

## COUNCIL

26th May, 2005

**PRESENT** – The Mayor; Councillors Armstrong, Baldwin, Bristow, Mrs. Brown, Burt, Copeland, Dixon, Flowers, Harker, Mrs. Hart, Hartley, Haszeldine, Heaney, Holmes, Hughes, Hutchinson, Johnson, Mrs. Jones, Lawton, Lewis, Lister, D.A. Lyonette, J. Lyonette, McEwan, Maddison, Maybrey, Newall, Nutt, Richmond, Roberts, Ruck, Mrs. Scott, Stenson, Mrs. Swift, Thistlethwaite, Vasey-Smith, J.C. Vasey, L. Vasey, G. B. Walker, Wallis, Williams and Wilson. (43)

**APOLOGIES** – Councillors Foster, Francis, B. Jones, S. J. Jones, Lee, Long, Reynolds F. S. Robson, A. J. Scott, and Stamford- Bewlay. (10)

**11. DECLARATIONS OF INTEREST** –Councillor Ruck declared a personal and non-prejudicial interest in Item 6(a(ix) in relation to Street Cleaning.

**12. MINUTES** – Submitted – The Minutes (previously circulated) of the meetings of this Council held on 7th and 25th April, 2005.

**RESOLVED** – That the Minutes be approved as correct records.

**13. ORDER OF SEALING DOCUMENTS** – Presented – The Register showing the documents which had been sealed since the last meeting of Council.

**RESOLVED** – That the Register of Documents which had been sealed since the last meeting of the Council be signed by the Mayor.

**14. CABINET RECOMMENDATIONS AND REPORTS – (1) Overview Reports of Cabinet Members** – The Leader and Cabinet Members each gave a report (previously circulated) on the main areas of work undertaken under their relevant portfolio during the previous cycle of meetings.

Discussion ensued on the content of the reports and Cabinet Members answered questions thereon.

**RESOLVED** – That the reports be received.

**(2) Repayment of Discount under the Right to Buy Scheme** – The Director of Community Services submitted a report (previously circulated) on new legislation in respect of the Right to Buy Scheme for the Council's housing stock and seeking approval to exercise discretion where the repayment of discounts would led to demonstrable personal hardship.

The submitted report referred the extension of the repayment period under the Housing Act 2004 and detailed possible incidences which the Government considered would warrant the waiving of repayment of the discount due to personal hardship.

**RESOLVED** – (a) That the Council’s Constitution be varied by amending the delegated powers of the Director or Community Services to include the power to waive the repayment period of Right to Buy discounts in consultation with the Cabinet Member with the Community and Public Protection Portfolio.

(b) That any decisions taken under this new delegated power be formally recorded.

**REASON** – To incorporate new discretionary statutory powers into the Council’s Constitution.

**(3) Cabinet Urgent Decisions** – The Corporate Management Team submitted a report (previously circulated) detailing decisions taken by the Cabinet as a matter of urgency and to which the procedure for call-in could not be applied.

The submitted report outlined the procedure to be followed if decisions were taken under the Urgency Rule and the four decisions taken by Cabinet as a matter of urgency and to which the procedure for call-in could not be applied.

**RESOLVED** – That the urgent decisions taken by Cabinet be noted.

**REASON** - To comply with the Council’s Constitution.

**15. SCRUTINY COMMITTEES – (1) Overview Reports** – The five Scrutiny Committee Chairs each gave a report (previously circulated) on the main areas of work undertaken by their relevant Scrutiny Committee during the last cycle of Committee meetings.

Discussion ensued on the contents of the reports and the Scrutiny Chairs answered questions thereon.

**RESOLVED** – That the reports be received.

**(2) Annual Reports 2004/05** – The five Scrutiny Committee Chairs each gave a report (previously circulated) on the main areas of work undertaken by their relevant Scrutiny Committees during the 2004/05 Municipal Year.

Discussion ensued on the content of the reports and the Scrutiny Chairs answered questions thereon.

**RESOLVED** – That the reports be received.

**16. PROPOSED PROTOCOL FOR MEMBERS ON GIFTS AND HOSPITALITY** – The Director of Corporate Services submitted a report (previously circulated) requesting that consideration be given to the adoption of a protocol for Members on gifts and hospitality.

The submitted report stated that the Standards Committee, at its meeting held on 11th April, 2005 had recommended that Council adopt the draft Protocol (also previously circulated) for Members on Gifts and Hospitality.

**RESOLVED** – That the Protocol appended to the submitted report be adopted.

**REASON** - The suggested protocol is put forward to accord with best practice and support the existing provisions of the Code of Conduct for Members.

**17. A CODE FOR THE FUTURE – A CONSULTATION PAPER ON THE REVIEW OF THE CODE OF CONDUCT FOR MEMBERS** – The Director of Corporate Services submitted a report (previously circulated) requesting views on a consultation paper, issued by the Standards Board for England, on a review of the Code of Conduct for Members, comments on which were required by 17th June, 2005.

The submitted report stated that the Standards Committee had considered a report (also previously circulated) on this matter at its meeting held on 11th April, 2005 and had endorsed the proposed responses, set out in that report, on the specific questions posed in the consultation paper and had invited Council to support its decisions.

**RESOLVED** – That the recommendations of the Standards Committee regarding responses to be made to the specific questions posed by the Standards Board for England in its consultation paper on the review of the Code of Conduct for Members be endorsed.

**REASON** – The Standards Board for England has invited comments on its consultation paper and the proposed responses identify issues, which would benefit from further consideration/revision of the Code of Conduct.

**18. PROTOCOL FOR COUNCILLORS AND OFFICERS DEALING WITH LICENSING MATTERS** – The Director of Development and Environment submitted a report (previously circulated) requesting approval of a new Protocol for Councillors and Officers Dealing with Licensing Matters.

The submitted report outlined the provisions contained in the Licensing Act 2003 regarding the Council's new responsibilities in relation to 'licensable activities' and stated that the Protocol (also previously circulated) was designed to assist and guide Members and Officers in relation to licensing matters.

**RESOLVED** – That, the Council's Constitution be amended by incorporating the Licensing Protocol, as detailed in the Appendix to the submitted report.

**REASON** – To ensure the new duties and responsibilities placed on the Council by the Licensing Act 2003 can be effectively administered.

**19. MEMBERSHIP CHANGES** – Consideration we given to the membership changes of the Committees, Subsidiary Bodies and Other Bodies for the Municipal Year 2004/05.

**RESOLVED** – (a) That Councillor Mrs. D. Jones replace Councillor Foster as Councillor Mrs. Brown’s substitute on the Combined Fire Authority.

(b) That Councillor Lister be deleted from the Membership of the General Licensing Committee and the Licensing Act 2003 Committee and Councillor Heaney be her replacement.

**20. POLICE AUTHORITY QUESTIONS** – There were no questions to the nominated member of the Police Authority in accordance with Section 20 of the Police Act 1996.