



COUNCIL

MEETING : Thursday, 27th March 2014

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

Others in Attendance

Peter Gillett, Corporate Director of Resources

Martin Shields, Corporate Director of Services and Neighbourhoods

Sue Mullins, Head of Legal and Policy Development

Marcus Grodentz, Communications and Marketing Service Manager

Tanya Davies, Democratic and Electoral Services Manager

Sonia Tucker, Democratic Services Officer

90. MINUTES

90.1 **RESOLVED** – That the minutes of the Council meeting held on 27 February 2014 be approved as a correct record and signed by the Mayor.

91. DECLARATIONS OF INTEREST

91.1 Councillor McLellan declared a personal interest in Item 102(2), a Notice of Motion from the Labour Group concerning Gloucester Food Bank, as he volunteered at the Food Bank and his wife was a trustee.

92. PUBLIC QUESTION TIME (15 MINUTES)

92.1 Ms Kay Powell asked the Cabinet Member for Environment whether the Council had obtained an assurance from Beaufort Academy that the part of Homeleigh Park owned by the school would not be fenced off to keep the public out?

92.2 Councillor Patel (Cabinet Member for Environment) responded that the land in question belonged to the school and that, until such time as it was fenced off, it would remain within the Open Space Strategy as it would continue to be used by the public.

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92.3 Ms Powell asked the Cabinet Member for Environment how the 850 square metres of St James' Park, for which the lessee, Gymnation, had been given planning permission to be fenced off, could still be considered to be accessible for use by the general public?

92.4 Councillor Patel responded that, although the area would be fenced off, it would still be used by members of the community in Barton and Tredworth and residents from across the City. He stated that no other concerns had been raised about the proposal.

93. PETITIONS AND DEPUTATIONS (15 MINUTES)

93.1 There were no petitions or deputations.

94. ANNOUNCEMENTS (COUNCIL PROCEDURE RULE 2(VII))

94.1 The Mayor reminded Members to return their completed Declaration of Related Parties form if they had not already done so.

94.2 The Mayor reminded Members that the Civic Charity Ball would take place on 17 May 2014 at Kingsholm Stadium.

94.3 The Mayor highlighted the success of the recent Richard III exhibition and praised those involved.

94.4 The Mayor announced that the memorandum of understanding between Gloucester City and Paju, South Korea would be signed at the unveiling of a memorial to the soldiers of the Gloucestershire Regiment in Paju on 22 April 2014.

95. SUSPENSION OF COUNCIL PROCEDURE RULES

95.1 Moved by Councillor James (Leader of the Council and Cabinet Member for Regeneration and Culture) and seconded by Councillor Dallimore (Deputy Leader of the Council and Cabinet Member for Communities and Neighbourhoods).

95.2 **RESOLVED** - That Council Procedure Rules be waived to allow the relevant officers to address the Council in respect of Agenda Items 8, 9, 10, 10A and 10B.

96. COUNCIL PLAN 2014-2017

96.1 The Mayor advised that consideration of the Council Plan 2014-17 had been deferred to the Special Council meeting on 8 April 2014.

97. PAY POLICY STATEMENT FOR 2014/15

97.1 Council considered a report of the Corporate Director of Resources concerning the Council's Pay Policy Statement for 2014/15.

97.2 Councillor Wood (Cabinet Member for Performance and Resources) moved the recommendations set out in the report and noted that the Council would continue to honour its commitment to the living wage.

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97.3 Councillor James seconded the motion.

97.4 **RESOLVED** – That the Pay Policy Statement for 2014/15 be approved.

98. ANNUAL REVIEW OF THE CONSTITUTION

98.1 Council considered a report of the Monitoring Officer concerning proposed amendments to the Council's Constitution.

98.2 Councillor Wood moved the following revised recommendations:

(1) That the amendments to the Constitution at Appendix 1 be approved and the amended Constitution adopted.

(2) That authority be delegated to the Head of Legal and Policy Development in consultation with Group Leaders to amend the Constitution to reflect any required changes to the Head of Paid Service functions.

98.3 Councillor Taylor (Chair of the Constitutional and Electoral Working Group) seconded the motion.

98.4 Councillor James moved an amendment, which was seconded by Councillor Dallimore and accepted by Councillor Wood, to amend section 17 of the Contract Standing Orders to state that the appointment of consultants should be made in consultation with the relevant Cabinet Member except where the value of the contract was estimated not to exceed £5,000 (see Appendix 1).

98.5 In response to a question from Councillor Hobbs (Deputy Chair of the Audit and Governance Committee) regarding the inclusion of changes to the terms of reference and the frequency of meetings for the Audit & Governance Committee, the Monitoring Officer confirmed that this had been unintentionally omitted.

98.6 Councillor Hobbs moved an amendment, which was seconded by Councillor Wilson (Chair of the Audit and Governance Committee) and accepted by Councillor Wood, to increase the number of meetings of the Audit and Governance Committee to 5 per year and amend the Terms of Reference to reflect those agreed by the Audit and Governance Committee at their meeting on 17 March 2014 (see Appendix 2).

98.7 Councillor Chris Witts raised concerns about the Protocol on Recording at Meetings. He stated that while he was supportive of transparent decision-making, he was concerned about what individuals would do with any recording they made. He queried how the Council would prevent improper use and what the penalties would be. He requested that the protocol be reviewed after six months and suggested that it would be preferable for the Council to record its own meetings.

98.8 Councillor McLellan agreed that the Council should record its own meetings and also explore the possibility of web casting. He questioned whether officers had been consulted in the drafting of the protocol.

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- 98.9 Councillor Hilton (Leader of the Liberal Democrat Group) stated that by web casting its own meetings, it would protect the Council and also further increase the transparency of the decision-making process.
- 98.10 Councillor Haigh (Leader of the Labour Group) welcomed the protocol, but raised concerns about consultation with officers. She was also supportive of exploring options for web casting meetings.
- 98.11 Councillor Smith stated that the Council would have no power to prevent individuals editing recordings, even if the Council recorded its own meetings, because it was made possible by the internet. She advised that, while Members understood that they would be open to public criticism when they stood for election, it was a different matter for officers who should therefore be consulted on the protocol. She stated that the costs associated with web casting would need to be considered carefully and balanced against any likely increase in engagement.
- 98.12 Councillor Dee noted concerns about exempt documents being captured on film.
- 98.13 Councillor Wilson welcomed the protocol and stated that new forms of media should be embraced, with the Council providing support to those who wished to make recordings of meetings.
- 98.14 Councillor Taylor stated that he was supportive of the protocol, but emphasised the importance of considering the implications for officers.
- 98.15 Councillor Wood noted the concerns raised in relation to the impact of officers of recording Council meetings and advised that the matter had been discussed with the trade unions. He agreed that options for recording meetings in-house should be explored.
- 98.16 **RESOLVED –**
- (1) That the amendments to the Constitution at Appendix 1 be approved and the amended Constitution adopted, subject to the following additional amendments:
 - (1.1) That section 17 of Contract Standing Orders be amended (see Appendix 1).
 - (1.2) That the number of meetings of the Audit and Governance Committee be increased to 5 per year and the amended Terms of Reference be approved (see Appendix 2).
 - (2) That authority be delegated to the Head of Legal and Policy Development in consultation with Group Leaders to amend the Constitution to reflect any required changes to the Head of Paid Service functions.

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99. STATUTORY POST OF HEAD OF PAID SERVICE

- 99.1 Council considered a report of the Cabinet Member for Performance and Resources concerning a proposed change to the responsibility for the statutory post of Head of Paid Service.
- 99.2 Councillor Wood moved the recommendations set out in the report and explained that the proposed arrangement to share responsibility for the post of Head of Paid Service between the Corporate Director of Resources and the Corporate Director of Services and Neighbourhoods, would be reviewed after six months.
- 99.3 Councillor James seconded the motion.
- 99.4 Councillor Haigh highlighted the importance of reviewing the arrangements after six months and considering all of the available options. She questioned whether the Council could achieve its ambitions for the City if senior management was permanently reduced to two directors and emphasised the need to work with the Local Government Association to determine the appropriate management structure.
- 99.5 Councillor Smith raised concerns about the level of work allocated to each Director and the support they would receive, and that this would need to be considered in the review.
- 99.6 Councillor James confirmed that there would be a full review of the senior management arrangements and advised that the Council would have access to support from Gloucestershire County Council during the interim period.

99.7 RESOLVED –

- (1) That the statutory post of Head of Paid Service becomes the responsibility of both Corporate Directors (Peter Gillett, Corporate Director, Resources and Martin Shields, Corporate Director, Services & Neighbourhoods), on a shared basis, for an initial 6 month period and;
- (2) That the Monitoring Officer be instructed to make any consequential amendments to the constitution and;
- (3) That the arrangements come into effect from 1st April 2014.
- (4) That the arrangements be reviewed at the end of the initial 6 month period, to include consideration of all available options.

100. APPOINTMENT OF RETURNING OFFICER AND ELECTORAL REGISTRATION OFFICER

- 100.1 The Council considered a report of the Head of Legal and Policy Development concerning the appointment of an Electoral Registration Officer and Returning Officer.
- 100.2 Councillor Wood moved the recommendations set out in the report.

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100.3 Councillor James seconded the motion.

100.4 Councillor Hobbs suggested that the appointments should have 'interim' status in order for them to be considered as part of the senior management review.

100.5 The Head of Legal and Policy Development advised that it was not possible to appoint an 'interim' Electoral Registration Officer or Returning Officer; the Council was legally required to make both appointments, and a further report would be required to appoint an alternative individual at a later date if desired.

100.6 Councillor Hobbs moved an amendment, which was seconded by Councillor Haigh and accepted by Councillor Wood, to stipulate that the appointments be reviewed after six months.

100.7 **RESOLVED –**

- (1) That, in terms of the Representation of the People Act 1983 and all related legislation, Peter Gillett be appointed as Electoral Registration Officer for the City.
- (2) That, in terms of Section 41 of the Local Government Act 1972 and all related legislation, Peter Gillett be appointed as Returning Officer for the City Council, with authority to act in that capacity for elections to the City and Quedgeley parish council.
- (3) That the City Council Returning Officer also be appointed or authorised to act in respect of all related electoral, poll or referendum duties, including in relation to County Council elections, elections to the European Parliament, and for national and regional polls or referenda.
- (4) That the Electoral Registration Officer and the Returning Officer be authorised to appoint a deputy or deputies in relation to these roles.
- (5) That, in relation to the duties of Returning Officer or any other electoral, referendum or polling duties arising from such an appointment, the Returning Officer shall be entitled to be remunerated in accordance with the scale of fees approved by the Gloucestershire Election Fees Working Party for local elections, or the relevant scale of fees prescribed by a Fees Order in respect of national, regional or European Parliament elections, polls or referenda.
- (6) That in all cases where it is a legal requirement or normal practice to do so, fees paid to the Returning Officer shall be superannuable, and the Council shall pay the appropriate employer's contribution to the superannuation fund, recovering such contribution from central government or other agencies where this can be done.
- (7) That in relation to the conduct of local authority elections and polls, and elections to the UK Parliament, and all other electoral duties where the Council is entitled by law to do so, the Council shall take out and maintain insurance, indemnifying the Council and the Returning Officer against legal expenses reasonably incurred in connection with the defence of any

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proceedings brought against the Council or the Returning Officer and/or the cost of holding another election in the event of the original elections being declared invalid (provided that such proceedings or invalidation are the result of accidental contravention of any legislation governing the electoral process, or accidental breach of any ministerial or other duty by the Returning Officer or any other person employed by or officially action for them in connection with the election or poll).

- (8) That, in the event of such insurance carrying an 'excess' clause by which an initial portion of risk is not insured, the Council, through its internal insurance reserve or otherwise, will indemnify the Returning Officer up to the value of such an excess.
- (9) That the appointments made in (1) and (2) above be reviewed after six months.

101. QUESTIONS BY MEMBERS (COUNCIL PROCEDURE RULE 12)

(a) Written questions to Cabinet Members

- 101a.1 As a supplementary to his written question, Councillor McLellan asked the Cabinet Member for Regeneration and Culture whether he would provide Members with a programme of events to mark the 100th anniversary of the start of World War One.
- 101a.2 Councillor James undertook to provide a programme of events.

(b) Leader and Cabinet Members' Question Time

- 101b.1 Councillor Hilton asked the Cabinet Member for Regeneration and Culture for an update on the relocation of the Tourist Information Centre (TIC).
- 101b.2 Councillor James reported that conversations were ongoing with the landlord of the preferred site and English Heritage. He advised that a considerable amount of work would be required to bring the building back into use, but that it was the appropriate location for the award-winning TIC.
- 101b.3 Councillor Hilton asked the Cabinet Member whether the former Bradford and Bingley premises had been considered as a location for new public conveniences.
- 101b.4 Councillor James advised that £100,000 had been allocated to provide new public conveniences in the City centre and that the Cabinet Member for Environment would be exploring the options and report back to Members.
- 101b.5 Councillor Haigh asked the Leader of the Council whether the Council was supportive of the aims of Alabaré in opening a home for Veterans to offer housing and support to ex-Service personnel who are homeless or are at risk of becoming homeless.

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- 101b.6 Councillor James advised that he understood some of the concerns that had been articulated, but that he did not believe that the home would have a detrimental effect on the area.
- 101b.7 Councillor Haigh asked the Leader of the Council to confirm whether Alabaré were welcome in Longlevens.
- 101b.8 Councillor James reiterated that he believed the location of the home for Veterans would be detrimental to the neighbourhood.
- 101b.9 Councillor Hilton asked the Leader of the Council if he agreed that it would preferable for Gloucestershire County Council to bring forward plans to resurface Kingsholm Road to before the Rugby World Cup.
- 101b.10 Councillor James stated that he was supportive of any proposals to improve the City prior to the Rugby World Cup and that he would raise the matter with the County Council.
- 101b.11 Councillor Haigh asked the Cabinet Member for Performance and Resources whether, in light of the spending to date for discretionary housing payments compared to the available grant, he would order a review of all cases and back date payments where appropriate.
- 101b.12 Councillor Wood reported that 80% of claims made were approved and progressed and that due to the council's holistic approach to reviewing each case on its own merits, many people had been supported and prevented from becoming homeless.
- 101b.13 Councillor Haigh requested that a further update be brought back to Members on the matter.
- 101b.14 Councillor Wood undertook to ensure that an update would be provided to members on these areas of welfare reform during 2014/15.
- 101b.15 Councillor Field asked the Leader of the Council if he agreed that extra talks arranged during the Richard III exhibition had contributed to the overall success of the exhibition.
- 101b.16 Councillor James praised all those involved in the events surrounding the exhibition and highlighted the positive impact on the City.
- 101b.17 Councillor Field asked the Leader of the Council if he agreed that a permanent memorial to Richard III should be built and made into a feature of future history festivals.
- 101b.18 Councillor James stated that it was important that all important figures in the City rich heritage be a feature of future history walks and festivals.
- 101b.19 Councillor Toleman asked the Leader of the Council what the Government's recent allocation of funds to commemorate the 100th anniversary of First World War would mean for the City.

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- 101b.20 Councillor James explained that the Government had allocated £20 million to repair cathedrals damaged during WW1 and that the City's share would depend on the bid put forward and the decision of the panel. He stated that he looked forward to seeing further details of the bidding process.
- 101b.21 Councillor Wilson asked the Cabinet Member for Regeneration and Culture whether the Council was actively ensuring the charity collectors were adhering to the terms of their agreement.
- 101b.22 Councillor James explained that the site licensing agreed limited the number and location of charity collectors and that checks were carried out. He undertook to ask officers to ensure the checks were carried out regularly.
- 101b.23 Councillor Susan Witts asked the Cabinet Member for Environment how many smaller refuse collection vehicles operated across the City.
- 101b.24 Councillor Patel undertook to provide a written response.
- 101b.25 Councillor Beeley asked the Cabinet Member for Regeneration and Culture what use the Council intended to make of the former public conveniences on Glenville Parade, Hucclecote
- 101b.26 Councillor James advised that officers from Asset Management were exploring options for future use and undertook to ask officers to provide Councillor Beeley with a briefing.
- 101b.27 Councillor Mozol asked the Cabinet Member for Regeneration and Culture why stallholders from the Kings Square outdoor market had been instructed to move to Westgate Street.
- 101b.28 Councillor James officers reported had already met with stallholders to explain that changes were required due to the digging of archaeological trenches prior to work beginning on the Kings Quarter development. He advised that any overspill that could not be accommodated in Kings Square would have to be relocated to Northgate Street and that the Head of Public Protection was due to have a further meeting with representatives from the market. He added that stallholders may need to be prepared to flexible while the work was taking place.
- 101b.29 Councillor Gilson asked the Cabinet Member for Communities and Neighbourhoods whether she was supportive of the work of 'Increase the Peace', a youth project based at Parry Hall.
- 101b.30 Councillor Dallimore stated that she was supportive of the many community and youth groups and projects in existence across the City and stated that she hoped the Council would be able to support Increase the Peace in their bid to obtain a permanent lease at Parry Hall.
- 101b.31 Councillor Durrant asked the Cabinet Member for Environment whether he sympathised with an election promise made by the Conservative Party in Derby to abolish charges for collecting garden waste.

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101b.32 Councillor Patel stated that the Council operated an excellent garden waste disposal service. He advised that he would not comment on other local authorities and was only concerned with what was best for the residents of Gloucester.

102. NOTICES OF MOTION

(a) Notice of Motion from the Labour Group

102a.1 Moved by Councillor Hilton and seconded by Councillor Field:

"This Council supports the Local Government Association's campaign to ban the advertising of e-cigarettes which are aimed at children. The fear is that, while e-cigarettes help adults to give up smoking, they may draw children into taking up the real thing."

102a.2 The motion was put to the vote and was carried.

(b) Notice of Motion from the Labour Group

102d.1 Moved by Councillor Haigh and seconded by Councillor Lugg:

"This Council recognises the good work done by Gloucester Food Bank in supporting over 4500 families a year in desperate need. The Food Bank is about to lose its premises and threatens a lifeline for their clients many of whom are vulnerable young people and children. This Council resolves to give help and support to the Food Bank in finding suitable alternative premises as a matter of urgency."

102d.2 The motion was put to the vote and was carried.

(c) Notice of Motion from the Conservative Group

102d.1 Moved by Councillor James and seconded by Councillor Dallimore:

"This Council:

- 1) Recognises the importance of Gloucester's market tradition to the City's retail offer;
- 2) Believes that the Eastgate Indoor Market is a vital part of that tradition;
- 3) Notes the proposal by Rockspring for a new indoor market;
- 4) Endorses the Administration's commitment that the market should only relocate with trader support;
- 5) Notes that the Council is currently developing an updated Markets Strategy;
- 6) Agrees to establish an all-party working group to look specifically at the future of the Indoor Market as part of the strategy."

102d.2 The motion was put to the vote and was carried.

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(d) Notice of Motion from the Conservative Group

102d.1 Moved by Councillor Gravells and seconded by Councillor Randle:

“This Council recognises the considerable value of Public Houses to local communities and welcomes the listing of the Ridge and Furrow Public House in Abbeydale as an Asset of Community Value. Community pubs play an invaluable role in the cultural and social life of local communities, fostering social well-being, companionship, inclusion and a strong sense of community cohesion, belonging and togetherness.

For these reasons, This Council resolves:-

- 1) As a matter of urgency to review its policies and procedures (including those relating to Planning, and the process for nominating community assets for listing under the Localism Act) in order to put in place new, interim, policy measures, following the lead of other councils such as Cambridge, to ensure that valued local community pubs are appropriately protected from unnecessary and avoidable loss.
- 2) To request Central Government to help protect community pubs by ensuring that planning permission and formal community consultation are required before community pubs are allowed to be converted to betting shops, supermarkets, petrol filling stations or other uses, or allowed to be demolished."

102d.2 Councillor Smith moved an amendment, which was seconded by Councillor Haigh.

102d.3 Councillor Gravells accepted the amendment:

“This Council recognises the considerable value of Public Houses to local communities and welcomes the listing of the Ridge and Furrow Public House in Abbeydale as an Asset of Community Value. Community pubs play an invaluable role in the cultural and social life of local communities, fostering social well-being, companionship, inclusion and a strong sense of community cohesion, belonging and togetherness.

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shops, supermarkets, petrol filling stations or other uses, or allowed to be demolished.

3) That the procedure for the community consultation be decided by the Planning Policy Sub-Committee."

102d.4 The motion, as amended, was put to the vote:

"This Council recognises the considerable value of Public Houses to local communities and welcomes the listing of the Ridge and Furrow Public House in Abbeydale as an Asset of Community Value. Community pubs play an invaluable role in the cultural and social life of local communities, fostering social well-being, companionship, inclusion and a strong sense of community cohesion, belonging and togetherness.

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- 2) To request Central Government to help protect community pubs by ensuring that planning permission is required before community pubs are allowed to be converted to betting shops, supermarkets, petrol filling stations or other uses, or allowed to be demolished.
- 3) That the procedure for the community consultation be decided by the Planning Policy Sub-Committee."

102d.5 The motion was put to the vote and was carried.

(e) Notice of Motion from the Liberal Democrat Group

102e.1 Moved by Councillor Wilson and seconded by Councillor Hilton:

"This Council agrees to investigate the current provision of WiFi access provided within the city centre, with the view to considering the provision of free public WiFi access across the city centre for all visitors to use, as is being provided in other cities across the UK."

102e.2 The motion was put to the vote and was carried.

Time of commencement: 19:55 hours
Time of conclusion: 22:20 hours

Chair