

GOVERNANCE COMMITTEE

PARKSIDE, STATION APPROACH, BURTON STREET, MELTON MOWBRAY

20 NOVEMBER 2012

PRESENT

Councillors M.C.R. Graham MBE (Chairman)
J. Douglas, S. Lumley, V. Manderson
J.T. Orson, M.R. Sheldon, N. Slater

As Observer

Councillors E. Holmes, P.M. Chandler

Chief Executive
Head of Central Services
Head of Communications
Head of Regulatory Services
Admin Assistant

G.37. APOLOGIES FOR ABSENCE

There were no apologies for absence.

G.38. MINUTES

The Minutes of the meeting held on 20 September 2012 were confirmed and authorised to be signed by the Chairman.

G.39. DECLARATIONS OF INTEREST

Councillor Orson declared a personal and non prejudicial interest in any items relating to the Leicestershire County Council due to his role as a County Councillor.

Councillor Holmes declared a personal and pecuniary interest with regard to Item 11 on the Agenda.

G.40. RECOMMENDATIONS FROM OTHER COMMITTEES

There were no recommendations received from other Committees.

G.41. UPDATE ON DECISIONS

The Chief Executive submitted a report (copies of which had previously been circulated to Members) which updated on decisions from previous meetings of the Committee.

A Member asked that if a sibling was employed by the applicant of a planning application, would this require declaring an interest. The Chief Executive confirmed that if a Councillor felt happier declaring an interest then they should do this.

RESOLVED that the report be noted.

G.42. ANNUAL AUDIT LETTER 2011/12

PriceWaterHouse Coopers LLP, the External Auditor, submitted a report (copies of which had previously been circulated to Members) which provided a high level summary of the results of the 2011/12 audit work undertaken at Melton Borough Council.

The Head of Central Services, on behalf of the External Auditor, reported that an addition to the letter is the Value for Money the Council has provided which is good opinion in terms of audit. A Member queried as the Nottingham Road site is now classed as leasehold, will the Council have to pay someone else for this land. The Head of Central Services confirmed the Council has received a capital receipt for the land and an annual lease charge will be applied payable to the Council. This annual income amount was negotiated in line with the loss of income the Council would incur due to the loss of the car park previously owned.

A further Member asked for clarification and explanation of the rent free period of 40 years for Leicestershire County Council (LCC) occupying the building. The Head of Central Services explained a capital contribution has been paid and a financial analysis was carried out which identified this was a good partnership deal for both LCC and the Council, rather than an annual income being charged. It was further noted that this deal has allowed the building to be built in an efficient way and provide a good service to the public.

RESOLVED that the report be noted.

G.43. ARRANGEMENT FOR SPEAKING AT DEVELOPMENT COMMITTEE

The Head of Regulatory Services submitted a report (copies of which had previously been circulated to Members) which considered issues that have emerged in relation to the procedures for public speakers at Development Committee and recommend amendments to Full Council. The arrangements form part of the Constitution and authority to amend lies with Full Council.

The Head of Regulatory Services explained that queries have been received as to whether Parishes in the close vicinity to planning applications are allowed to speak at the Committee. The amendment in relation to this prompted a debate

for which several Members felt that those Parishes close by should be allowed to speak as the application could affect them.

A Member raised a concern that Parishes do not appear to receive information on adjoining Parish applications that could affect them for which it has been suggested that this issue be placed on the Parish Liaison Meetings to request Parishes to communicate applications to those Parishes adjacent to themselves.

However, following a debate it was suggested this option could be offered but specifically applied to those Parish Councils that are geographically adjacent to the Parish the planning application lies within and who have previously made an objection coupled with a request to address the Development Committee.

The Head of Regulatory Services further explained the amendments set out in Appendix A and it was suggested that the time limit for receiving speaker information is 3 working days prior to the meeting; also that questions to these speakers at the meetings should go through the Chair of the Committee.

RESOLVED that the Committee approved for consideration of inclusion in the Constitution the amendment to Part 4 of the Constitution as set out in Para 22.2 of Appendix A (attached) subject to the first amendment being changed to all notified geographically adjacent Parish Councils to allow them to respond and address the right to speak; and also questions to the speaker be passed through the Chair.

G.44. CODE OF CONDUCT UPDATE

The Monitoring Officer submitted a report (copies of which had previously been circulated to Members) which updated the Committee on the latest position with regard to standards matters including the Code of Conduct, the Registration of Disclosable Interests and any complaints dealt with under the new system.

It was queried as to how many Parish Councils have adopted each of the 3 Codes and it was confirmed that 14 have adopted Melton Borough Council Code, 5 have adopted the NALC Code and 1 has adopted the Leicestershire County Council Code to date.

RESOLVED that the update on the position of standards matters including Parishes' Codes of Conduct, Registration of Disclosable Interests and complaints dealt with under the new system be noted.

G.45. PETITIONS SCHEME

The Head of Communications submitted a report (copies of which had previously been circulated to Members) which updated the Committee on the Council's Petitions Scheme and e-petition facility following the introduction of the Localism Act and offered options for the future of the scheme. The scheme is part of the Constitution and the authority to make any changes is with the Full Council.

Councillor Sheldon proposed use of option (b) in the report, being to retain the current Petitions Scheme including the changes highlighted at Appendix A and remove the e-petitions element thereby making an annual subscription saving, this was seconded by Councillor Slater. This was approved with Councillor Gordon abstaining.

RESOLVED that the current Petitions Scheme be retained including the changes highlighted at Appendix A and remove the e-petitions element thereby making an annual subscription saving.

G.46. POLICE AND CRIME PANEL PROTOCOL – OVERVIEW AND SCRUTINY

The Chief Executive submitted a report (copies of which had previously been circulated to Members) which is to agree the Council's internal arrangements for overview and scrutiny of the Police and Crime Panel (P&CP) within the new arrangements for the Police and Crime Commissioner (PCC) role.

A Member explained it is understood, in line with Coalition, the role of the Panel is to support the PCC, but there is no mention in the documentation. The Chief Executive will liaise with colleagues at LCC to get the observation clarified and will bring this back to a future meeting.

RESOLVED that

- (1) the Governance Committee recommend to Full Council that the overview and scrutiny arrangements for the Police and Crime Panel Procedures lie with the Community and Social Affairs Committee;
- (2) the procedural documents set out in Appendix A be approved and Document B be proposed for inclusion in the Constitution;
- (3) any amendments to the proposed procedures as they develop be dealt with under the Council's existing urgency processes within the Constitution;
- (4) a review of the arrangements to be carried out in 12 months, in liaison with other principal Councils.

[Cllr Holmes here left the meeting]

G.47. SB014 – LEARNING FROM APPEAL DECISION

The Chief Executive submitted a report (copies of which had previously been circulated to Members) which advised Members of the issues and learning required from the appeal arising from SB014.

The Chief Executive circulated a letter received through the Chair and explained the last paragraph is being dealt with in the normal procedure and in line with the Council's Insurance practices. It was further added that the political balance

will remain in place until Full Council on 12 December which will then be put forward for consideration. After consideration of the letter to the Chair, Members determined to proceed with the item.

The Chief Executive presented the report to Members and said that the criticisms from the Judge at the Appeal indicated that the Council must be stronger in its approach to delays, it had previously considered were reasonable and that to do this fully, procedures needed to be put in place.

A Member questioned if this procedure applies to Parish Councils; the Monitoring Officer confirmed that it would in cases that dealt with their matters. The Chief Executive added that when the new procedure is finalised the Council will write to Parishes to advise of the procedure. Members were supportive of the need for procedures and the recommendations and they unanimously,

RESOLVED that

- (1) Statutory, Regulatory or deadlines set by this Committee be adhered to;
- (2) the procedure to deal with requests for adjournment as set out in Appendix D be approved;
- (3) any extensions to the deadlines set out in Appendix D be approved by the Monitoring Officer after consultation with the Independent Persons;
- (4) a letter of apology be written by the Chief Executive to the member of staff concerned, which advises of the changes in procedure/lessons learnt by the Council;
- (5) an annual 'Ethical' Surgery be held by the Chief Executive and the Leaders of the Political Groups, following consultation with the Monitoring Officer.

[Councillor Orson here left the meeting]

G.48. DISCLOSABLE PECUNIARY INTERESTS – COUNCIL PRECEPT SETTING

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

- (1) advised of the implications of Disclosable Pecuniary Interests for Councillors setting council tax or a precept under the Local Government Finance Act 1992;
- (2) recommended proposals to deal with the above issue.

A Member queried whether this applies to Parishes; the Monitoring Officer explained that NALC advising Parish Council's regarding dispensations to their Councillors.

It suggested that, to ensure compliance with legislation, a dispensation be granted to Members who are residents of the Borough to vote in meetings on

Council Tax and precept setting. It was also suggested that a dispensation be issued to Councillors who are a tenant of the Authority to vote on housing matters that do not relate particularly to their tenancy or lease.

RESOLVED that the Governance Committee approve a dispensation for all Borough Councillors to allow them to vote at Council meetings setting council tax or a precept under the Local Government Finance Act 1992.

G.49. URGENT BUSINESS

There was no urgent business.

The meeting which commenced at 6.30 p.m., closed at 8.05 p.m.

Chairman