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COUNCIL MEETING

23 September 2014 – 7.00 pm

PRESENT:

The Mayor Councillor Fairhead (in the Chair); Councillors Andrews, Annison, Bird, Blyth, B Coleman, M Coleman, Connell, Cuncliffe, Cutting, Field, Fox, Grey, Jermany, Jones, Linden, Myers, Peck, Plant, Pratt, Robinson-Payne, Rodwell, Shrimplin, Smith, Stenhouse, Sutton, Tate, D Thompson, M Thompson, H Wainwright, T Wainwright, Weymouth, Williamson and Wright.

Apologies for absence were received from Councillors Collins, Hacon, Jeal, Reynolds and Walker.

In attendance were Mr G Mitchell (Chief Executive Officer), Mr S Duncan (Director of Resources, Governance & Growth), Mrs J Beck (Director of Customer Services), Mr C Skinner (Monitoring Officer), Mr R Hodds (Cabinet Secretary) and Mrs D Summers (Group Manager Finance).

1. DECLARATIONS OF INTEREST

Councillor Plant declared a personal interest in the item relating to the Marina Centre in his role as Chairman of the Leisure Trust as referred to in the Audit and Risk Committee minutes of the 31 July 2014.

2. PUBLIC QUESTION TIME

There were no questions from members of the public.

3. REPORTS TO COUNCIL FOR DECISION

(a) Anti-Money Laundering Policy

The Leader presented the Anti-Money Laundering Policy that had been recommended for approval by the Audit and Risk Committee at its meeting in May 2014.

Proposer: Councillor T Wainwright

Seconded: Councillor Pratt

That the Anti-Money Laundering Policy be approved".

CARRIED

(b) Treasury Management Annual Report 2013/14

The Leader presented the Treasury Management Annual Report 2013/14 that had been agreed by the Audit and Risk Committee at its meeting on the 18 September 2014.

Proposer: Councillor T Wainwright Second: Councillor Linden

That the Treasury Management Annual Report 2013/14 be approved.

CARRIED

(c) Annual Governance Risk Report

The Leader presented the Annual Governance Risk Report that had been agreed by the Audit and Risk Committee at its meeting on the 18 September 2014.

The Director of Resources, Governance and Growth reported that the external auditors were in the process of finalising their audit and that once completed details would be circulated to all Members of Council.

Proposer: Councillor T Wainwright Second: Councillor Williamson

That the Annual Governance Risk Report be approved.

CARRIED

(d) Audited Statement of Accounts 2013/14

The Leader presented the Audited Statement of Accounts 2013/14 that had been agreed by the Audit and Risk Committee at its meeting on the 18 September 2014.

Proposer: Councillor T Wainwright Second: Councillor B Coleman

That the Audited Statement of Accounts 2013/14 be approved.

CARRIED

(e) Appointments to Committee Memberships 2014/15

Proposer: Councillor Plant Second: Councillor B Coleman

That Councillor Weymouth replace Councillor Shrimplin as the Shadow Cabinet Member (Environment).

CARRIED

(f) Appointments to Outside Bodies 2014/15

The Shadow Leader reported that at this stage he would not be proposing any replacements for Councillor Hacon on her outside bodies appointments, and that the status quo should remain at present.

Councillor Grey expressed her concern with regard to the proposal to replace Councillor Hacon on her appointed outside bodies and commented that appointments to outside bodies should be based on experience and knowledge. Councillor Grey also commented that any appointments to outside bodies in her opinion should not be based on political alignment.

In discussing this item, Council discussed the possibility of whether it would be appropriate for a by-election to be held in Bradwell South and Hopton bearing in mind the intention of Councillor Hacon to change her political allegiance.

Council noted that as no formal nominations had been received to replace Councillor Hacon on her outside bodies then the status quo would remain as at present.

4. MINUTES OF MEETINGS

(a) Council – 22 July 2014

The Mayor presented the minutes of the Council Meeting held on the 22 July 2014.

With regard to item 3 (a), Councillor Grey clarified her comment at the Council Meeting in that she did ask whether a recess could be allowed and that procedurally under the Terms of the Constitution it would be at the Mayor's discretion whether such a request should be allowed.

(b) Cabinet – 6 August & 10 September 2014

The Leader presented the minutes of the Cabinet Meetings held on the 6 August and 10 September 2014.

With regard to item 6 relating to the Third River Crossing of the minutes of the 10 September 2014, the Leader asked Council to fully support the proposal that the Leader should write to the Chief Executive Officer of the County Council to reaffirm the Borough Council's continuing full support for the provision of a Third River Crossing in Great Yarmouth as identified in the long term strategic plan. The Leader gave details of all the work and expenditure that had already been carried out in pursuance of the provision of a Third River Crossing for Great Yarmouth. Councillor Plant commented that the Borough Council should be pursuing the County Council and the LEP to include this on their agenda for endorsement and that in fact the County Council should make this a priority scheme. Councillor Williamson also reported that this issue had been raised at the recent Area Board Meeting and confirmed that this matter would be fully discussed at the boards' next meeting with a view to supporting the Third River Crossing proposal.

Proposer: Councillor T Wainwright

Seconder: Councillor Williamson

That Council endorses the proposal that the Leader of the Council should write to the Chief Executive Officer of the County Council to reaffirm the Borough Council's continuing full support for the provision of a Third River Crossing in Great Yarmouth as identified in the long term strategic plan.

CARRIED

(c) Scrutiny Committee – 21 August & 2 September 2014

The Chairman presented the minutes of the meetings held on the 21 August and 2 September 2014.

With regard to the items relating to the call-in on the SeaChange loan, Councillor Plant commented on his concern that this issue had been called-in as Members did have plenty of

time to consult and speak with Officers for clarification on this issue before exercising the call-in on this issue.

(d) Audit and Risk Committee – 31 July & 18 September 2014

The Chairman presented the minutes of the meetings held on the 31 July and 18 September 2014.

With regard to the item relating to the Annual Governance Risk Report, Councillor Shrimplin sought clarification with regard to the staffing levels and capabilities within the Finance Team. The Director of Resources, Governance & Growth explained the problems that the Finance Team had been experiencing but he assured Council that he had taken steps to ensure that all problems had been overcome.

5. MOTIONS ON NOTICE

In accordance with Part 4 (Rules of Procedure) Paragraph 11 of the Constitution, Council was asked to consider the following motion from Councillors Grey, Myers, Bird, Annison and Jones:-

“To change the Council's form of governance in accordance with Section 9K and 9KC of the Local Government Act 2000 to a committee form of governance as provided in Section 9B (1) (B) of that Act, for the committee form of governance to be introduced at the next annual Council Meeting in May 2015”.

The Monitoring Officer explained the procedure under the provisions of the Local Government Act 2000 if the Council were minded to change its governance arrangements. He reported that if the Council decided to change the governance arrangements at this meeting this would commit the Council to adopting the revised form of governance and that Council would only be able to amend this decision through the staging of a referendum. The Leader asked the Monitoring Officer the timescale for implementation of any new governance arrangements and the Monitoring Officer confirmed that if approved at this meeting the revised arrangements should be in force in May 2015.

Councillor Grey reported that this motion had been proposed by the UKIP Group on the Council following their manifesto pledge in that this proposal was in line with the core principles of democratic representation and would allow the Transformation Programme to be inclusive.

Proposer: Councillor Grey

Seconder: Councillor Myers

That a recorded vote be taken in relation to this item.

CARRIED

Councillor M Coleman commented that in her opinion this was a premature step and that the Cabinet system was working well and that she did not agree with the proposal to introduce a Committee form of governance. Councillor Field stated that she was in sympathy with the motion as she felt that this would be of benefit to the Borough if the new arrangements were approved.

The Leader stated that in his opinion the motion was premature as at the present time the Council had not considered any facts and figures and reminded Council that this issue had

been included in the Work Programme 2014/15 of the Scrutiny Committee and in fact the Scrutiny Committee would be considering a report at its meeting in November. He also stated that no decisions on this matter had been taken behind closed doors and reminded Members that under a committee form of governance there would be no Scrutiny process. He stated that the Scrutiny Committee was politically balanced and was therefore the appropriate body of Members to look at this issue.

Councillor M Thompson commented that the Council needed to make an informed and rational decision on this matter following receipt of full details of cost and requirements for this form of governance. Councillor Plant reported on the need for transparency on this issue and on the need for Council to fully understand the implications of amending the governance arrangements. Councillor Williamson commented that there was a need to agree the best system of governance for Great Yarmouth. Councillor Myers commented that he understood that the implementation of the committee form of governance at the County Council had resulted in savings of £165,000. Councillor Shrimplin commented that he was in favour of the committee form of governance but that the Council needed to consider all the facts before making a formal decision on this matter. Councillor B Coleman commented on the advantages and disadvantages of both the Cabinet form of governance and the committee form of governance and reaffirmed many Members comments on the need for full information to be available.

In accordance with the provisions of the Constitution, the Leader proposed the following amendment to the motion:-

Proposer: Councillor T Wainwright

Seconder: Councillor Plant

“To consider a change to the Council’s form of governance in accordance with Section 9K and 9KC of the Local Government Act 2000 to a committee form of governance as provided in Section 9B(1)(B) of that Act, but that the implications of the cost and requirements of introducing a committee form of governance, which is already included in the Scrutiny Committee’s Work Programme for 2014/15, be fully considered by the Scrutiny Committee, Cabinet and Full Council before a final decision is made”.

For the Motion: Councillors Blyth, B Coleman, M Coleman, Cuncliffe, Fairhead, Fox, Jermany, Linden, Peck, Plant, Pratt, Robinson-Payne, Shrimplin, Smith, Sutton, Tate, D Thomson, M Thomson, H Wainwright, T Wainwright, Weymouth, Williamson and Wright.

Against the Motion: Councillors Andrews, Annison, Bird, Connell, Cutting, Grey, Jones, Myers, Rodwell and Stenhouse.

Abstentions: Councillor Field.

CARRIED

Under the Terms of the Constitution, Councillor Grey then proposed the following further amendment:-

Proposer: Councillor Grey

Seconder: Councillor Myers

“That this Council agrees to a Cross Party Committee consisting of two Members of each party, that they will agree upon a preferred format of committee system and that this will include all cost implications, with the agreed system to be ready for implementation upon the outcome of a vote at the next Council AGM in May 2015 which will either leave the Council with the status quo or to move immediately to the committee system”.

For the Motion: Councillors Andrews, Annison, Bird, Connell, Cutting, Field, Grey, Jones, Myers, Rodwell and Stenhouse.

Against the Motion: Councillors Blyth, B Coleman, M Coleman, Cuncliffe, Fairhead, Jermany, Linden, Peck, Plant, Pratt, Robinson-Payne, Shrimplin, Smith, Sutton, Take, D Thomspn, H Wainwright, T Wainwright, Weymouth, Williamson and Wright.

Abstentions: Councillor Fox and M Thomson.

LOST

Under the Terms of the Constitution, the Monitoring Officer reported that following the Council's decisions on the above amendments that Council now needed to vote on the substantive motion as follows:-

“ To consider a change to the Council's form of governance in accordance with Section 9K and 9KC of the Local Government Act 2000 to a committee form of governance as provided in Section 9B(1)(B) of that Act, but that the implications of the costs and requirements of introducing a committee form of governance, which is already included in the Scrutiny Committee's Work Programme for 2014/15, be fully considered by the Scrutiny Committee, Cabinet and Full Council before a final decision is made”.

For the Substantive Motion: Councillors Andrews, Blyth, B Coleman, M Coleman, Cuncliffe, Fairhead, Fox, Jermany, Linden, Peck, Plant, Pratt, Robinson-Payne, Shrimplin, Smith, Sutton, Tate, D Thomson, M Thomson, H Wainwright, T Wainwright, Weymouth, Williamson and Wright.

Against the Substantive Motion: Councillors Annison, Bird, Connell, Cutting, Grey, Jones, Myers, Rodwell and Stenhouse.

Abstention to the Substantive Motion: Councillor Field.

CARRIED

6. CLOSURE OF MEETING

The meeting ended at 8.25 pm.