

Full Council

Minutes

Tuesday, 24 November 2015 at 19:00

PRESENT :

Councillor Weymouth (In the Chair) Councillors Andrews, Annison, Bird, Carpenter, B Coleman, M Coleman, Collins, Cutting, Davis, Fairhead, Fox, Grant, Grey, Hanton, Jeal, Jermany, Jones, Lawn, Mavroudis, Myers, Plant, Pratt, Reynolds, Robinson-Payne, Rodwell, Stenhouse, Sutton, Thirtle, H Wainwright, T Wainwright, Walker, Williamson and Wright.

Also in Attendance were :

Mrs S Oxtoby (Chief Executive Officer), Mr C Skinner (Monitoring Officer), Mrs J Beck (Director of Customer Services), Mr R Read (Director of Housing and Neighbourhoods), Mrs K Watts (Transformation Programme Manager), Mrs K Sly (Section 151 Officer) and Mr R Hodds (Cabinet Secretary).

1 WELCOME TO CHIEF EXECUTIVE OFFICER

The Mayor welcomed Mrs Sheila Oxtoby to the Borough Council as the recently appointed Chief Executive Officer.

2 TERRORIST INCIDENT - PARIS

Council stood for one minutes silence in tribute to those people who had lost their lives in the recent terrorist incident that had occurred in Paris France last week.

Council agreed that a letter of sympathy should be sent to the President of France from the Leader and Mayor expressing the Borough Councils sympathy to the French people.

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

4 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Blyth, C Smith and J Smith.

5 PUBLIC QUESTION TIME

(a) Question from Mr R Hudson

"Given that Cllr B Coleman has invested approximately £170,000 of tax payers money in to a temporary ice rink, can he please explain the financial benefits this will bring to local businesses, the estimated subsidy per skater and whether this ice spectacular represents good value for money in a time of frozen budgets and melting services?"

In response the Cabinet Member for Tourism and Business Services stated that the previous administration announced in February this year the formation of a one million pound Town Centre Initiative Fund which was new money for the purpose of combating the decline in footfall and retail outlets in the town centre of Great Yarmouth. It had been agreed to appoint Consultants to conduct a master plan exercise at a cost of £88,000. Also there was a scoping meeting with the Administration and Town Centre Partnership when one of the main aims was to deliver a package of initiatives to improve the visitor experience. As a result the proposal to introduce an ice rink in the Market Place over the Christmas period had been agreed by the Cabinet Member for Tourism and Business Services as a Single Cabinet Member decision.

The Cabinet Member reported that to date the Borough Council had surpassed sponsorship expectations and income so far is better than budget as are the on line bookings. For the outlay invested in the provision of the ice rink the Borough Council had :-

- Raised the profile of the Borough to another level
- Received press and media coverage that would have cost commercially more than £100,000
- The construction and manning of the rink for six weeks brings secondary spend to the Borough.
- Had received a fantastic feedback from the public, and it has been the biggest story ever on the Mercury Facebook and Twitter accounts.
- New shops are coming to the Town and Market Gates is completely full for the first time in years.

The Cabinet Member stated that this is far more beneficial to the future prosperity of the Borough than spending money on refurbishing empty properties. In conclusion the Cabinet Member stated that referring back to the question put, does this spectacularly represent good value for money the answer is a resounding yes.

The Cabinet Member also reported that the project had been discussed with both opposition Group Leaders and the Chairman of Scrutiny Committee with the outline costings and there had been general approval to proceed. Following further consultations with the said councillors the Cabinet Member had decided that the installation of the rink would have a massive positive effect on the Town Centre which would outweigh the risks.

In accordance with the Constitution, Mr Hudson was then entitled to ask a supplementary question.

Mr Hudson asked that as Great Yarmouth was a low wage area how would it be possible for the public on low incomes to be able to spend money on this particular facility.

In response, the Cabinet Member stated that he understood that Great Yarmouth was a low wage area but felt that the pricing policy for the ice rink could be met by most

people and that as this was a new approach for Great Yarmouth it should be fully supported.

6 REPORTS TO COUNCIL FOR DECISION

(a) Committee/Cabinet Form of Governance

Council was reminded that at their meeting on 26th January 2015 Members had agreed to establish a Cross Party Working Group to consider in detail issues relating to the establishment of a Committee Form of Governance.

Accordingly Council considered the Committee/Cabinet Form of Governance Working Group's report which summarised the work undertaken by the Council culminating in the three reports to Scrutiny Committee on the 4th December 2014, Cabinet on the 10th December 2014 and Council on the 26th January 2015. In addition the Working Groups report looked at Councils that had explored changing to the Committee System and a practice of the change and identified the implications that the Council will face if it decided to change the current form of governance.

The Director of Customer Services reported that the Localism Act 2011 specifies that Governance arrangements can be changed either by a Council resolution which will lock in the decision for five years or by a Council resolution mandated by a referendum which would lock the decision for a ten year period. Any change in formal governance arrangements must occur at a specified "Change Time" which is at the Council's Annual General Meeting or at a special Council meeting. Prior to the change time, the Council needs to have resolved formally to make a governance change. For the purposes of the Working Groups report any resolutions taken at this Council meeting would be binding for adoption at the AGM in May 2016.

Council was advised that any change in Governance would naturally involve costs and the one off costs of making the transition plus the potential for higher costs on a ongoing basis or cost savings in the long term. The Working Group's report detailed the one off cost of implementing any change including Member and Officer training and Constitution review and also detailed an estimate of costs of providing additional officers support in the Member Services section. It was pointed out that the ongoing financial implications would be dependent upon the model adopted and would need to be factored into the budget for 2016/17 and future years as no financial implications were previously taken into account of within the Medium Term Financial Strategy as presented to Members in September.

Council was advised that there are significant implications for the Council in changing its decision making structure to any new governance arrangements as follows :-

- A comprehensive review of the Councils Constitution, governance and decision making processes would be required.
- Comprehensive review of the scheme of delegation to Chief Officers.
- Decisions are taken through politically balanced Committees, appointed by Full Council.
- There are no restrictions on the amounts of Committees, meeting frequency, or the size of membership, but there are cost implications.
- A new approach would be required to engage with Partners and Partnerships.
- Impact on the decision flow and relationship with current Director/Officer structure.

- Significant resource implications for those Officers involved in formal and informal engagement with Councillors with specific significant implications for Member Services.
- Review of the Members remuneration arrangements.
- Additional extensive training for Members and Officers.
- There would no be requirement for a formal Scrutiny Committee, however Council could decide to continue with a Scrutiny Committee under a Committee Form of Governance.

Proposer : Councillor Plant Seconder : Councillor Hanton

Paragraph 13.4 of Part 4 (Rules of Procedure) of the Constitution be waived in respect of speeches on this item.

CARRIED

Proposer : Councillor Plant Seconder : Councillor Hanton

That a formal recorded vote be taken on this item.

CARRIED

Councillor Plant reported that his opinion the current cabinet form of administration was working well and should continue in its present form. Councillor Reynolds commented that the current system is efficient and cost effective and felt that under a committee system there would need to hold meetings probably on a four weekly cycle.

Councillor T Wainwright reported that he was now in favour of moving to a Committee Form of Governance and that if approved the Working Group over the next 5 months would work up the details of any new system to be implemented after the AGM in May 2016. Councillor Sutton stated that the retention of a Scrutiny Committee would still be an option under a Committee system and that a committee system would enable Members to debate matters more fully than at present. He also made the point that back bench Members would be more involved in the decision making process. Councillor Williamson commented that a Committee System could be devised to be cost neutral.

Councillor Thirtle stated that he was not in favour of the change to a Committee Form of Governance because this would result in a slower decision making process would be less accountable and would be likely to involve more costs. Councillor Myers stated that there had been no definitive cost of implementing a Committee system but that in his opinion it could fit in with the current budget provision. He also made the point that Committees could be empowered to carry out certain delegated matters. Councillor walker stated that both systems can work well and that the Constitution could be amended in such a way to make a Committee System work efficiently. He also made the point that any change to the democratic process could come at a cost but that this should not be a factor in Council deciding to any change to its form of governance. Councillor Fox stated that he was in favour of a Committee System which will provide better decision making processes. Councillor Jermany stated that there was a need to know what the Committees will be what they are and how often they will be likely to meet.

Councillor Grey made the point that the Working Groups membership had consisted of representation from all the four political groups on the Council and that that they

had agreed at their meeting that the issue of looking at a hybrid system should not be considered. Councillor B Coleman stated that he disagreed with the proposal to introduce a Committee form of Governance and made the point that there had been little desire from the previous administration to introduce this system in the past.

Proposer : Councillor Plant Seconded : Councillor B Coleman

That the Borough Council maintain the current Cabinet Form of Governance, and that the Councils current Constitution be reviewed and that the introduction of Cabinet Advisory Groups be considered as part of that review.

For the Motion :-

Councillors Carpenter, B Coleman, M Coleman, Collins, Grant, Hanton, Jermany, Lawn, Linden, Mavroudis, Plant, Reynolds, Thirtle and Weymouth.

Against the Motion :-

Councillors Andrews, Annison, Bird, Cutting, Davis, Fairhead, Fox, Grey, Jeal, Jones, Myers, Pratt, Robinson- Payne, Rodwell, Stenhouse, Sutton, H Wainwright, T Wainwright, Walker, Williamson and Wright.

LOST

Proposer : Councillor T Wainwright Seconded : Councillor Grey

That the Borough Council move from the Cabinet Form of Governance to a Committee Form of Governance with effect from the AGM in May 2016.

For the Motion :-

Councillors Andrews, Annison, Bird, Cutting, Davis, Fairhead, Fox, Grey, Jeal, Jones, Myers, Pratt, Robinson- Payne, Rodwell, Stenhouse, Sutton, H Wainwright, T Wainwright, Walker, Williamson and Wright.

Against the Motion :-

Councillors Carpenter, B Coleman, M Coleman, Collins, Grant, Hanton, Jermany, Lawn, Linden, Mavroudis, Plant, Reynolds, Thirtle and Weymouth.

CARRIED

(b) Returning Officer/ Electoral Registration Officer

Proposer : Councillor Plant Seconded: Councillor B Coleman

That approval be given to the appointment of Sheila Oxtoby, the Interim Chief Executive Officer, as the Councils Returning Officer and Electoral Registration Officer.

CARRIED

(c) Council Tax Reduction Scheme 2016

Council considered the Group Manager Customer Services report which sought approval of the 2016 Local Council Tax Support/Reduction Scheme.

Proposer : Councillor Thirtle Seconded : Councillor B Coleman

That approval be given to option 1, current scheme as detailed in the Group Managers report, for the 2016 Local Council Tax Reduction Scheme.

CARRIED

(d) Health and Safety Service Plan 2015/16

Council considered the Environmental Health Safety Service Plan 2015/16.

Proposer : Councillor Plant Seconded : Councillor Williamson

That the Health and Safety Service Plan 2015/16 be approved.

CARRIED

(e) Licensing Policy 2016

Council was advised that under the Licensing Act 2013, licensing authorities are required to review their Licensing Policy every 5 years. The Borough Council's current policy will expire on the 6th January 2016 and Council were now asked therefore to approve the final draft Licensing Policy for publication.

Proposer : Councillor Plant Seconded : Councillor Williamson

That the Licensing Policy 2016 be agreed, incorporating the amendments, and that once approved the new policy will be published on the 1st December 2015 and will come into effect on the 7th January 2016.

CARRIED

(f) Gambling Policy

Council were advised that Section 349 of the Gambling Act 2005 requires licensing Authorities to publish a "Statement of the Principles" that they propose to apply in exercising their functions under the Act applicable to a 3 year period. The Borough Councils existing Statement of Principles expires on the 30th January 2016 and a new policy must be published by the 3rd January 2016. Members were advised that a draft policy had been subject to consultation over a six week period during September and October.

Proposer : Councillor Plant Seconded : Councillor Williamson

That the amended Gambling Policy be agreed as the final Gambling Statement of Principles which will be published on the 3rd January 2016 and will come in to effect on the 31st January 2016.

CARRIED

(g) Scrutiny Committee Annual report 2014/15

Councillor Plant as Chairman of the Scrutiny Committee in 2014/15 presented for information the Scrutiny Committee Annual Report for 2014/15.

Proposer : Councillor Plant seconder : Councillor B Coleman

That the Scrutiny Committee Annual Report 2014/15 be approved.

CARRIED

(h) Great Yarmouth Development Company

Proposer : Councillor Plant Seconder : Councillor B Coleman

That Councillor Hanton and Mrs Sheila Oxtoby Chief Executive Officer be appointed as Directors to serve on the Great Yarmouth Development Company.

CARRIED

(i) Appointments to Outside Bodies 2015/16

Proposer : Councillor Grey Seconder : Councillor Annison

That Councillor Stenhouse be appointed to the vacant position on the Sentinel Leisure Trust.

CARRIED

(j) Standards Committee - Appointment of a Parish Council Representative.

Council was asked to formally agree to the Standards Committee decision to appoint Mr P Manifold to the vacant Parish Council Representative position on the Standards Committee for a 3 year period.

Proposer : Councillor Lawn Seconder : Councillor Andrews

That approval be given to the appointment of Mr P Manifold to the vacant Parish Council Representative position on the Standards Committee.

CARRIED

7 MINUTES

(a) Council Minutes - 22nd September and 15th October 2015

The Mayor presented the minutes of the Council meetings held on the 22nd September and 15th October 2015.

With regard to the item on the Town Centre Initiative, Councillor Sutton raised the issue of support that had not been given to the Roller Skating Club at the Marina Centre. The Leader confirmed that no decision had been made on this particular matter. In connection with the same item, Councillor Jeal asked that his proposal as detailed in the minutes be amended to state that the allocation should be made to all of the Bus companies and also reference to those people who visit Great Yarmouth should be deleted. The Mayor confirmed that the minute would be amended accordingly.

In connection to the item relating to Budget Housing Measures, Councillor T Wainwright stated that the minutes had not recorded the derogatory comments made by Councillor Grant on this item and asked that the Leader should not associate with that type of language.

With regard to the item in respect of the Interim Chief Executive Officer and Interim Section 151 Officer, Councillor T Wainwright recorded the Labour Group's welcome to the appointment of Shelia Oxtoby as the Chief Executive Officer of the Borough Council.

With regard to the item in relation to the Trial Period for Free Car Parking on Saturdays and Sundays in the Town Centre, Councillors B Coleman and Plant commented on the success this initiative had produced.

(b) Cabinet Minutes - 7th October and 11th November 2015

The Leader presented the minutes of the Cabinet meetings held on the 7th October and 11th November 2015.

(c) Scrutiny Minutes - 22nd October 2015

The Chairman of the Scrutiny Committee presented the minutes of the Scrutiny Committees meeting held on the 22nd October 2015.

With regard to the item in relation to the Great Yarmouth Sport and Leisure Trust, the Chairman commented that if any Member is invited to attend Scrutiny Committee to give information on particular items then that Member should be expected to attend the Scrutiny Committee Meeting.

8 MOTIONS ON NOTICE

(a) British Steel Industry

Council was advised that the following Motion on Notice had been received from Councillors Sutton, Williamson, T Wainwright, Walker, Jeal and Linden :-

" This Council resolves that Great Yarmouth Borough Council sends the message of support via Redcars Mayor Brenda Forster a former employer of British Steel and North Lincolnshire's Mayor Helen Rowson to the steel workers and their families impacted by the closure of the SSI Steel Works at Redcar and those at TATA's Steel Works in Scunthorpe on behalf of the people of Great Yarmouth stating our support for British steel.

Proposer : Councillor Sutton Seconder : Councillor B Coleman

To underpin our support Great Yarmouth Borough Council resolves to write to the Prime Minister David Cameron to ask his government to do more to support the British Steel Industry through banning the import of steel dumped on the World Market and through reviewing UK energy prices and business rates to provide a mechanism where needed to enable the UK steel industry to compete fairly with other European Union Member States and that in taking this action Great Yarmouth Borough Council recognises the strategic importance of supporting British Industry and British jobs and hopes that the government will intervene to ensure the UK is not

disadvantaged".

CARRIED

(b) Trade Union Bill

Council was advised that the following Motion on Notice had been received from Councillors T Wainwright, Jeal, Walker, Williamson, H Wainwright and Sutton :-

" The Second Reading of the Trade Union Bill was passed by the House of Commons on the 14/09/2015 and now enters the committee stages. The lack of evidence to justify such wide-ranging restrictions for instance, the number of days lost to industrial action per year has fallen dramatically over the last 30 years. Since 2010, on average 647,000 days have been lost to industrial action each year, compared to over 7 million in the 1980s. The 50% turnout required in the Bill for all industrial action, but a requirement that 40% of those entitled to vote support action in certain unreasonably broad but ill-defined important public services. Abstentions in ballots for industrial action will be treated as "No votes".

The Government is to encourage the use of agency workers to break strikes without due consideration for service provision, health and safety and long term relationships in the workplace. The continuing denial of Union Members the right to vote by "ebaloting" ensuring high turnout and democratic participation. The legislation would force Union Members to opt in, rather than opt out, to payment of union political funds. The Bill seeks to interfere in the rights of Local Authorities in discussion of facility time for Trade Union representatives. The decision of government to prevent automatic payment of Union Subscription fees by Public Sector employees so obliging Union Members to organise their own subscription fees.

This Council believes that these provisions of the Trade Union Bill are unfair, unnecessary and undemocratic, putting Britain beyond the normal expectations or international law and standards, and will involve considerable bureaucracy and red tape, largely to be funded by ordinary workers from their subscriptions.

It further believes all these measures will undermine constructive employment relations and civil liberties of working people in Britain within Local authorities and throughout the Public and Private Sector, and is concerned the Bill may criminalise pickets, already tightly regulated or possibly embroil Local Authorities in the deployment of Antisocial Behaviour Orders for otherwise model citizens. In summary, the Council believes the proposals in the Bill restrict the right to freedom of association and in some cases may also restrict the right to freedom and assembly".

In connection with the above motion Council considered the comments of Members of all Political Groups on the Council with regard to the provisions of the Trade Union Bill.

Proposer : Councillor T Wainwright Seconder : Councillor Walker

That as the legislation is likely to have a serious effect on the Authorities relationship with its workforce this Council requests that Chief Executive Officer to write to the Government expressing the Councils dismay at these proposals, and that the LGA requests the association to protest against the Bill and supports any legal action

seeking to challenge the Trade Union Bill in the European Court of Human Rights.

LOST

9 ANY OTHER BUSINESS

There was no other business.

The meeting ended at: 21:40