

COUNCIL

13 May 2010

(2:30 – 15:45pm)

Present:	The Mayor (Councillor Anne Regan), Garth Barnes, Ian Bickerton, Nigel Britter, Tim Cooper, Barbara Driver, Bernard Fisher, Jacky Fletcher, Wendy Flynn, Rob Garnham, Les Godwin, Colin Hay, Rowena Hay, Diane Hibbert, Sandra Holliday, Peter Jeffries, Steve Jordan, Robin MacDonald, Paul Massey, Helena McCloskey, Paul McLain, Heather McLain, John Morris, John Rawson, Diggory Seacome, Malcolm Stennett, Charles Stewart, Klara Sudbury, Lloyd Surgenor, Josephine Teakle, Pat Thornton, Jon Walklett, Andy Wall, John Webster, Paul Wheeldon and Roger Whyborn.
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Minutes

1. Prayers

Reverend Robin Littlewood opened the meeting with a prayer.

2. Apologies

Councillors Penny Hall, Andrew McKinlay, Duncan Smith and Simon Wheeler.

3. Election of Mayor 2010 - 2011

Councillor Regan was proposed for the office of Mayor by Councillor Fletcher and seconded by Councillor Seacome.

RESOLVED THAT; Councillor Regan be, and is hereby, elected Mayor of the Borough of Cheltenham and Council chairman for the ensuing year.

The Chief Executive invited the Mayor to sign a Declaration of Acceptance of Office of Council chairman for the ensuing municipal year 2010 – 2011.

4. Election of Deputy Mayor 2010 - 2011

Councillor Driver was proposed for the office of Deputy Mayor by Councillor Surgenor and seconded by Councillor Garnham.

RESOLVED THAT; Councillor Driver be, and is hereby, elected Mayor of the Borough of Cheltenham and Council vice-chairman for the ensuing year.

The Chief Executive invited the Mayor to sign a Declaration of Acceptance of Office of Council vice-chairman for the ensuing municipal year 2010 – 2011.

5. Declarations of Interest

Councillors Driver, Hay, Holliday and Wheeldon declared a personal interest in item 15, as members of the Cheltenham Borough Homes Board.

6. To approve and confirm the minutes of the last meeting

With reference to page 7, Councillor P McLain asked that the briefing note from Gloucestershire County Council please be attached to the minutes.

He also suggested that the wording of paragraph 5 on page 7 be amended to reflect the fact that in his opinion, the comments were not factually correct. He accepted that opposition members may genuinely believe the comments that they

made about the LABGI funding and the cut to the baseline budget, but these were not the facts according to Councillor McLain and his party, who had made the original decision on LABGI allocation when in administration.

Various members contested these points and felt that the minutes accurately reflected the exchange that had taken place.

Following advice from the Monitoring Officer, the Mayor confirmed that the briefing note would be attached and no changes would be made to the previous minutes, but Councillor McLain's comments would be summarised in the minutes produced for this meeting.

The minutes of the meeting held on the 29 March 2010 had been circulated and were approved and signed as an accurate record, with the addition of the briefing note from Gloucestershire County Council.

7. Communications by the Mayor

The Mayor invited Councillor Surgenor to make any announcements he had as the retiring Mayor.

Councillor Surgenor acknowledged the sad passing of Councillor Ken Buckland and noted that the memorial service had been very well attended.

For those that were not aware, he advised with great sadness, of the passing of Doctor Fred Hanna, who had been a Freeman of the Borough and without whom; there may not have been a Cobalt Unit in Cheltenham. Details of the service had not yet been confirmed.

He had attended the turf cutting at the new All Saints Academy and the Princess Royal had last week opened the new breast clinic at the Cobalt Unit.

He announced that Claude Bullingham had been awarded his MBE and that Cannon Andrew Dow would retire as rector of Cheltenham in June.

Finally, he took the opportunity to thank members for giving him a wonderful year as Mayor.

The Mayor congratulated and welcomed new members. She asked that all members please respond promptly to the Mayors Personal Assistant, when invited to the many civic events that she arranges. This would include declining and invitation as well as accepting.

The Mayor then invited all members to stand for one minute in honour of those that had passed away.

8. To appoint the Leader of the Council for the ensuing two years and note the membership of Cabinet

Councillor Jordan was proposed as the Leader of the Council by Councillor Webster and seconded by Councillor Morris.

Upon being put to the vote the proposal was CARRIED, with 10 abstentions.

The Mayor invited the Leader to address the meeting. The Leader congratulated Councillors Regan and Driver on their election as Mayor and Deputy Mayor and thanked Councillor Surgenor for his time as Mayor in 2009 – 2010.

He advised that there would be no change to membership or portfolios within Cabinet, though this would be reviewed in the summer. The key issues would be, waste & recycling, balancing affordable housing against protecting the countryside and budget cuts that would likely be imposed by central government.

The Leader officially welcomed the newly elected members, which had seen the Liberal Democrats party expand this year and took the opportunity to thank Councillor Bishop who had chosen to stand down and Councillors Hutton, Hall and Ryder who had lost their seats.

9. To establish and appoint to the following committees (including the appointment of substitutes)

A copy of the nominations for committees, including substitutes, advised by the group leaders had been circulated to members at the start of the meeting (appendix 1).

9.1 Overview and Scrutiny Committees

RESOLVED THAT; the membership of the Overview and Scrutiny committees be as indicated in appendix 1.

9.2 Licensing Committee

With the unanimous agreement of Council, the PABs would relinquish their seat on this committee. Whilst this particular committee would deviate from political proportionality, by gaining an additional seat on the Planning Committee, overall political proportionality would be maintained.

RESOLVED THAT; the membership of the Licensing Committee be as indicated in appendix 1.

9.3 Planning Committee

With the unanimous agreement of Council, the PABs would take an additional seat on this committee. Whilst this particular committee would deviate from political proportionality, by relinquishing their seat on the Licensing Committee, overall political proportionality would be maintained.

RESOLVED THAT; the membership of the Planning Committee be as indicated in appendix 1.

9.4 Standards Committee

With the unanimous agreement of Council, Jon Leamon, who had come to the end of his four year term, was re-elected as an independent member of this committee.

RESOLVED THAT; the membership of the Standards Committee be as indicated in appendix 1 and that Jon Leamon be re-elected for a further four year term as an independent member.

9.5 Audit Committee

RESOLVED THAT; the membership of the Audit Committee be as indicated in appendix 1.

9.6 Staff and Support Services Committee

RESOLVED THAT; the membership of the Staff and Support Services Committee be as indicated in appendix 1.

9.7 JNC Committee

RESOLVED THAT; the membership of the JNC Committee be as indicated in

appendix 1.

9.8 Treasury Management Panel

RESOLVED THAT; the membership of the Treasury Management Panel be as indicated in appendix 1.

9.9 Asset Management Working Group

RESOLVED THAT; the membership of the Asset Management Working Group be as indicated in appendix 1.

10. Appointment of chairmen and vice-chairmen to Overview and Scrutiny Committees

The Mayor invited nominations for chairman and vice-chairman to overview and scrutiny committees. The following nominations were made;

Economy and Business Improvement O&S

Councillor Garnham proposed Councillor Stennett for Chairman and Councillor Wall for Vice-Chairman.

Councillor Barnes nominated Councillor Massey for Vice-Chairman.

Upon a vote Councillor Stennett was elected as Chairman and Councillor Massey as Vice-Chairman.

RESOLVED THAT; the Chairman of the Economy and Business Improvement O&S Committee be Councillor Stennett and the Vice-Chairman be Councillor Massey.

Environment O&S

Councillor Garnham proposed Councillor Hall as Chairman and Councillor Wheeldon proposed Councillor Britter for Vice-Chairman. Upon a vote this was agreed unanimously.

RESOLVED THAT; the Chairman of the Environment O&S Committee be Councillor Hall and the Vice-Chairman be Councillor Britter.

Social and Community O&S

Councillor Garnham proposed Councillor Smith for Chairman and Councillor Holliday nominated Councillor Rawson as Vice-Chairman. Upon a vote this was agreed unanimously.

RESOLVED THAT; the Chairman of the Social and Community O&S Committee be Councillor Smith and the Vice-Chairman be Councillor Rawson.

11. Gloucestershire County Council Health, Community and Care Overview and Scrutiny Committee

The Mayor invited nominations to this committee. Councillor Fletcher nominated Councillor Hall. Upon a vote this was agreed unanimously. No substitute was nominated.

RESOLVED THAT; Councillor Hall be the representative of the Council on the Gloucestershire County Council Health, Community and Care Overview and Scrutiny Committee.

12. Gloucestershire County Council Community Safety Overview and Scrutiny

Committee

The Mayor invited nominations to this committee. Councillor Garnham nominated Councillor Driver and Councillor Jordan nominated Councillor McCloskey. Upon a vote Councillor McCloskey was appointed. No substitute was nominated.

RESOLVED THAT; Councillor McCloskey be the representative of the Council on the Gloucestershire County Council Community Safety Overview and Scrutiny Committee.

13. To approve any consequential changes to the constitution

The Chief Executive confirmed that the only consequential change to the constitution would be the number of members on Social and Community Overview and Scrutiny Committee, from ten to nine in order to achieve political proportionality.

In response to a query by Councillor Godwin about how members would be consulted about further amendments to the constitution, Councillor Hay advised that Staff and Support Services were responsible for reviewing the constitution and would form a working group, which group leaders could be involved in.

The Monitoring Officer accepted that minor amendments had been made over the years and a complete review was required, which she had to undertake by the 30 September 2010.

RESOLVED THAT; the Borough Solicitor be delegated authority to make any consequential changes to the constitution arising from the nominations.

14. Council's petitions scheme

The Chief Executive introduced the report, which was originally published in his name given the elections had been ongoing.

He explained that there was a statutory requirement for local authorities to establish, publicise and comply with a scheme for handling petitions by 15 June 2010. The report recommended a scheme which Council needed to approve.

The scheme would not affect the executive arrangements, it would simply provide a forum for debate with regards to particular actions the Council should take or cease. Petitions would not be accepted under certain circumstances.

He was aware that Councillor Rawson had suggested an amendment which he felt was entirely consistent with the proposed scheme and recent endeavours to separate, wherever possible, exempt information in to an appendix.

In response to a member question, the Chief Executive confirmed that a petition could be signed by someone living, working or studying in Cheltenham.

Councillor Rawson proposed the following amendment;

“At paragraph 1.2 of the report, insert a new resolution (ii) as follows.

The Council notes the statement on page 6 of the report that ‘The Overview and Scrutiny Committee will be in public and the organiser of the Petition will be invited unless confidential information would be revealed.’ However, it affirms that everything possible should be done to ensure that discussion of petitions, including those holding officers to account, takes place in public. Therefore it resolves that wherever possible, any exempt information will be separated from

the main papers and published as a confidential appendix in order to allow the main part of the business to be conducted in public.

Renumber the existing recommendation (ii) as (iii)".

Speaking for the amendment, Councillor Rawson felt that it went against the spirit of a petition, to discuss it in private and that a small amount of exempt information should not close the entire debate. Confidential information should be separated out from the main body of reports.

A number of members spoke in support of the proposed scheme and the amendment.

Upon a vote the amendment was CARRIED.

Upon a vote, the recommendation as amended was CARRIED.

RESOLVED THAT;

- (i) **The draft Petition Scheme at Appendix A be approved for implementation by 15 June 2010.**
- (ii) **The Council affirms that in operating the scheme, wherever possible, any exempt information will be separated from the main papers and published as a confidential appendix in order to allow the main part of the business to be conducted in public.**
- (iii) **The Council's constitution be updated accordingly.**

15. Proposed granting of lease to Cheltenham Borough Homes for warden service in James Donovan Court

The Cabinet Member Built Environment introduced the report which sought authority to allow the Council to make an application to the Secretary of State to lease a flat to Cheltenham Borough Homes (CBH) under section 32 of the Housing Act 1985.

This would allow CBH to grant a service tenancy to a newly appointed warden and any future wardens.

He asked that members support the recommendation.

Upon a vote it was CARRIED unanimously, with 1 abstention.

RESOLVED THAT; an application be made to the Secretary of State under Section 32 of the Housing Act 1985, for consent to grant a lease of a flat at James Donovan Court to CBH.

16. Notices of motion

None received.

17. To receive petitions

None received.

18. Any other business the Mayor determines to be urgent and which requires a decision

No other business.

19. Close

The Mayor reminded members of her inauguration ceremony at the Town Hall on Monday 17 May, at 6.30pm. She advised that more details had been circulated at the start of the meeting.

She then passed over to the Chief Executive, who suggested that rather than hold separate meetings, members remain in their seats and stand for their relevant committee, in order to elect chair and vice-chairs.

Councillor Anne Regan

Mayor

PLANNING COMMITTEE

1.	Apologies
	No apologies.
2.	Declarations of Interest
	None received.
3.	To appoint the Chairman and Vice-Chairman of the Committee/Panel
	Councillors Surgenor and Fletcher were both nominated as Chairman. Upon a vote Councillor Surgenor was elected.
	Councillors Fletcher and Barnes were nominated as Vice-Chairman. Upon a vote Councillor Fletcher was elected.

LICENSING COMMITTEE

1.	Apologies
	No apologies.
2.	Declarations of Interest
	Councillor Thornton declared a personal interest given a member of her family is a taxi driver in Cheltenham.
3.	To appoint the Chairman and Vice-Chairman of the Committee/Panel
	Councillor Seacome was nominated as Chairman and Councillor Thornton was nominated as Vice-Chairman. Upon a vote this was carried unanimously.
	Councillor Seacome took the opportunity to remind new members the next meeting was scheduled for 4 June and that they must have completed the training, which is scheduled for 10am on the day of the meeting, in order to be able to take part.

STAFF AND SUPPORT SERVICES COMMITTEE

1.	Apologies
	No apologies.
2.	Declarations of Interest

	None received.
3.	To appoint the Chairman and Vice-Chairman of the Committee/Panel
	Councillor Jordan was nominated as Chairman and Councillor Garnham was nominated as Vice-Chairman. Upon a vote this was carried unanimously.

AUDIT COMMITTEE

1.	Apologies
	No apologies.
2.	Declarations of Interest
	None received.
3.	To appoint the Chairman and Vice-Chairman of the Committee/Panel
	Councillor Wall was nominated as Chairman and Councillor Massey was nominated as Vice-Chairman. Upon a vote this was carried unanimously.

JNC COMMITTEE

1.	Apologies
	No apologies.
2.	Declarations of Interest
	None received.
3.	To appoint the Chairman and Vice-Chairman of the Committee/Panel
	Councillor Webster was nominated as Chairman and Councillor Seacome was nominated as Vice-Chairman. Upon a vote this was carried unanimously.

TREASURY MANAGEMENT PANEL WORKING GROUP

1.	Apologies
	No apologies.
2.	Declarations of Interest
	None received.
3.	To appoint the Chairman and Vice-Chairman of the Committee/Panel
	Councillor Cooper was nominated as Chairman and Councillor Rawson was nominated as Vice-Chairman. Upon a vote this was carried unanimously.