COUNCIL

Minutes of a meeting of South Norfolk Council held at South Norfolk House, Long Stratton on Monday 21 May 2012 at 7.30pm


Apologies: Councillors Goldson, Mooney, Pond, R Savage and J Wilby

Officers in Attendance: The Chief Executive, the Deputy Chief Executive, the Director of Development and Environment and the Financial Services Manager

3117 CHAIRMAN’S ANNOUNCEMENTS AND ENGAGEMENTS

The Chairman was very sorry to report the deaths of former Councillor Vera Alexander, and Claire Willemstyn, Democratic Services Officer. The Council stood and observed a minute’s silence in their memory.

Members noted the list of Chairman’s engagements since the last meeting of the Council. The Chairman explained that she had felt honoured to have represented the Council in 2011/12, through her many engagements, referring in particular to the welcoming of Princess Anne to the Royal Norfolk Show, the Cubs Jamboree and the Special Sports Day at RAF Mildenhall. She wished to thank all members for their support, in particular those that had accompanied her to engagements and the Vice-Chairman, Cllr C Gould. She also expressed her thanks to Sarah Bartlett, who had provided secretarial support throughout her Chairmanship. She was very pleased to report that a total of £700.00 had been raised over the last year, and would be split between her two chosen charities, the MS Society and St Thomas’ Lupus Trust.

3118 ELECTION OF CHAIRMAN OF THE COUNCIL FOR 2012/13 AND DECLARATION OF ACCEPTANCE OF OFFICE

Cllr S Thomson proposed, seconded by Cllr C Kemp, that Cllr B McClenning be appointed Chairman of the Council for the ensuing municipal year.

In the absence of other nominations, it was RESOLVED that Cllr B McClenning be elected Chairman of the Council for 2012/13. Cllr McClenning took the Chair and signed the Declaration of Acceptance of Office.
3119 ELECTION OF VICE-CHAIRMAN OF THE COUNCIL FOR 2012/13 AND DECLARATION OF ACCEPTANCE OF OFFICE

Cllr J Fuller proposed, seconded by Cllr M Gray, that Cllr C Gould be appointed Vice-Chairman of the Council for the ensuing municipal year.

In the absence of other nominations, it was RESOLVED that Cllr C Gould be elected Chairman of the Council for 2012/13. Cllr Gould then signed the Declaration of Acceptance of Office.

3120 ELECTION OF LEADER OF THE COUNCIL FOR 2012/13

Cllr M Wilby proposed, seconded by Cllr S Thomson, that Cllr J Fuller be appointed Leader of the Council for the ensuing municipal year.

In the absence of other nominations, it was RESOLVED that Cllr J Fuller be elected Leader of the Council for 2012/13.

Cllr Fuller then announced the members of his Cabinet and their portfolios:

Cllr M Wilby – Deputy Leader and Communities and Localism
Yvonne Bendle – Housing and Public Health
David Bills – Innovation and Efficiency
Keith Kiddie – Environment and Regulation
Garry Wheatley – Finance and Resources

3121 VOTE OF THANKS TO RETIRING CHAIRMAN

Cllr J Fuller proposed, seconded by Cllr P Allen, that the Council recorded its thanks to Cllr S Thomson for her Chairmanship of the Council in 2011/12. Cllr Allen referred to Cllr Thomson’s diplomatic approach, referring to her as a true ambassador for the Council.

Cllr Thomson thanked members for their kind words.

3122 TO CONFIRM THE MINUTES OF THE MEETING OF THE COUNCIL HELD ON 22 FEBRUARY 2012

The minutes of the Council meeting held 22 February 2012 were agreed as a correct record and signed by the Chairman.

3123 CHAIRMAN’S ANNOUNCEMENTS

The Chairman announced that his theme for the year was “Community and Volunteering” and his charities, Norfolk Scouts and Girl Guides. He believed that the community was the heart of every society and volunteers were the lifeblood of all communities.
In support of his theme, the Chairman referred members to the South Norfolk Queen’s Diamond Jubilee 2012 Community Awards, for which nominations were now invited. There were six categories, the winner of each was to receive an award and a donation of £250.00 towards their chosen charity. He hoped that members would support his initiative.

3124 A NEW STANDARDS REGIME AND CODE OF CONDUCT FOR SOUTH NORFOLK COUNCIL

Members considered the report of the Compliance and Risk Manager, which sought approval for a new standards regime and code of conduct, in order to comply with the requirements of the Localism Act.

Cllr C Kemp began by referring members to the new code of conduct at Appendix 1 of the report, which, he explained was much shorter and simpler than the current code. He then referred Council to the arrangements for dealing with standards allegations, outlined at Appendices 2 and 3. Members noted that the current arrangements were in place until 1 July. The Council was working towards a common approach across the county and was encouraging town and parish councils to adopt the South Norfolk standard code.

Cllr V Bell fully endorsed the report, however was concerned at the prospect of town and parish councils having to provide funding for investigations, and asked for further details on such costs. She suggested that town and parish councils would need to be made aware of the costs involved. Cllr T East applauded the aspirations for a common code to be applied across the whole District, but was concerned that paying for investigations may prove to be a disincentive.

The Monitoring Officer stressed that the emphasis of the new arrangements was to encourage town and parish councils to take more ownership and to resolve issues locally. Cllr J Fuller reminded members that all parish clerks were invited to a meeting on 14 June, where further guidance would be provided.

Cllr Kemp felt that further clarity and guidance was required from the DCLG on a number of issues and stressed that some details of the arrangements may be subject to amendment.

In response to queries from Cllr M Gray, members were informed that any Standards Committee would be made up of a pool of 5 members, (not 7 as was suggested in Appendix 3). It was also explained that Parish Meetings (as opposed to Parish Councils) would not be subject to the new code or the arrangements for dealing with standards allegations.

Cllr K Billig stressed that members needed to welcome the changes; the current system was onerous, expensive and quite unnecessary. She hoped the new arrangements would be quicker, less expensive and would close trivial complaints and resolve issues at an early stage in the process.

It was unanimously

RESOLVED: To agree to adopt as of 1 July 2012 the standards arrangements (subject to minor amendment) as set out in this Report including:-
1. the new Members’ Code of Conduct set out in Appendix 1;
2. the arrangements for dealing with standards allegations and the establishment of a Standards Committee all as set out in Appendix 2;
3. the procedures for the Monitoring Officer and/or the Independent person to follow in considering standards complaints as set out in Appendix 3;
4. the appointment and remuneration of an Independent Person in accordance with paragraphs 2.19-2.23 of the Report and Appendix 4;
5. that, should the Secretary of State not determine the definition of “pecuniary interests” ahead of 1 July, the adoption of the Authority’s current arrangements in relation to the registration and declaration of personal and prejudicial interests until such time as the regulations in relation to ‘disclosable pecuniary interests’ are published;
6. the delegation of dispensation powers under section 32 of the Act to the Standards Committee and the designation of the monitoring officer as Proper Officer for the receipt of applications for dispensations
7. where a dispensation is requested by a parish council that would not otherwise be quorate in considering items on their agenda, the delegation of dispensation powers under section 32 of the Act to the Monitoring Officer, in conjunction with the Chair of the Standards Committee;
8. the delegation to the Monitoring Officer of the power to take all steps and deal with all such ancillary matters as are required to implement any of the above and to render the Authority compliant with Chapter 7 of the Localism Act
9. Amendment to the Rules of Procedure, Part 4, 4.6, Standing Orders and Rights of Public at Meetings, section A5.1, to require members to leave meetings where they have a pecuniary interest except where they have obtained a dispensation in line with recommendation (vi) above;
10. Amendment to the Council’s Constitution as outlined in Appendix 5
11. To delegate to the Monitoring Officer establishment of the arrangements for Parish Councils, in line with paragraphs 2.36 to 2.42 of the report;
12. The transitional arrangements for handling allegations outlined in paragraph 2.43 of the report.
3125 REPORT OF THE MONITORING OFFICER – CONSTITUTIONAL CHANGES AND APPOINTMENTS TO COMMITTEES

Members considered the report of the Monitoring Officer, which outlined changes proposed to the Council’s constitution.

Cllr J Fuller explained that with an ongoing environment of national and legislative change, and changes through the Localism Act, it was time to take a fresh look at the Committee system to ensure that it was flexible and able to respond to changes in an informed and effective manner. He outlined the proposed changes to the structure which included a shift of policy development over to the Executive. Deputy Cabinet members had been appointed to assist portfolio holders and to chair policy committees, which would work with Cabinet in developing policy and identifying areas for organisational improvement. These changes, he felt, would ensure a more pro-active approach to the development of policy, and early and effective member involvement in the process. He referred members to the list of textual changes to the proposals, tabled at the meeting.

Cllr J Herbert expressed concerns at the proposals to transfer the audit and governance function within the Executive of the Council, suggesting that the new Finance, Resources, Audit and Governance (FRAG) Policy Committee should report directly to full Council. In response Cllr Fuller suggested that this was no longer a requirement of CIPFA. Whilst accepting that there was no longer a requirement for a separate Audit Committee, Cllr Herbert re-iterated that the Audit function should not be seen to operate directly under the Executive body of the Council.

Referring to the change in name for the Planning Committee, Cllr M Gray suggested that the Development Management Committee was a more up-to-date alternative to the proposed Development Control Committee, and Cllr Fuller concurred with this view. With regard to the allocation of committee seats, Cllr Gray queried the reference in the report to two members with no alignment to political groups, but Cllr Fuller stressed that he could not confirm the position at that current time. He proposed that the final list of formal appointments to committees be confirmed by Group Leaders and be forwarded to Democratic Services and all members later that week (see Appendix 1 to these minutes).

With reference to the appointment of members to the Scrutiny Committee, Cllr Fuller confirmed that the political split of seats to be allocated was 7 Conservatives, 3 Liberal Democrats and 1 Independent. Cllr Gray was extremely disappointed that the resignation of a Conservative member had resulted in a reduction in seats for the Liberal Democrats on Scrutiny, reminding members that the Liberal Democrats had been designated 4 seats the previous municipal year. Cllr Gray also expressed concern with regard to the new arrangements for the planning committee, suggesting that one meeting every four weeks would result in extremely lengthy meetings. He pointed to the last meeting of the Third Wednesday Planning Committee which had lasted over 7 hours, which he felt to be unacceptable to both members and staff. Cllr Gray also referred to the proposals for a Planning Substitute Pool, suggesting that this was not required. He was very disappointed that such significant changes to the committee structure were not pre-scrutinised by the Scrutiny Committee before reaching full Council and proposed that the issues concerning Planning Committee and the FRAG Committee be referred back to the Scrutiny Committee before a final decision was made.
Cllr Fuller agreed that a near 8 hour meeting was just not acceptable and he explained that the whole working style of the Planning Committee required some thought to ensure effective and efficient meetings. All suggestions would be gratefully received. With regard to the formation of a substitute pool, he felt this necessary to ensure that preferred substitutes, with specialist knowledge would be used. Members noted that other trained members could be asked to substitute if members of the substitute pool were not available.

Cllr T Lewis also expressed concern that the proposed new committee structure had by-passed the Scrutiny Committee and he seconded Cllr Gray’s suggestion that the issue be referred back to the Scrutiny Committee for consideration. He referred to Cllr Herbert’s concerns regarding the FRAG Committee and he expressed disappointment that the Independent Member on this group would no longer be required.

Members referred to paragraph 2.4.3 of the Cabinet terms of reference, which suggested that proposals for new policies, or significant changes to an existing policy, should first be considered by the Scrutiny Committee. Cllr C Kemp suggested that this required some clarification as he believed the intention was that significant changes in policy were to be first considered by the Executive.

Members then voted on Cllr Gray’s amendment that the proposed changes to the Planning Committee be referred to the Scrutiny Committee for consideration. This amendment was lost with 8 votes in favour and 29 against.

Members then voted on the Cllr Gray’s amendment that the proposals for the FRAG Committee be referred to the Scrutiny Committee for consideration. This amendment was lost with 9 votes in favour and 29 against.

The Chairman then referred to the recommendations of the report and with 30 votes in favour and 0 against, it was

**RESOLVED:** To approve, subject to the amendments tabled at the meeting and other minor adjustments to the text

1. The amendment to the Committee structure of the Council as outlined in paragraph 3.2 of the report;
2. The revised scheme of delegation outlined at Appendix 2 of the report;
3. The terms of reference for the Committees and Policy Panels, outlined at Appendix 3, 4 and 5.

With 34 votes in favour and 0 against, it was then

**RESOLVED:**

4. To appoint its committees, sub-committees and working groups in accordance with Appendix 6 of the report and the membership of Committees as advised by Group Leaders
5. To appoint Chairman and Vice-Chairman to the Committees required as highlighted in Appendix 7 of the report;
6. To note that the appointments to the Standards Committee will only apply until 30 June 2012, at which point it will become part of the Licensing, Appeals and Standards Committee.
7. To approve the changes to the Constitution as set out in paragraphs 3.6 and Appendix 8
8. To delegate to the Monitoring Officer to make any further changes to the Constitution necessary in order to comply with the above changes;
9. To note the change proposed to the Neighbourhood Board Ground Rules, outlined in paragraphs 2.9 to 2.12 of the report.

3126 EIGHTH REPORT OF THE INDEPENDENT PANEL TO REVIEW THE SCHEME OF ALLOWANCES FOR MEMBERS OF SOUTH NORFOLK COUNCIL

Members considered the report of the Independent Panel, which reviewed the Scheme of Allowances for Members of South Norfolk Council.

Cllr J Fuller reminded members that when the Panel had reported its findings 4 years previous, the Council chose to implement a small decrease in the basic allowance of all councillors. The basic allowance had since then been frozen for a period of 3 years. This time the Panel had recommended a modest pay increase. He reminded members that South Norfolk was a top performing Council; it was leading the way in Localism, was the best in the country for benefits and provided excellent value for money. In referring to the Panel’s recommendations, Cllr Fuller suggested an alternative proposal, seconded by Cllr C Kemp, with regard to the Special Responsibility Allowances (outlined at Appendix B of the report) to reflect the changes in committee structure that had just been agreed by Council. The full details of this amendment were tabled at the meeting.

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<tr>
<th>Special Responsibility Allowances</th>
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<tr>
<td>Tier 1 Leader of the Council</td>
<td>9,712</td>
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<td>Tier 2 Cabinet Members</td>
<td>4,856</td>
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<tr>
<td>Chairman of the Council</td>
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<tr>
<td>Chairman of the Development Management Committee</td>
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<tr>
<td>Tier 3 Chairman of the Scrutiny Committee</td>
<td>3,885</td>
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<tr>
<td>Tier 4 Chairman of:</td>
<td>2,428</td>
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<tr>
<td>The Licensing Committees</td>
<td></td>
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<tr>
<td>Leader of the Main Opposition Group</td>
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<tr>
<td>Neighbourhood Boards</td>
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<td>Deputy Cabinet Members</td>
<td></td>
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<tr>
<td>Tier 5 Chairman of:</td>
<td>1,214</td>
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<td>Standards Committee,</td>
<td></td>
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<td>Vice - Chairmen of the Development Management Committee</td>
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<td>Tier 6 Chairs of</td>
<td>971</td>
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<td>Local Planning Steering Group</td>
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<td>Grants Panel</td>
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<td>and</td>
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<td>Vice-Chairman of Scrutiny Committee</td>
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<td>Vice-Chairman of the Council</td>
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Mr P Grant, Branch Secretary for UNISON, explained that the union acknowledged the hard work and devotion of members and it was respectful of the recommendations of the Panel. However, he reminded members that staff too had endured a three year pay freeze. He agreed that some staff had received a small increase through performance related pay, but many had not, and those that had, had to prove and justify any increase. He acknowledged that members’ time commitments may have increased, but staff too were working harder and longer which had impacted on personal lives of all employees. He asked members to consider how awarding themselves a pay increase would be perceived by staff and the public.

With 27 votes in favour, and 9 against, the amendment was then carried.

Cllr M Gray explained that the Liberal Democrat Group could not support this increase. Yes, the time commitment of members had increased, but it could be argued that this was due to members being less efficient. He was not sure that members could justify such a pay increase whilst the salaries of staff and wages of local residents remained frozen. He proposed, seconded by Cllr T East, that the basic allowance for all members was frozen and that there be no increase for Special Responsibility Allowances.

With 7 votes in favour and 23 against, this amendment was lost.

Cllr J Herbert reminded members that all individuals could choose not to take up the increase in allowance, if they so wished.

With 28 votes for and 0 against, it was then

**RESOLVED:** That with effect from 1 April 2012:
(a) the Members’ Basic Allowance be increased from £4,333 to £4,463 per annum;
(b) the Special Responsibility Allowances be amended in accordance with the revised Appendix B, as tabled at the meeting and appended to these minutes;
(c) the recommendations of the Panel outlined at Appendix A of the report be implemented.

### 3127 ESTABLISHMENT OF NORFOLK POLICE AND CRIME PANEL

Members considered the report of the Deputy Chief Executive, which required Council approval to the establishment and proposed arrangements for the Norfolk Police and Crime Panel (PCP) and sought a representative and substitute to serve on the Panel.

Cllr K Kiddie outlined the background to the establishment of the Norfolk Police and Crime Panel, referring to the Police and Crime Commissioner elections scheduled for 15 November 2012. Cllr Kiddie explained the role of the Police Crime Panel was an important one, as it provided scrutiny in relation to the Police and Crime Commissioner, and would enable the Council to raise issues affecting rural districts and comment upon the Police and Crime Plan. Members noted that Cllr C Kemp was nominated to represent the Council on the Panel, with Cllr L Neal serving as substitute.
In response to a number of queries, Cllr C Kemp explained that the Police Reform and Social Responsibility Act 2011 provided more detail on the powers and duties of the Police and Crime Panel. No allowance was paid to Panel members; however members were entitled to claim expenses up to a maximum value of £920 per annum.

It was unanimously

**RESOLVED:**

1. To agree the establishment of a Police and Crime Panel for Norfolk, as a joint committee of the district, borough and county councils, and the proposed Panel arrangements;
2. That Cllr C Kemp be appointed to serve on the Panel, Cllr L Neal as substitute;
3. To endorse the proposed Rules of Procedure and recommend to the PCP that they be adopted.

### 3128 APPOINTMENTS TO OUTSIDE BODIES

Cllr J Fuller referred to the list of appointments to outside bodies, circulated at the meeting and suggested that a number of minor amendments were required. He proposed that the final list of appointments to outside bodies be confirmed by Group Leaders and be forwarded to Democratic Services and all members later that week (see Appendix 2 to these minutes)

It was unanimously

**RESOLVED:** To make appointments to outside bodies for 2012/13; the final list of appointments to be agreed by Group Leaders

### 3129 CHAIRMEN’S REPORTS

(a) Cabinet

Cllr M Wilby announced that Coldham Hall, winners of the Pub of the Year Award in 2011/12, would be holding a council supported community event on 2 June, and he encouraged members and staff to go along.

Cllr M Gray explained that he had recently received a phone call from a small business wishing to expand in Diss, but was unable to afford the rent of a council owned premises currently standing empty. Cllr Gray wondered what incentives the Council could offer expanding businesses. In response, Cllr Wheatley explained that it would be normal practice to offer a rent free period and he offered to look in to the matter personally, if Cllr Gray could pass on more details.

(b) The Seventh Annual Report of the Scrutiny Committee

Members noted the report of the Scrutiny Chairman.

(c) Annual Report of the Accounts Audit and Governance Committee
Members noted the annual report of the Accounts, Audit and Governance Committee

(d) Licensing, Appeals and Complaints Committee / Licensing and Gambling Acts 2003 Committee

Members noted the report of the Chairman of the Licensing Committee

(e) Planning Committees

Cllr W Kemp wished the new Chairman and Vice-Chairmen of the Development Management Committee every success. He had thoroughly enjoyed his year as Chairman, it had been most interesting and he thanked officers for their valuable contributions.

Cllr M Gray paid tribute to Cllr Kemp’s astute chairmanship skills and felt that he had done an excellent job over the last year. Cllr B Spratt echoed these comments, applauding Cllr Kemp’s logical and even handed approach.

3130 REPRESENTATIVES ON STRATEGIC OUTSIDE BODIES

Members noted the report regarding the Broads Authority, tabled at the meeting.

In response to a query regarding food waste, Cllr K Kiddie reported that a joint bid from Norfolk County Council, Broadland, Norwich and South Norfolk had been submitted to the DCLG for the collection of food waste. If successful, the collections would be rolled out to high density areas only, due to the significant costs involved.

Cllr T Palmer was pleased to report that Saffron had recently been awarded an AA3 rating from Moody’s Credit Rating Agency.

The Council concluded at 10.02 p.m

CHAIRMAN