICY STATEMENT

Members had before them a copy of a report by the Head of Communications outlining the Pay Policy Statement for approval. In presenting the report, Councillor Rhodes stated that the document represented a very structured process on how pay was determined at the Borough Council. The recommendation contained in the report was so moved and seconded and carried following a vote.

RESOLVED (unanimously) That the Pay Policy Statement as attached at Appendix A to the report for 2012/13 be approved

CO108. REVIEW OF THE COUNCIL'S CONSTITUTION 2011-12

Members had before them a report prepared by the Monitoring Officer (copies of which had previously been circulated) which requested the Council to consider a list of proposed amendments to the Constitution and also asked the Council to consider the introduction of a substitution policy.

Councillor Graham raised a point of clarification on point 10 of the substitution procedure in circumstances where a meeting stood adjourned. The Monitoring Officer responded that the substituting Member would attend that committee for its entirety and would add in a clarification note for this purpose.

In moving the recommendations in the report, Councillor O'Callaghan commented that the Council used to have a substitution policy and likewise also had an order paper for the meeting and welcomed its return.

The Leader seconded the motion subject to an amendment that the Deputy Leader automatically be the Vice Chair of PFA. Councillor O'Callaghan indicated he accepted this amendment to his motion.

Councillor Cumbers referred to the attendance register procedure for substitute members and requested that the full name of the Member who was being substituted for should be included as there were a number of Members with the same initials.

Councillor Holmes expressed her opposition to placing a 3 hour limit to meetings throughout the Constitution. She proposed an amendment that meetings conclude when the business to be transacted was complete. Councillor Graham seconded the amendment.

Councillor O'Callaghan pointed out that the Constitution provided for procedure rules to be suspended to allow a meeting to continue beyond the time limit. The Monitoring Officer referred to the present inconsistency within the Constitution and sought Members' guidance on how they would wish to resolve this.

The Leader stated that discipline was needed at a meeting and 3 hours was an appropriate time limit. It was open to the Chair to adjourn the meeting if debate

was not progressing. Support was indicated for the Leader's views and reference was made to the impact on staff supporting the meeting who had been at work during the day and would have to travel home. Councillor Gordon asked if the meeting was adjourned whether members would have recourse to notes when the meeting was reconvened. The Mayor replied that the minutes were produced after the meeting and there was in those cases a responsibility on Members to recall the discussion. Members indicated they accepted the Mayor's explanation and a vote was taken on the motion, as amended by the Leader to include reference to the Deputy Leader automatically being the Chair of PFA Committee.

RESOLVED (unanimously)

- (1) to approved the proposed changes to the Constitution as set out in Appendix A to the report of the Monitoring Officer (attached as an appendix to these minutes);
- (2) to approve the adoption of a Substitute Policy as set out in Appendix B to the report;
- (3) that the Constitution be amended in accordance with (1) and (2) above.

The meeting which commenced at 6.30 p.m., closed at 9.13 p.m.

Mayor