

Council

Minutes

Thursday, 12 September 2019 at 19:00

Present :

His Worship the Mayor Councillor Jeal (in the Chair); Councillors Annison, Bensly, Bird, Borg, Cameron, Candon, G Carpenter, P Carpenter, Cordiner- Achenbach, Fairhead, Flaxman-Taylor, Freeman, Galer, Grant, Hacon, D Hammond, P Hammond, Lawn, Martin, Mogford, Myers, Plant, Robinson-Payne, Scott-Greenard, Smith, Smith-Clare, Stenhouse, Talbot, Thompson, Wainwright, B Walker, C Walker, C M Walker, Waters-Bunn, Wells, Williamson, B Wright, T Wright.

Also in attendance at the above meeting were: Mrs S Oxtoby (Chief Executive), Ms C Whatling (Monitoring Officer), and Mrs S Wintle (Corporate Services Manager)

1 APOLOGIES FOR ABSENCE

There were no apologies for absence received.

2 DECLARATIONS OF INTEREST

Councillor Talbot declared a personal interest in item 9 as she had been a former employee of Aileen Mobbs.

3 MAYOR'S ANNOUNCEMENTS

His Worship the Mayor advised Members of the sad passing of Mr Ernie Childs.

4 ITEMS OF URGENT BUSINESS

His Worship the Mayor announced that he had been made aware of and agreed to take forward an urgent item of business which would be heard at the end of the meeting as it had been proposed as a confidential item.

His Worship advised that the reason for urgency was that the financial business case for the proposal forecasted that a tea room facility would be operational from the start of the next financial year. There were therefore, time constraints arising from the project delivery timetable. i.e. the decision needed to be made this month in order to permit the project to progress in accordance with that timetable.

5 MINUTES

The minutes of the Council meeting held on the 11 July 2019 were confirmed.

Councillor Wainwright questioned in relation to the previous motions that had been considered, whether any response had been received from those that had been written to. The Corporate Services Manager advised that to date no response had been received but that these would be chased and Members would be advised when a response had been received.

Councillor Robinson-Payne made reference to item 10, fees and charges and commented on the the Jetty Plaque.

6 QUESTIONS FROM THE PUBLIC

Council considered the following question which had been submitted to the Leader of the Council from Mr J Cannell, Great Yarmouth & District Trades Union Council :-

In view of the growing development of land for housing throughout the Borough is the Council satisfied with the existing sewage disposal facility at Caister-on-sea and the treatment that takes place before it is pumped into the sea.

The Leader provided Mr Cannell with the following response :-

There is current dry weather flow capacity at Caister Pump Lane Water Recycling centre to accept flows from known growth within the Water Recycling Centre catchment. Known growth is defined as sites which are allocated in the current adopted plan, sites being proposed in the Draft Local Plan and those sites with planning permission. Anglian Water has developed long term strategies which are adaptable to change, and we monitor planning applications and local plans to ensure we understand where growth is

happening and when. The Borough Council also consults with Anglia Water on drafts of the Local Plan.

We undertake engagement with a number of partners including the Environment Agency, Local Planning Authorities and developers to ensure we capture need and plan effectively for future demand.

In line with the Council's constitution, Mr Cannell was given the opportunity to ask a supplementary question to the Leader.

Mr Cannell responded with the following supplementary question :-

The Trades Union Council are to launch a campaign with a number of companies and asked if the Borough Council would join the campaign to show their support.

The Leader commented that he would respond to the supplementary question at a later date.

7 NOTICE OF MOTION

Council considered the following motion on notice which had been submitted by Councillors Wainwright, Waters-Bunn, Robinson-Payne, Williamson, T Wright and B Walker.

This Council resolves to :

- Support the pay claim submitted by Unite, GMB and UNISON on behalf of council and school workers for a £10 per hour minimum wage and a 10% uplift across all other pay points in 2020/21.
- Call on the Local Government Association to make urgent representations to central government to wholly fund the National Joint Council (NJC) pay claim.
- Write to the Chancellor and Secretary of State to call for a pay increase for Local Government workers to be funded with new money from Central Government.
- Meet with Local NJC union representatives to convey support for the pay claim.
- Communicate with all local Government workers encouraging them to join trade union.

A recorded vote on the motion was taken as follows :-

For the motion :

Councillors Borg, Cordiner-Achenbach, Fairhead, Jeal, Martin, Robinson-Payne, Scott-Greenard, Smith-Claire, Wainwright, B Walker, C Walker, C M Walker, Waters-Bunnn, Williamson, B Wright and T Wright.

Against the motion :-

Councillors Annison, Bensly, Bird, Cameron, Candon, G Carpenter, P Carpenter, Flaxman-Taylor, Freeman, Galer, Grant, Hacon, D Hammond, P Hammond, Lawn, Mogford, Plant, Smith, Stenhouse, Thompson and Wells.

Abstentions :

Councillors Myers and Talbot

The Motion was LOST.

8 MOTION TO GRANT THE HONORARY FREEDOM OF THE BOROUGH TO AILEEN MARGARET MOBBS

Council considered the following motion :-

That in recognition of the eminent and valuable services rendered to the people of the Borough of Great Yarmouth over a period of 30 years that the Honorary Freedom of the Borough is presented to :-

AILEEN MARGARET MOBBS

During which time Aileen has been a founder Member of the Greater Yarmouth Tourist Authority which was formed in 1987 and now a Honorary Director of the Greater Yarmouth Tourist and Business Improvement District. A member of the talking Newspaper "Grapevine" since 1988, Created the Maritime Festival in 1999 and was its chairman of the Maritime Festival for 18 years. Has been a member of the board of the Great Yarmouth Chamber of Commerce and a Governor of Great Yarmouth College of Further Education. I therefore propose that The Council hereby confers upon the said Aileen Mobbs the Honorary Freedom of the Borough of Great Yarmouth and hereby admits her to be an Honorary Freeman of the Borough.

The motion was CARRIED.

9 MOTION TO GRANT THE HONORARY FREEDOM OF THE BOROUGH TO RAMBOUILLET TOWN COUNCIL

Council considered the following motion :-

That in recognition of the eminent and valuable services rendered to the people of the Borough of Great Yarmouth for over a period of 64 years that the Honorary Freedom of the Borough is Presented to the

TOWN COUNCIL OF RAMBOUILLET

The Twinning Agreement between the Borough of Great Yarmouth and Rambouillet was formed in 1956 and signed by Councillor Laura Gillham this twinning agreement is now the second longest in the country. During this time

linguistic, cultural, touristic, economic and social exchanges that have occurred between the inhabitants of Great Yarmouth and Rambouillet, furthermore there have been many school, college, sporting exchanges, friendships and marriages. Opportunities to share ideas and have a better understanding of our two towns has been so important over the years. I therefore propose that the council hereby confers upon the said Town Council of Rambouillet the Honorary Freedom of the Borough of Great Yarmouth and hereby admits elected officials who hold office within the Town Council of Rambouillet to be Honorary Freemen of the Borough for so long as they hold said office.

The Motion was CARRIED.

10 AMENDMENTS TO THE CONSTITUTION REGARDING MOTIONS ON NOTICE

Council received and considered the Monitoring Officer's report which proposed a number of amendments to the Constitution regarding Motions on Notice.

Councillor Williamson commented that in his opinion the report should have been taken to the Constitution Working Party ahead of the meeting in order for the constitution process to be followed. The Monitoring Officer advised that it was her responsibility as Monitoring Officer for the efficient running of business tot he Council and the Constitution and in light of previous business that had been taken to Council it had been necessary to bring the report forward for consideration.

Councillor Smith-Clare raised concern that he would not be able to represent his residents appropriately if time was limited or opportunities removed and he commented that he felt this would remove the openness of the Council.

Councillor Wainwright proposed and amendment to the recommendations that the item be referred back to Constitution Working Party for consideration, this amendment was then seconded.

Councillor C M Walker raised further concern as to the report not being taken to the Constitution Working Party and stated that her in her opinion the correct procedure should have been followed. The Chief Executive Officer reminded Members that the Constitution Working Group were not a decision making group and could therefore only make recommendations to Council.

Councillor Myers commented that he would support the proposal to take this back the Constitution Working Party prior to consideration by Council to provide an opportunity for the changes to be fully discussed and explained.

Councillor Robinson Payne and Martin both commented and reiterated the concerns that had been raised with regard to the proposals and both felt that

Members should be given the free right of speech.

A recorded vote was now taken on the amendment to refer the item back to the Constitution Working Party as follows :-

For the amendment :

Councillors Borg, Cordiner-Achenbach, Fairhead, Jeal, Martin, Myers, Robinson-Payne, Scott-Greenard, Smith-Clare, Talbot, Wainwright, B Walker, C Walker, C M Walker, Waters-Bunnn, Williamson, B Wright and T Wright.

Against the motion :-

Councillors Annison, Bensly, Bird, Cameron, Candon, G Carpenter, P Carpenter, Flaxman-Taylor, Freeman, Galer, Grant, Hacon, D Hammond, P Hammond, Lawn, Mogford, Plant, Smith, Stenhouse, Thompson and Wells.

The amendment was LOST.

Councillor Candon commented that in his opinion the amendments were being proposed to ensure the smooth running of Council business.

Councillor Wainwright commented that he could not support the recommendations en bloc as he felt that some of the proposals would see a backward step in the encouraging of public attendance at Council meetings. Councillor Cordiner-Achenbach reiterated concerns that had been raised.

Councillor Williamson commented that he felt the proposals if approved would exclude any Independent Members being able to submit or speak on a motion. Councillor Talbot agreed with Councillor Williamson's comments and stated that she felt if the proposals were approved there would be no voice for Independent Members.

The Chief Executive Officer suggested that recommendation 4.1.2 within the Monitoring Officer's report be removed and confirmed that recommendation 4.1.3 would see Members able to speak for 25 minutes on a Motion.

Councillor Plant proposed that recommendation 4.1.2 be removed from consideration and this proposal was seconded.

Clarification was sought as to the length of time available for debate if proposals were approved and it was advised that 20 minutes would be given for debating.

RESOLVED :

That the following be approved:-

(1) Motions on notice should be heard towards the end of a Council meeting, just before 'Any Other Business'

(2) Debate on any single motion on notice, including amendments thereto shall be restricted to 20 mins, after which the Mayor shall move to a vote

(3) Any speech in support of or against a motion on notice or in support of or against an amendment thereto shall be restricted to 3 minutes.

(4) An Amendment to a motion must be relevant to the motion, and may either be:

- (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
- (ii) to leave out words (but not whole sentences);
- (iii) to leave out words (but not whole sentences) and insert or add words (but not whole sentences); or
- (iv) to insert or add words (but not whole sentences)

provided that the effect of (i) to (iv) is not to negate the motion, substantially change or replace the motion or bring a new subject matter before Council.

(NB – a member may not move as an amendment the insertion or deletion of the word “not”)

(5) Save for budget meetings and the exceptions in Rule (d), amendments to recommendations or motions set out in the Council Agenda for a meeting shall only be put forward if they have been delivered in writing to Democratic Services by noon on the day preceding the meeting (or 9.00 am in the case of the Annual Meeting) for the purpose of checking compliance with rule (a). If the Monitoring Officer finds the proposed amendment does not comply with rule (a) the amendment shall not be put forward.

(6) The exceptions to Rule (b) are:

- Technical amendments may be moved to correct arithmetical, factual or grammatical errors or to improve the clarity of a motion or recommendation.
- Where the Monitoring Officer finds an amendment to be compliant with rule (a) the Mayor shall have discretion to permit late amendments from members when satisfied that the need for the amendment could not have been anticipated before the deadline. The Mayor should also be satisfied that advance notice of such amendments was given as soon as reasonably practical, and not left to the day of the meeting unless this was unavoidable.

(7) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

(8) If an amendment is not carried, other amendments to the original motion may be moved.

(9) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

(10) After an amendment has been carried, the Mayor will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

(11) The Constitution be amended by the following insertion at 31.13.6 (h)
“When an amendment is first proposed, the Mayor will ask whether any member wishes to speak on the original motion, and provided there is no applicable restriction on the duration of the debate or the number of speakers, will hear those members speak in relation to the original motion before the motion to amend is put to the floor.”

CARRIED

A Member hereby advised of the Constitution article 27.2 which detailed Changes to the Constitution will only be approved by the full Council after consideration of the proposal by the Monitoring Officer and the Constitutional Working Party and it was therefore advised that the vote that had just taken place be revoked and that this matter would be taken back to the Constitution Working Party for consideration first.

11 SERVICE COMMITTEE DECISION LIST FOR THE PERIOD 15 TO 25 JULY 2019

Proposed : Councillor Smith
Seconder : Councillor P Carpenter

That the Service Committee Decision List for the period 15 to 25 July 2019 be noted.

CARRIED

12 ANY OTHER BUSINESS

His Worship the Mayor advised that there were no items of any other business to be considered.

13 EXCLUSION OF PUBLIC

RESOLVED :

That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part I of Schedule 12(A) of the said Act

In relation to the 'exempt' information, it has been determined that the public interest in maintaining the exemption outweighs the public interest in disclosing the information because disclosure would adversely affect the authority's

ability to manage its commercial financial business affairs.

CARRIED

14 CONFIDENTIAL URGENT ITEM OF BUSINESS - CREMATORIUM TEA ROOM BUSINESS CASE

(Confidential Minute on this Item)

The meeting ended at: 21:00