

Council

Monday, 23rd March, 2020
2.30 - 3.25 pm

Attendees	
Councillors:	Roger Whyborn (Chair), Sandra Holliday (Vice-Chair), Victoria Atherstone, Chris Coleman, Mike Collins, Tim Harman, Karl Hobley, Steve Jordan, Chris Mason, Andrew McKinlay and Max Wilkinson

Minutes

1. APOLOGIES

Apologies were received from Councillors Babbage, Baker, Barnes, Barrell, Boyes, Brownsteen, Britter, Clucas, Cooke, Dobie, Fisher, Flynn, Harvey, Hay, Hegenbarth, Horwood, Jeffries, McCloskey, Oliver, Parsons, Payne, Savage, Seacome, Stafford, Stennett, Sudbury, Wheeler, Williams and Willingham.

2. COMMUNICATIONS BY THE LEADER OF THE COUNCIL

The Leader of the Council acknowledged the exceptional situation, thanking both Members who were able to attend in order to carry out essential business and those who stayed home. He emphasised that everyone was trying to do the right thing in difficult circumstances.

He reported that the vast majority of council meetings have been cancelled, and arrangements have been made for staff to work from home wherever possible. The reason for this meeting still taking place was that there was essential business on the agenda, including the Treasury Management Strategy, which was legally required to be agreed by the end of March. Members were also required to consider the council's procedures regarding emergency decision making.

He added that Members had considered taking forward reports due to go to the Extraordinary Council meeting scheduled on the 22nd April, relating to the Local Plan, but this was not deemed practical.

He reported that as the council cannot legally take remote decisions, this meeting still had to go ahead, but with the minimum quorum of members required for its decisions to be legally binding. It was also ensured that only essential officers were present. He thanked the Cabinet Member Housing for co-ordinating Members and ensuring that the right number were present.

There may well be amendments to local government legislation during the week that allow for remote decision making. He suggested that this would be helpful, but the situation is still developing.

He placed on record his thanks to the council's staff for their hard work in ensuring that essential services continue. The council has been working closely

with the Local Resilience Forum for Gloucester, and the Gloucestershire Community Health Hub was launched last week. CBC is also working closely with the county council.

He added that recent government decisions regarding the definition of 'shielded' groups of people are particularly important, as the borough council plays a key role in supporting these groups. Councillors may be asked to help contact people in their area and keep track of what they need.

The provision of food is another key issue. This is the responsibility of food retailers rather than the council, but the council can play a significant role in assisting and enabling this process.

He emphasised that it is a fast-moving situation, and reiterated his thanks to those involved. Children's play areas have been closed, and this may be spread to cover further council-owned areas in the coming days.

He acknowledged the economic effect of the crisis and drew attention to the financial support provided by the national government, including changes to business rates. The council is compiling a list of those entitled to small business grants of £10,000-£25,000. These payments will be made as soon as the funds are released by the Treasury, which is expected in early April. The council is working across the board with its local partners to understand their situations and concerns, including the Trust and the Lido. He concluded by stressing that there is no quick way through this crisis, and the council is in for the long haul.

3. DECLARATIONS OF INTEREST

There were none.

4. COMMUNICATIONS BY THE MAYOR

The Mayor read a statement regarding the council's response to the restrictions arising from the Covid-19 emergency. He explained that all scheduled meetings had been postponed until further notice, but there was a legal need for this full Council meeting to take place to carry out essential business and put in place temporary arrangements to ensure continuity in decision making.

He added that under urgent business, an update to the council's constitution would be proposed, enabling decisions to be taken remotely while the council awaits emergency legislation. All other items on the agenda for this meeting were deferred, apart from the legally required budget item. He reminded those present of the need to observe social distancing measures.

5. MINUTES OF THE LAST MEETING

The minutes of the last meeting held on 17th February 2020 were approved and signed as a correct record, with one abstention.

6. COMMUNICATIONS BY THE MAYOR (CONTINUED)

The Mayor thanked the officers and staff who have enabled the council to continue working during difficult circumstances, Members both in the chamber and at home, and workers in essential services.

He read out a letter which he had sent to Cheltenham's partner council in Göttingen, Germany. This letter acknowledged the quickly evolving situation, with the racing festival having gone ahead as planned just weeks before. He added that he had been heartened to see the people of the town doing their bit to keep others safe.

The Mayor's civic engagements have almost entirely closed down, with the only exception being the civic service, which will go ahead behind closed doors and be broadcast online.

He added to the Leader's praise of the community hub, and advised that less technologically literate users be given the proper support when using the hub's facilities, in order to ensure they are able to make full use of it.

7. CONSIDERATION OF A PETITION ENTITLED "WE CALL FOR URGENCY ON OUR CLIMATE EMERGENCY"

This item was deferred until further notice.

8. ADOPTION OF REVISED SEXUAL ENTERTAINMENT VENUE POLICY

This item was deferred until further notice.

9. CAPITAL, INVESTMENT, TREASURY AND MRP STRATEGIES AND STATEMENTS 2020/21

The Leader of the Council presented the report, in the absence of the Cabinet Member Finance.

He thanked the Cabinet Member Finance for her work in drawing the report together, and explained that it relates to a number of key financial issue that the council is obliged to agree. The topic was highly time-sensitive and had to be considered by Council at this meeting. He added that it had already been agreed by Cabinet and the Treasury Management Panel.

Key issues covered in the report include the plans for Cyber Central and the £100m investment in housing, which remain of great importance to the town despite the current Covid-19 emergency. He reported that the council was working closely with partner organisations so that it can understand their needs in order to keep functioning.

He drew attention to the Minimum Revenue Provision, which concerned the funds needed to be set aside to cover current debt. He emphasised that the financial context of council decisions might be radically different at the end of this crisis, and so a flexible approach is required. He thanked the Executive Director Finance and Assets for his work on the report, and for his positive and flexible approach.

One Member asked whether a recorded vote was required. The Head of Law clarified that this was not necessary.

The Mayor moved that the recommendations be voted on together.

RESOLVED (unanimously) THAT

1. the Capital Strategy 2020/21 at Appendix 2 be approved

2. the Investment Strategy 2020/21 at Appendix 3 be approved
3. the Treasury Management Strategy Statement 2020/21 at Appendix 4 be approved
4. the Minimum Revenue Provision (MRP) Statement 2020/21 at Appendix 5 be approved

10. COUNCIL DIARY - SEPTEMBER 2020 TO AUGUST 2021

This item was deferred until further notice.

11. NOTICES OF MOTION

There were none.

12. ANY OTHER ITEM THE MAYOR DETERMINES AS URGENT AND WHICH REQUIRES A DECISION

The Chief Executive presented the report, acknowledging the unique and urgent circumstances in which it was produced. He thanked Members and council staff for stepping up to support vulnerable people and concerned businesses in the borough.

He emphasised that the measures in the report are intended to be temporary, and will depend on the progress of emergency legislation currently being formulated by national government. Critical council business must continue in the coming weeks. The report was subject to amendments right up to the day of the meeting, to ensure adequate member consultation and build in the appropriate safeguards. These measures will be in place either until national government legislation changes or the full schedule of meetings is restored.

The Leader of the Council endorsed the report, and clarified that it mostly pertains to decisions that fall outside of the Cabinet and Leader's remit, such as Planning and Licensing decisions.

One Member expressed his support for the report, but outlined some concerns about the Planning process. He asked for reassurance that the emergency decision-making process will not bypass proper public consultation.

One Member asked about the lack of a formal review process within the new protocols, and advised enshrining a six-monthly review mechanism. The Cabinet Member Development and Safety formally moved that this be added, which Councillor Collins seconded. One Member asked why this was not already included.

The Chief Executive responded that it was intended to be reviewed at the next full Council meeting, but that he was happy to add this further measure as it is not yet clear when the next Council meeting will take place. Members agreed that the recommendation be amended to provide for a review of the measures by Council after six months. The Mayor moved to a vote, and the amendment was approved unanimously.

RESOLVED (unanimously) THAT

1. recommendation 2 be amended to add 'and if required every six months by Council'.

One Member asked for reassurance that members of the public will still be included in the Planning process when decisions are taken remotely. The Head of Law advised that the report dealt with the final decision making and will not override the requirements for consultation and any other statutory requirements.

The Mayor suggested amending the constitutional table of formal decision makers for Planning to include members of the public. The Member clarified that he was only seeking reassurance that the public's voices would be heard.

The Head of Law advised that the changes outlined in the report were in respect of the decision making process and the measures needed to make decisions in the absence of committees. The Head of Law reemphasised that these measures will not override the requirements to consult prior to the applications being determined.

The Mayor accepted the legal advice and withdrew the proposed amendment. The Mayor then asked for, and received, an assurance that members' right of call in to applications would in some way be retained. One Member emphasised that in the present situation, efficient and proactive decision-making is needed more than ever, and the proper processes should be followed. One Member reiterated the legal advice given by the Head of Law, emphasising that committee members take responsibility for decisions having consulted officers with the relevant expertise. Ward members are not decision makers themselves, and changing fundamental principles would cause unwanted confusion at an important juncture.

The Mayor moved to a vote on the amended recommendations.

RESOLVED (unanimously) THAT

- 1. the arrangements, including recommended changes to the Council's Constitution as set out in sections 3 and 4 of this report, be implemented immediately;**
- 2. the arrangements referred to in 1 above be reviewed regularly by the Chief Executive in consultation with the Leader of the Council, the Mayor, Committee and Sub-Committee Chairs and Political Group Leaders, and if required every six months by Council, and be discontinued when arrangements are in place for the resumption of meetings of all Council, Committees and Sub-Committees;**
- 3. the Borough Solicitor be authorised to make any textual or other amendments which are necessary to ensure the accuracy, consistency and legality of the Constitution when incorporating the temporary revisions referred to in recommendation 1.**

Roger Whyborn

Chairman