



COUNCIL

MEETING : Monday, 11th November 2013

PRESENT : Cllrs. Chatterton (Mayor), Hansdot (Sheriff & Deputy Mayor), James, Wood, Dallimore, Organ, Patel, Hilton, Haigh, Gravells, Tracey, McLellan, C. Witts, Smith, Lugg, Noakes, Ravenhill, Hanman, Wilson, Bhaimia, S. Witts, Field, Williams, Llewellyn, Brown, Dee, Porter, Taylor, Beeley, Mozol, Randle, Toleman and Gilson

APOLOGIES : Cllrs. Durrant, Hobbs and Lewis

45. DECLARATIONS OF INTEREST

Councillor Toleman declared a disclosable pecuniary interest as a Member of the Llanthony Priory Trust.

Councillor S Witts declared a disclosable pecuniary interest as she is employed by Gloucester College.

Councillor C Witts declared a disclosable pecuniary interest as his wife is employed by Gloucester College.

Councillor McLellan declared a personal interest as Governor at Gloucester College.

Councillor Brown declared a personal interest as he had worked for the college for 18 months.

Councillor Beeley declared a disclosable pecuniary interest as he is employed part time by the college.

46. SUSPENSION OF COUNCIL PROCEDURE RULES

It was proposed by Councillor James and seconded by Councillor Dallimore that Council Procedure Rules be suspended to allow Officers to address the Council in respect of item 4 on the agenda.

Resolved: That the Council Procedure Rules to be suspended to allow Officers to address the Council in respect of item 4 on the agenda

47. LLANTHONY SECUNDA PRIORY

Council received a report the purpose of which was to receive the called in decision on the release of covenants relating to Llanthony Secunda Priory from Overview and Scrutiny Committee, and to agree a way forward on the matter.

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Prior to this matter being discussed a paper was tabled that gave amended recommendations to Council and Cabinet.

The Leader of the Council, Councillor James, introduced the report on the Llanthony Secunda Priory, explaining the background and rationale for the report coming before Council. In particular he drew Members attention to paragraph 4.10 of the report which detailed the subsequent negotiations and the Trust's current position, including that the right to public access would be enshrined in the memorandum and articles of the Company, and the right to appoint directors which had been in dispute, was conceded. Moreover, that Group Leaders, and other interested Members would be kept informed as the matter progressed. The Leader concluded by stating that the Trust was doing an excellent job and the future of the Priory lay with the Trust.

At the request of the Liberal Democrat Group Leader, Councillor Hilton, the Head of Legal and Policy Development & Monitoring Officer explained the recommendations in the tabled motion.

In response to a question regarding why Council was unable to take the decision on the matter before them the Head of Legal and Policy Development & Monitoring Officer explained that the Council could not take a decision that was an executive decision delegated to Cabinet and through the call in process it could only refer it back to Cabinet.

At the request of the Leader of the Liberal Democrat Group, the Mayor agreed that the Council could recess for 10 minutes to enable all Councillors to read in detail the motion that had been tabled. Council recessed at 18.20 and reconvened at 18.30.

Councillor Tracey spoke of her pleasure in the matter coming before Council for consideration and of the importance of the Llanthony Priory for the people of Gloucester.

The Leader of the Liberal Democrat Group, Councillor Hilton addressed Council and spoke in support of the revised report and tabled motion. In particular that he was pleased that Council had now been provided with the additional information that he considered was necessary to enable a decision to be made with confidence. Moreover, that he had seen the Heritage Lottery Fund bid, and the additional legal advice and now believed that this was an excellent project. Councillor Hilton added that he was now content that there would now be public access and a nominated director on the Trust Board. He concluded his address to Council by speaking of his confidence in the Trust and the importance of doing the right thing for the public good.

The Leader of the Labour Group, Councillor Haigh, also spoke in support of the proposals and noted that it was important to protect the heritage of Gloucester. Moreover that the Trust carried out some very good work and the Priory was an important asset for the city and the Trust enabled it to have a secure future.

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Councillor Wilson spoke in support of the recommendations, and of his satisfaction with the pragmatic and sensible solution the Council had achieved in protecting the Priory for future generations.

The Deputy Leader of the Conservative Group, Councillor Dallimore addressed the Council and spoke in support of the proposals, in particular the charitable aims of the Trust in securing the heritage of the Priory.

The Leader of the Council concluded the debate by stating that he was pleased to support the aims of the Trust and that he hoped the outcome of the debate gave a positive message to the Heritage Lottery Fund.

Resolved:

- 1. The 2004 Section 106 agreement be discharged.**
- 2. That authority be delegated to the Chief Executive and the Head of Legal and Policy Development, in consultation with the Leader, to negotiate and sign any documents necessary to effect the decision of the Council;**
- 3. That the remaining matters be referred back to Cabinet for determination.**

and to RECOMMEND to Cabinet:

- 1. That the Option agreement be varied:**
 - a. To remove the right for the Council to exercise the Option due to the Trigger Event set out in paragraph 1.1.9.4 of the Option Agreement (dismissal of the Council's members or officers), such variation to be conditional on appropriate changes being made to the Trust's Memorandum and Articles of Association to protect the Council's right to nominate one Trustee;**
 - b. To amend the perpetuity period for the remaining Trigger Events so that this period will expire at the time when the Trust has achieved a successful Round 2 Heritage Lottery Fund pass;**
 - c. To amend clause 3 of the Option Agreement to enable the proposed lease to Gloucestershire College to take effect;**
- 2. That the Transfer agreement be varied:**
 - a. to remove the covenants at paragraphs 11.2, 11.3, 11.5, 11.6 and 11.7 of the Agreement;**
 - b. to amend clause 11.4 of the agreement to enable the use proposed under the lease to Gloucestershire College;**
- 3. That the Trust's reasonable legal fees in effecting any necessary changes to the relevant documents be paid by the Council;**

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- 4. That authority be delegated to the Chief Executive and the Head of Legal and Policy Development, in consultation with the Leader, to negotiate and sign any documents necessary to effect the decision of Cabinet.**

Time of commencement: 18:00 hours

Time of conclusion: 18:40 hours

Chair