

TEWKESBURY BOROUGH COUNCIL

Minutes of a Meeting of the Council held at the Council Offices, Gloucester Road, Tewkesbury on Tuesday, 1 October 2019 commencing at 6:00 pm

Present:

The Worshipful the Mayor

Councillor G F Blackwell

and Councillors:

R A Bird, G J Bocking, C L J Carter, C M Cody, K J Cromwell, M Dean, R D East, J H Evetts, P A Godwin, M A Gore, D J Harwood, A Hollaway, M L Jordan, E J MacTiernan, J R Mason, H C McLain, P D McLain, H S Munro, J W Murphy, P W Ockelton, C Reid, J K Smith, P E Smith, R J G Smith, V D Smith, C Softley, R J Stanley, P D Surman, M G Sztymiak, S Thomson, R J E Vines, M J Williams and P N Workman

CL.34 APOLOGIES FOR ABSENCE

- 34.1 Apologies for absence were received from Councillors L A Gerrard, D W Gray, A S Reece (Deputy Mayor) and S A T Stevens.

CL.35 DECLARATIONS OF INTEREST

- 35.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.
- 35.2 Although they were not Code of Conduct matters, the following declarations were made:

Councillor	Application No./Item	Nature of Interest (where disclosed)	Declared Action in respect of Disclosure
K J Cromwell	Item 10 – Notice of Motion: Accident and Emergency Service at Cheltenham General Hospital.	Councillor's partner is employed by the NHS.	Not a Code of Conduct interest but will abstain from taking part in the vote.
C Reid	Item 10 – Notice of Motion: Accident and Emergency Service at Cheltenham General Hospital.	Councillor is employed by the NHS.	Not a Code of Conduct interest but will abstain from taking part in the vote.

V D Smith	Item 10 – Notice of Motion: Accident and Emergency Service at Cheltenham General Hospital.	Councillor's wife is employed by the NHS.	Not a Code of Conduct interest but will abstain from taking part in the vote.
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35.3 There were no further declarations made on this occasion.

CL.36 MINUTES

36.1 The Minutes of the meeting held on 30 July 2019, copies of which had been circulated, were approved as a correct record and signed by the Mayor.

CL.37 ANNOUNCEMENTS

37.1 The evacuation procedure, as noted on the Agenda, was advised to those present.

CL.38 ITEMS FROM MEMBERS OF THE PUBLIC

38.1 There were no items from members of the public on this occasion.

CL.39 MEMBER QUESTIONS PROPERLY SUBMITTED IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

39.1 The following question had been received from Councillor Stanley to the Lead Member for Community. The answer was given by the Lead Member for Community, Councillor Softley, but was taken as read without discussion.

Question:

What risks have been identified, and what preparation has been done, to prepare for a No Deal Brexit?

Answer:

The Council is working closely with its partners in the Local Resilience Forum including the Police, Fire Service, Military, NHS, Severn Trent and other Councils in Gloucestershire to consider how we foresee and best mitigate the risks of a no deal exit from the EU. The Council has been represented at all strategic and tactical command group meetings and has fed into an overall local planning assumption for Gloucestershire. Whilst the subject of Brexit obviously has a significant national profile and the publication of the government's 'Yellowhammer' document immediately gained the attention of the national media, the feedback from attending the Local Resilience Forum is that, generally, Gloucestershire is considered low risk.

Briefing and advisory information is also received on a regular basis from regional and national sources such as the Ministry of Housing, Communities and Local Government and the South West Regional Lead for Brexit.

High level risks specific to Tewkesbury Borough Council are set out in the Council's corporate risk register and include:

- Data transfer and General Data Protection Regulation (GDPR);
- Supply chain delays; and
- Economic impact.

Data transfer and GDPR – national guidance confirms that the UK is committed to maintaining high standards of GDPR and the government plans to incorporate it into UK law alongside the Data Protection Act 2018 after Brexit. UK businesses will be covered by the UK data protection regime. The UK government has stated that transfers to the EU will not be restricted. Where Council data is held on servers within the EU, the relevant software suppliers have confirmed contingency arrangements are in place to host data within the UK if this is required.

Supply chain delays - most supplies that the Council relies on, for example stationery, computer equipment, furniture etc. can be sourced from inside the UK. Supply chain is therefore considered a low risk for operational activities. For any transactions with EU member states, which for the Council are few and far between, there may be an impact on potential tariffs. For example, the procurement of a vehicle fleet.

Economic impact – in the short term, it is possible that there could be price fluctuations in the goods and supplies the Council purchases in which case Council reserves will be required to meet those increased costs. Longer term, if higher prices become normalised, the Council will need to factor this into its medium term financial plans.

In addition to the above, the Council is also signposting businesses, through the Growth Hub, to government advice on how to prepare for a no deal exit. A recently issued national Brexit toolkit for business is a good example. The Council also provides an assisted digital service, through the Customer Services Team, for EU citizens registering for the EU settlement scheme. We are the only Council in Gloucestershire offering this service, though to date there has been little uptake of this.

- 39.2 The following question had been received from Councillor Jordan to the Lead Member for Built Environment. The answer was given by the Lead Member for Built Environment, Councillor Gore, but was taken as read without discussion.

Question:

In light of the housing land supply that the Council is demonstrating, when will the Planning Policy Reference Panel meet?

Answer:

A meeting of the Planning Policy Reference Panel is likely to take place within the next few months to update the Group on the next stage in the Joint Core Strategy process where, amongst other issues, this matter can be addressed.

- 39.3 The Members declined the Mayor's invitation to ask a supplementary question each.

CL.40 NOTICE OF MOTION ON CLIMATE CHANGE

- 40.1 The report of the Overview and Scrutiny Committee, circulated at Pages No. 14-24, set out the details of the outcome of the special meeting of the Overview and Scrutiny Committee which took place to consider the Motion deferred from Council on 30 July.

- 40.2 In introducing the report, the Chair of the Overview and Scrutiny Committee explained that a special meeting of the Overview and Scrutiny Committee had taken place on 13 August 2019. At that meeting some amended wording had been put forward for consideration and the proposer of the original Motion had agreed to incorporate those amendments within her Motion. It was the unanimous view of the Committee that the Council should support the amended Motion which was set out at Page No. 14 of the report before the Council.
- 40.3 The proposer of the original Motion proposed the amended Motion and, in doing so, expressed her disappointment that the original Motion had not been fully discussed at the Council meeting in July. She indicated that time was of the essence given the emergency the planet faced so the delay had been unhelpful. The Member also expressed disappointment that her Motion had been significantly watered down by the Overview and Scrutiny Committee; however, she accepted that it was a starting point and therefore was happy to propose it. The amended Motion, as set out in the report of the Overview and Scrutiny Committee, was seconded.
- 40.4 Another Member welcomed the declaration of a climate change emergency but felt that it could go slightly further. He was of the view that, given the fact that the Council was a powerful body with great influence, it should be leading the way for the rest of the Borough. He suggested that the Council's policies should be assessed for their impact on climate change and proposed two amendments:
1. That point i) be amended to read "preparation of revised Terms of Reference to include an audit of the Council's current position, an action plan to achieve carbon neutrality by 2030, funding and promotion of good practice throughout the Borough including buildings that provide a public service, such as the Tewkesbury Leisure Centre, ***to assess the broad impact of all of the Council's policies on climate change***; and"
 2. That all reports be amended so that the section 'Environmental implications' be renamed 'Environmental and Climate Change implications'.
- 40.5 The amendment was seconded and the seconder indicated that this would be a cultural change for the Council but one that provided a fairly easy way to make a difference.
- 40.6 A Member indicated that he understood the reason for the proposed amendments but, in his view, the Overview and Scrutiny Committee had considered the wording of the Motion in its entirety, as such, a change at this stage could not be justified. Another Member agreed with that view and indicated that a cross-party group of Members had considered the issue and agreed the best way forward so it was not for the Council to change that on an ad-hoc basis. One Member indicated that reviewing all of the Council's policies for carbon neutrality would be extremely time consuming and make it impossible for the Flood Risk Management Group to report back to the Council by April 2020, as requested by the Motion, and this was something that should be borne in mind when considering the amendment.
- 40.7 Upon being put to the vote, the amendment that point i) be amended to read "preparation of revised Terms of Reference to include an audit of the Council's current position, an action plan to achieve carbon neutrality by 2030, funding and promotion of good practice throughout the Borough including buildings that provide a public service, such as the Tewkesbury Leisure Centre, ***to assess the broad impact of all of the Council's policies on climate change***; and"; and that all reports be amended so that the section 'Environmental implications' be renamed 'Environmental and Climate Change implications', was lost.

40.8 The Motion as recommended by the Overview and Scrutiny Committee was put to the vote and, accordingly, it was

RESOLVED That the Council:

1. declare a 'climate emergency';
2. commit to doing all in its power to make Tewkesbury Borough Council offices carbon neutral by 2030;
3. expand the remit of the existing Flood Risk Management Group to deal with climate change matters with the following delegations to the Borough Solicitor in consultation with the Group:
 - i) preparation of revised Terms of Reference to include an audit of the Council's current position, an action plan to achieve carbon neutrality by 2030, funding and promotion of good practice throughout the Borough including buildings that provide a public service, such as the Tewkesbury Leisure Centre; and
 - ii) membership of the Group, taking account of its wider role;
4. call upon central government to provide additional powers and resources to support local and national action towards the 2030 target;
5. commit to working with partners in Gloucestershire to achieve countywide carbon neutrality aims; and
6. report to Council by its meeting on 21 April 2020 at the latest with a detailed action plan for delivery.

CL.41 CHANGES TO COMMITTEE MEMBERSHIP

41.1 The Mayor drew attention to the Agenda for the current meeting and, accordingly, it was

RESOLVED That, in accordance with Rule of Procedure 2.1, it was **NOTED** that the Borough Solicitor had exercised her delegated authority to approve the following changes to Committee Membership:

- Councillor K J Cromwell had resigned from the Audit and Governance Committee and been replaced by Councillor D W Gray.
- Councillor M L Jordan had resigned from the Licensing Committee and been replaced by Councillor R J Stanley.

CL.42 TEWKESBURY BOROUGH COMMUNITY SAFETY PARTNERSHIP

42.1 It was proposed, seconded and

RESOLVED That Councillor S Thomson be appointed to join the Lead Member for Community on the Tewkesbury Community Safety Partnership for the remainder of the Municipal Year.

CL.43 NOTICE OF MOTION: ACCIDENT AND EMERGENCY SERVICE AT CHELTENHAM GENERAL HOSPITAL

- 43.1 The Worshipful the Mayor referred to the Notice of Motion set out on the Agenda and indicated that, in accordance with the Rules of Procedure, it was necessary for the Council firstly to decide whether it wished to debate and determine the Motion at this evening's meeting, or whether it wished to refer the Motion, without debate, to a Committee for consideration with authority either to make a decision on the matter or to bring a recommendation back to Council. Upon being put to the vote it was agreed that the Motion would be considered at the current meeting.
- 43.2 The Motion, as set out on the Agenda, was proposed and seconded.
- 43.3 During the discussion which ensued, a Member noted that the Clinical Commissioning Group had kindly made a presentation to all Members on 16 April 2019 and it seemed sensible that the Council should invite them to return and present their latest proposals at an all-Member event; he proposed this as an amendment to the Motion and requested that Democratic Services be asked to arrange the event. The amendment was seconded and accepted by the proposer of the original Motion.
- 43.4 A Member indicated that OneGloucestershire had said it had no proposals at this time in relation to Cheltenham Accident and Emergency service and he questioned what the proposer of the Motion knew that others did not. In response, he was advised that the Motion gave an instruction to the Leader of the Council to write to OneGloucestershire in response to the proposals that had been put forward and were subject to consultation. Whatever the current proposals might be, it was felt important that the Council clearly set out its concerns and what it expected to happen in future. He felt it would be helpful for representatives to provide a briefing so that Members could voice their concerns, have their questions answered and better understand what the current situation was and he welcomed that amendment. In addition, a Member agreed that the amendment added value to the Motion. He indicated that rumours had circulated about the future of Accident and Emergency Services at Cheltenham General Hospital for a number of years and there was genuine concern about any possible closure. He felt it was important that specialist clinicians were kept at both sites and considered that clarification was required on that.
- 43.5 The Council's representative on the Gloucestershire Health Overview and Scrutiny Committee advised that the 'Fit for the Future' consultation booklet contained a response form and she encouraged all Members to submit their own responses to the consultation either by completing that form or going online. Another Member echoed that sentiment and advised that the 'Reach' Guide was also well worth reading before a consultation response was submitted.
- 43.6 A Member indicated that he was happy to support the Motion but noted that there had previously been aspirations for a new state of the art hospital between Cheltenham and Gloucester and, whilst there was not any funding for that currently, he questioned whether the government's recent announcement to build 40 new hospitals might include a hospital for this area. The Leader of the Council undertook to make this point in his letter to the Health Secretary and suggested this was also something that could be asked of OneGloucestershire when the presentation was made to Councillors.

43.7 Upon the amended Motion being put to the vote, it was

RESOLVED 1. That the Leader of the Council write to:

- OneGloucestershire calling on it to withdraw and revise its current proposals and commit to retaining long-term A&E services at both Cheltenham General and Gloucester Royal Hospitals; and
 - the Health Secretary asking him to investigate the widespread concerns over the OneGloucestershire's 'Fit for the Future' proposals and the lack of public clarity about the local NHS Trust's intentions for the future of NHS provision in Gloucestershire.
2. That Democratic Services invite the Clinical Commissioning Group to present its latest proposals at a suitable all-Member event.

CL.44 SEPARATE BUSINESS

44.1 The Mayor proposed, and it was

RESOLVED That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely discussion of exempt information as defined in Part 1 of Schedule 12A of the Act.

CL.45 SEPARATE MINUTES

45.1 The separate Minutes of the meeting held on 30 July 2019, copies of which had been circulated, were approved as a correct record and signed by the Mayor.

CL.46 SEPARATE RECOMMENDATIONS FROM EXECUTIVE COMMITTEE

Future Countywide Waste Partnership - Joint Waste Committee and Joint Waste Team

(Exempt –Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information relating to any individual)

46.1 The Council considered the future of the Countywide Waste Partnership – Joint Waste Committee and Joint Waste Team and agreed its preferred way forward in respect of the future of partnership working in waste in Gloucestershire.

CL.47 COMMERCIAL PROPERTY INVESTMENT STRATEGY

(Exempt –Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 –Information relating to the financial or business affairs of any particular person (including the authority holding that information))

- 47.1 The acquisitions made and the performance of the commercial property portfolio, were noted and Members agreed that funding be added to the capital programme to finance further purchases in line with the Commercial Property Investment Strategy. In addition, authority was delegated to the Head of Finance and Asset Management to amend the Council's Treasury Strategy and Prudential Indicators to reflect the borrowing requirements of the Commercial Investment Strategy.

The meeting closed at 7:15 pm