

Minutes

Meeting name	Council
Date	Wednesday, 17 April 2019
Start time	6.30 pm
Venue	Banqueting Suite, Melton Mowbray Market, Scaford Road, Melton Mowbray LE13 1JY

Present:

Chair Councillor P. Chandler (Chair)

Councillors

P. Baguley	T. Bains
T. Beaken	G. Botterill
R. de Burle	P. Cumbers
J. Douglas	P. Faulkner
M. Glancy	M. Graham
L. Higgins	E. Holmes
J. Illingworth	S. Lumley
J. Orson	A. Pearson
P. Posnett	B. Rhodes
M. Sheldon	J. Simpson
D. Wright	J. Wyatt

Officers

Chief Executive
 Deputy Chief Executive
 Director for Growth and Regeneration
 Director for Law and Governance
 Assistant Director for Strategic Planning and Regulatory Services
 Corporate Services Manager
 Senior Democracy Officer

The Reverend Kevin Ashby offered prayers.

Minute No.	Minute
CO87	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies for absence were received from Councillors Greenow, Hurrell and Hutchison, Councillor Freer-Jones was not in attendance.</p>
CO88	<p>MINUTES</p> <p>Acceptance of the minutes as a true record was proposed by the Leader and seconded by the Deputy Leader. Following a vote the minutes of the meeting held on 27 February 2019 were confirmed and authorised to be signed by the Mayor.</p>
CO89	<p>DECLARATIONS OF INTEREST</p> <p>Councillors Orson, Pearson, Posnett MBE and Rhodes each declared a personal interest in any matters relating to the Leicestershire County Council due to their roles as County Councillors.</p>
CO90	<p>MAYOR'S ANNOUNCEMENTS</p> <p>The Mayor referred to</p> <ul style="list-style-type: none"> (a) the success of her Civic Dinner held at Brooksby Hall in early March with over 100 guests attending and £1,300 raised for her Mayor's Appeal. She mentioned that there was concern that this was the last Civic Dinner and people involved felt the decision should be reconsidered; (b) attending 7 other authorities' Civic Dinners since her own; (c) the Pie Awards with more entries this year than previously; (d) one of the highlights of her year being the Special Educational Needs and Disabilities Championships for Leicestershire and Rutland held at Loughborough University. Two Melton schools had been involved and it was a moving experience due to the young people taking part as well as the level of support and carers making the event possible; (e) attending the opening of the new scout facility at Holwell Pastures and to the Council's support in the planning process and as a financial contribution; (f) her Awards Ceremony held on 8 April and that she had recognised volunteers and those who had gone the extra mile in doing something for others. She hoped the annual awards would be retained as they did so much to raise the profile of those in the community making a valuable, voluntary contribution and that this along with the reduced Mayoral support may be part of a debate later in that meeting; (g) the contributions of those Councillors who were not standing for election and thanked them on behalf of the Council. They were as follows :-

Councillor Gerald Botterill	36 years	Croxton Kerrial Ward
Councillor David Wright	19 years	Bottesford Ward
Councillor Byron Rhodes	16 years	Long Clawson & Stathern
Councillor Janet Simpson	8 years	Gaddesby Ward
Councillor Edward Hutchison	7 years	Frisby on the Wreake Ward
Councillor Tracy Beaken	4 years	Craven Ward
Councillor Julia Hurrell	4 years	Warwick Ward
Councillor Tom Greenow	4 years	Warwick Ward

(h) those contesting elections and wished them all well.

CO91

LEADER'S ANNOUNCEMENTS

The Leader stated that

- (a) since the last Council meeting, the Council had been implementing the decisions taken as part of setting the budget in February. Following the reduction in the civic budget, the new Democratic Services structure was now in place and the new Mayoral calendar was being developed for the coming year. Discussions were ongoing with the Citizens' Advice Bureau regarding their future delivery model and the Council had confirmed the final year of funding to Bottesford Youth Club. The Council had also commenced its wider review of community grants. It was disappointing that the Melton Learning Hub had withdrawn from running the café at the Country Park but he was pleased that they had moved quickly to enable Melton Space to take over the running of the facility in the short term and the Council would be commissioning a full procurement process in the coming months to identify a long term partner. The Council's aim was to both maximise the availability of the facility to the community whilst minimising ongoing costs to the Council. The Council had also secured the ongoing provision of public toilets at the Country Park during this transition period and the second set of toilets opened on Wilton Road a few weeks ago;
- (b) the end of March represented another important moment for Melton as two significant bids were submitted to government. The County Council submitted the Housing Infrastructure Fund bid for the southern section of the road and Melton continued to work with County colleagues to find a suitable method for managing the funding risks associated with the scheme. The Council also submitted its bid to the Future High Street Fund seeking to access some of the £675m Government had allocated to transforming town centres across the country. Over 300 bids had been received by Government, highlighting what a competitive process this would be, but the Council had submitted a strong bid and was hopeful of a positive outcome;
- (c) with growth such a key priority, the Council continued to focus on ensuring the Planning Service provided the best possible support to sustainable development. Following a review of the service, the Corporate Committee recently approved additional resources to help manage the implementation plan and over the summer a new structure and long term resourcing plan would

	<p>be developed to make this possible. He referred to of a new set of procedure rules for the Planning Committee, developed through the review and with Members of that Committee which were being proposed for adoption later in the meeting. This too would ensure a far smarter and disciplined approach to conducting planning business and would provide the first visible signal of our intentions to change and improve in this area;</p> <p>(d) later in the meeting the Council would also consider the final set of constitutional documents for adoption. Since its decision to move to new governance arrangements taken last November there had been a tremendous amount of work undertaken to re-write and streamline the constitution. The Council approved the first set of documents in February and later in the meeting the Council would need to ratify the final set of documents which would complete the Constitution for the new Council in May. He paid particular tribute to Adele Wylie for the considerable amount of work she had done to develop these documents, as well as Members within the Governance Development Group, Governance Committee and Planning Committee, all of whom had helped shape and develop the documents before the Council. The Constitution would always need to be a living document and he was sure further updates and refinements would be necessary over the coming months but he was also very confident that the new procedures would better support the Council's aims to become more commercial and agile, as well as to ensure there was clearer accountability and transparency for decision-making in the future. He hoped all Members would join him in supporting the proposals later in the meeting;</p> <p>(e) he paid tribute to and thanked the Members who were not standing for election in May and spoke briefly about the roles held by each of the 8 Councillors who were standing down as listed in the Mayor's announcements at Minute CO90 above.</p>
CO92	<p>PUBLIC QUESTION TIME There were no questions received.</p>
CO93	<p>PETITIONS There were no petitions to report.</p>
CO94	<p>RECOMMENDATIONS AND REPORTS FROM COMMITTEES There were no recommendations and reports from committees.</p>
CO95	<p>QUESTIONS FROM MEMBERS In accordance with procedure rule 10.5(b), the following question was received from Councillor Posnett MBE :</p> <p><i>'Does the new delegation scheme allow for officers of this Council to write to the British Legion stating that the Mayor will no longer be taking part in the Flag Raising Ceremony for Armed Forces day? When this has not been discussed by Councillors.'</i></p>

The Leader responded as follows :

He believed that Councillor Posnett was referring to the impact of the budgetary reduction in the civic arrangements. The proposed reduction in the budget was discussed at the following forums prior to approval on 13 February 2019 as part of the revenue budget :

- Policy Forum in November
- Conservative Group Meetings
- Member Development Day in December (followed by detailed report about specific events)
- Corporate Committee in January
- Council in February

As with all of the budget and governance changes, he had been available to talk with Members about any concerns as had the officers who had led on the changes. Concerns about specific events no longer going ahead were not raised when the changes were approved despite Members having been given information at the above forums.

As Members were aware, the Council made some tough decisions in approving the forthcoming budget in an effort to ensure its resources were focussed upon both delivering the priorities agreed last year as well as ensuring core delivery. As part of the revenue budget Members approved a significant net saving of £33,800.

The financial challenge faced by Local Government could not be underestimated nor could the need to redirect resources to support fundamental service delivery as well as aspirations the Council had for the area. This was one example where the Council had redirected its resources to support its ambitions.

As a result of the approved budget at Council on 13 February, there was no dedicated support for civic functions and whilst it was agreed that some events such as the Carol Service, Mayormaking and Remembrance Day would be supported, Democratic Services could no longer support organising any other events. In addition, a budget was available for the Annual Council Meeting, tickets, Carol Service and travel only. Democratic Services would of course meet with the new Mayor to set out expectations at the beginning of their term of office but additional events which were not considered when the decision to approve redundancy of the Democracy and Involvement Officer was made could not be included within any other roles.

It was important to clarify the actions taken by the officer had nothing to do with the scheme of delegation as the officer was implementing the will of the Council and had considered it appropriate and polite to give advance notice to the British Legion of the Council's decision.

It was also important to remember that the Mayor may accept any invitations they wished to attend, including the Armed Forces Day flag-raising ceremony should this

be arranged by another organisation.

The Council would also continue to fly the specially commissioned flag for Armed Forces Day at Parkside from 24 to 29 June.

Councillor Posnett asked a supplementary question :

'Why is it that officers seem to be destroying the relationship the Mayor has always had with the Borough. We have always been a community Council and residents have supported this approach and we signed the Community Covenant and have now gone against this and are destroying the relationship with the community when taking away these civic duties.'

Several Members held the view that the Council was going against the Armed Forces Community Covenant in not supporting the work of the armed forces and they felt this was not what was expected of the Council by the Borough's residents.

The Deputy Leader raised a point of order several times relating to the Independent Councillor's statement that they were not aware of the impact of the budgetary reduction to the Mayoral service as although the Councillor was not at the Conservative Group Meeting, the Councillor had been present at several of the forums listed when this was discussed earlier in the year.

Councillor Rhodes raised a point of order and referred to the strong feeling amongst Councillors about this matter and due to this he wished to present an urgent motion which firstly required suspension of standing orders to enable it to be heard.

Councillor Posnett seconded the motion to suspend standing orders and on being put to the vote, the motion was carried.

Councillor Rhodes then moved the following motion :

- (1) That the letter sent recently to the British Legion by the Director of Legal and Democratic Services stating that the Council will not host an event for the Armed Forces Day be withdrawn;
- (2) That the Civic and Mayoral budgets be reviewed in order to provide funding for the Council to support this event and for the Mayor to continue to attend military and veteran events in the civic year 2019/20;
- (3) That the receipt of £69,000 arising from the successful claim for restitution following the theft of funds by fraud be made available for addressing any costs associated with these activities.

Councillor Rhodes stated that many Councillors were unaware of the impact of some of the decisions they were making when setting the budget. The cut backs in the Mayoral budget had got to the heart of what the Council was about as being a

Borough Council meant there was a Royal Charter which came with expectations to support community events and institutions and most importantly those associated with the armed forces. Also Melton had an army base in the town and had strong links with the other military services as well as many veterans living in the Borough. He referred to the Armed Forces Covenant which Councillor Lumley had championed and he thanked him for his work on this. He explained that the motion was to put right the mistake made earlier in the year in reducing the Mayoral budget and to reinstate this event and he felt those activities connected with the armed forces must continue and the public would wish the Council to do this. Councillor Posnett seconded the motion.

Several Councillors spoke in support of the motion and that they would be voting for it. Most also acknowledged that they had not realised the impact of the decision made earlier in the year on the budgetary reduction in the Mayoral service and felt that it deserved to be revisited. It was noted that the British Legion would have appreciated a discussion on the way forward on the Armed Forces event rather than receiving a letter. Members also referred to the Mayor's Awards and they hoped these would continue in the future too.

There was mention of the TFEC agreement to give priority for housing to ex-service personnel as another way of showing the Council's support to the armed forces.

The Leader referred to the Council decision on the budget; reiterating that this was a decision taken by the Council not by officers and highlighted the recorded vote which showed that the majority voted in favour of the budget proposals which included the changes to the Mayoral service. He said that he would be voting for the motion but also felt that support for the armed forces came in different forms as well as the event in question such as welfare, housing and getting work outside of the forces. He also defended the action of the officer writing the letter to the British Legion in that they were acting in accordance with the Council's wishes. The Leader asked that Councillors ensure they read the detail in their Council papers and ask questions to inform their decision-making in the future so that decisions such as this did not need to be revisited. He also felt that the Cabinet and Scrutiny model would tease out such concerns and the new process would help to negate the need for reopening decisions.

Councillor Rhodes closed the debate and felt that this motion gave Members the opportunity to put things right when they may have had regrets as to how they had previously voted. He thanked the Chief Executive and the Director for Legal and Democratic Services for their support in drafting and facilitating the motion.

On being put to the vote, the motion was unanimously carried.

RESOLVED that

- (1) the letter sent recently to the British Legion by the Director of Legal and Democratic Services stating that the Council will not host an event for the Armed Forces Day be withdrawn;

	<p>(2) the Civic and Mayoral budgets be reviewed in order to provide funding for the Council to support this event and for the Mayor to continue to attend military and veteran events in the civic year 2019/20;</p> <p>(3) the receipt of £69,000 arising from the successful claim for restitution following the theft of funds by fraud be made available for addressing any costs associated with these activities.</p> <p>It was proposed and seconded to resume standing orders and on being put to the vote, the motion was carried.</p> <p>The meeting resumed standing orders.</p>
CO96	<p>MOTIONS ON NOTICE</p> <p>There were no motions on notice received.</p>
CO97	<p>NEW GOVERNANCE ARRANGEMENTS - CONSTITUTION</p> <p>In a report prepared by the Director for Law and Governance and Monitoring Officer the Council was asked to approve a set of documents which would form part of the Council's new Constitution as well as a delegation to the Director for Law and Governance to make appropriate amendments.</p> <p>The report was presented by the Leader and he stated that</p> <p>(a) last year the Council took a huge step to move to a Cabinet and Scrutiny model from May this year. This would make a big difference as the Council looked to become a more commercial and agile organisation and address some of the governance challenges identified by the Local Government Association (LGA) and recognised by all at the Council;</p> <p>(b) since that time the Director for Law and Governance and colleagues had been working on writing a brand new, streamlined and more effective Constitution. In February, Members approved the first set of documents which would ultimately form the new Constitution from May;</p> <p>(c) during the process, the Governance Development Group had provided feedback. In addition, all documents were shared with all Members enabling wider comments to be fed in through email, organised drop in sessions and meetings. Members' Bulletin articles also reminded Members to provide feedback. He was pleased that some Members had used this opportunity to provide some useful feedback. In addition, on 27 March the Governance Committee considered the final set of documents and provided feedback;</p> <p>(d) the proposed delegation scheme would provide officers with the authority to take decisions to implement Members' policy direction in a way that supported the Council's commercial ambitions. The delegation scheme would be supported by greater transparency obligations than the Council had been used</p>

to within the Committee system. He looked forward to decisions being made in a more streamlined, open and transparent way and Members being given more opportunity to scrutinise important decisions. There was no doubt that the new governance arrangements and the documents before Members at the meeting would make the Council more Member led;

- (e) in terms of greater transparency, for Cabinet Key Decisions (those decisions over £50,000 or which had a significant impact on upon the Borough) it was a statutory requirement to publish a Forward Plan of when they would be made. In accordance with this, all Members would be sent all proposed Key Decisions which were due to be taken by Officers, Portfolio Holders or Cabinet 28 days in advance of them being made. This would allow Members to provide their views to the relevant Portfolio Holder prior to the decision being made;
- (f) once Key Decisions had been made there was a requirement to publish a Record of Decision, once again these would be sent to all Member so that they were aware what decision had been made and so that Members who wished to call in decisions to the Scrutiny Committee may do so;
- (g) also where non-Key Decisions were made and they were significant, a Record of Decision would be made and sent to all Members and published on the Council's website. This would add greater transparency and accountability for those persons who were making decisions;
- (h) it should also provide some assurance to Members that they would still be aware of decisions that would be made by officers;
- (i) this document had limited some of the delegations currently in place such as write offs of debt over £2,500 to ensure that Members had greater scrutiny over important issues that affected the Council;
- (j) the Council was focussing on improving the Planning Service. He was grateful to the Planning Committee Members for their input into the drafting of the new procedure rules;
- (k) Members would note the proposed Financial Procedure Rules provided greater flexibility for financial decisions to be made in an efficient way whilst still maintaining financial control;
- (l) with the above in mind, he proposed recommendations 2.1 and 2.2 of the report.

Councillor Cumbers stated that the Leader had said what Councillors needed to know and that the Council must have a Constitution in place for 3 May, the day after the Borough Elections, and another Council meeting would be required if the documents were not approved at this meeting. It had been an enormous task for the Monitoring Officer and her colleagues to bring this new Constitution to the Council. She added that almost nothing was set in stone and there was little legal

requirement therefore after the Borough elections Members could take stock and review any areas of concern. With regard to typos etc, this type of amendment could be corrected easily and should be advised to the Monitoring Officer. She reminded the Council that it was run by the Members and the Constitution must be how they wanted it to be apart from any legal requirements. She seconded the motion.

Concern was expressed by a Councillor at the move to the Cabinet and Scrutiny model and from their experience they felt that all decisions would be made by those on the Cabinet and other Councillors would take part in scrutiny and regulatory matters only and have no influence on the policy decisions. The Councillor felt that the Council needed to be aware of the pitfalls of the new arrangements as they made it easier for officers to control Members as they only had to deal with those on the Cabinet rather than all 28 Councillors. The Councillor referred to not only smaller Councils suiting the Committee system but also others such as Nottinghamshire County Council having recently moved from the Cabinet model to the Committee system.

Two other Councillors agreed with the previous Councillor's view and one was also concerned at the new Constitution. The Councillor felt the Constitution did not suit Melton and had been lifted from other Councils' Constitutions. This Councillor felt that the document should be further reviewed early in the new Council term and was also concerned at the new governance arrangements. The other Councillor asked if the decision to move to the Cabinet and Scrutiny model could be reversed by the new Council.

The Chief Executive reminded the Council that the report presented at the meeting was to formalise the second part of the Constitution and advised that the decision to move to a Cabinet model was taken last November and could not be reversed for 5 years. The Director for Law and Governance added that this timeframe was a legal requirement and not a choice and that this had been made clear both verbally and within the body of the report.

Another Councillor spoke in support of the new arrangements and stated their disappointment that uncertainty was raised at this late stage and felt any misgivings on the Cabinet model should have been aired earlier. The Councillor explained that the Constitution had been to the Governance Committee and some areas had already been approved by the Council.

Other concerns were expressed by a Member which they felt could be addressed by the first review and particularly relating to clarifying the appointment of Deputy Leader (Appendix A12, 5.2 referred).

The Chief Executive explained that the Constitution was a living document and there was opportunity for the Audit and Standards Committee to review and refresh any areas of concern in the new Civic year. He mentioned that officers were aware that there were issues to further consider and were supportive to fulfil Members' wishes and therefore the document would remain under review

throughout the next Council. He added that the comments made at this meeting would be noted and appropriate consideration and response presented to the Audit and Standards Committee.

There was mention of the transfer of delegation from the Chief Executive and the Councillor felt this should be to the Deputy Chief Executive rather than a Director (Appendix A3, 9.1 referred).

Clarity between Customer Services and Councillor queries was sought due to a recent article in the Corporate Messenger. The Councillor felt that Members should be able to go direct to the lead officer rather than to Customer Services in the first instance and would like this to be addressed.

The Leader closed the debate and confirmed that the Chief Executive would note Members' comments and ensure these were addressed by the new Council. He added that he was in favour of the Cabinet model due to it being the way forward to facilitate decisions to meet the Council's commercial ambitions. He added that the Council could not go back on decisions already made and in support of the Cabinet model he referred to Newark and Sherwood District Council which had moved from Cabinet to Committees recently and was already looking to go back to the Cabinet model. He reminded the Council that they were there to vote on the recommendations before them which would ensure they had a Constitution in place for after the Borough elections and not to decide on the Council's previously determined governance arrangements.

On being put to the vote, the motion was carried.

RESOLVED that

(1) the following be approved for adoption, as listed at Appendix A and appended thereto, effective from the Annual Meeting in May 2019 :-

- Appendix A1 Council Functions and Procedure Rules
- Appendix A2 Cabinet Functions and Procedure Rules
- Appendix A3 Officer Scheme of Delegation
- Appendix A4 Audit and Standards Committee Functions and Procedure Rules
- Appendix A5 Employment Committee Functions and Procedure Rules
- Appendix A6 Licensing Committee Functions and Procedure Rules
- Appendix A7 Planning Committee Functions and Procedure Rules
- Appendix A8 Scrutiny Committee Functions and Procedure Rules
- Appendix A9 Meetings Procedure Rules
- Appendix A10 Budget and Policy Framework Procedure Rules
- Appendix A11 Financial Procedure Rules
- Appendix A12 Member Roles
- Appendix A13 Petitions Scheme
- Appendix A14 Proper Officer Designations
- Appendix A15 Contract Procedure Rules

(2) delegated authority be given to the Director for Law and Governance for:

(a) amendments to the constitution as a result of comments received by Members;

(b) changes to the structure and layout of the constitution;

(c) minor amendments (as and when required) that in her opinion do not substantially alter the content of the constitution; and/or

(d) any changes to the Constitution as required by the law.

The meeting closed at: 8.05 pm

Mayor