

NORTH HERTFORDSHIRE DISTRICT COUNCIL

MINUTES

Meeting of the Council held in the Council Chamber, Council Offices,
Gernon Road, Letchworth Garden City
on Thursday, 12th September, 2019 at 7.30 pm

PRESENT: Councillors Jean Green (Chairman), Terry Tyler (Vice-Chairman), Ian Albert, Daniel Allen, Kate Aspinwall, Clare Billing, Judi Billing, Ruth Brown, Val Bryant, Paul Clark, Sam Collins, George Davies, Elizabeth Dennis-Harburg, Morgan Derbyshire, Gary Grindal, Terry Hone, Keith Hoskins, Mike Hughson, Tony Hunter, Steve Jarvis, David Levett, Ian Mantle, Jim McNally, Ian Moody, Gerald Morris, Michael Muir, Sue Ngwala, Sam North, Helen Oliver, Sean Prendergast, Mike Rice, Adem Ruggiero-Cakir, Deepak Sangha, Val Shanley, Carol Stanier, Martin Stears-Handscomb, Claire Strong, Kay Tart, Richard Thake, Tom Tyson and Michael Weeks

IN ATTENDANCE: David Scholes (Chief Executive), Anthony Roche (Deputy Chief Executive), Jeanette Thompson (Service Director - Legal and Community), Ian Couper (Service Director - Resources) and Hilary Dineen (Committee, Member and Scrutiny Manager)

ALSO PRESENT: At the commencement of the meeting approximately 10 members of the public, including registered speakers.

33 APOLOGIES FOR ABSENCE

Audio recording – 46 seconds

Apologies for absence were received from Councillors David Barnard, John Bishop, Bill Davidson, Steve Deakin-Davies, Simon Harwood, Ben Lewis and Lisa Nash.

Councillor Elizabeth Dennis-Harburg had offered apologies that she would arrive late for the meeting.

34 MINUTES - 11 JULY 2019

Audio Recording – 1 minute 19 seconds

It was proposed by Councillor Martin Stears-Handscomb, seconded by Councillor Paul Clark and:

RESOLVED: That the Minutes of the Meeting of the Committee held on 11 July 2019 be approved as a true record of the proceedings and be signed by the Chairman.

35 NOTIFICATION OF OTHER BUSINESS

Audio recording – 1 minute 44 seconds

There was no other business notified.

36 CHAIRMAN'S ANNOUNCEMENTS

Audio recording – 1 minute 48 seconds

(1) **Audio Recording**

The Chairman advised that, in accordance with Council Policy, the meeting would be audio recorded.

(2) **Declarations of Interest**

Members were reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and were required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.

(3) **Refreshments**

The Chairman invited all Member to refreshments after the meeting in Committee Rooms 2/3.

She advised that, unfortunately there was no buffet this evening.

(4) **Comfort Break**

The Chairman advised that, if the meeting were to go on beyond 9pm, she would call a 5 minute comfort break.

Members were reminded to remain in the room prior to any break to ensure that they could vote.

(5) **Councillor Jim McNally**

The Chairman offered congratulations to Councillor Jim McNally who won a gold medal in Seoul for 3m diving. Also Jim and his new wife Barbara won a silver medal in synchronised diving.

(6) **Music Event**

The Chairman announced that she would be holding a music night on Friday 1 November at 7pm in the Old Bull, Royston.

There would be bands to suit all tastes from a male voice choir to a rock band.

Tickets were just £15 per head and could be purchased through Committee Services or at the door.

All monies raised would support her chosen charity, Parkinsons UK (Royston).

(7) Order of Business

The Chairman advised that Item 8 – Questions by the Public would be taken as part of Item 5 – Public Participation.

37 PUBLIC PARTICIPATION

Audio recording – 4 minutes 58 seconds

There were no presentations by members of the public.

38 QUESTIONS BY THE PUBLIC

Audio recording – 5 minutes 5 seconds

In accordance with Standing Order 4.8.10(c), Mr Philip Devonald had presented a question for Councillor Martin Stears-Handscomb (Leader of the Council) as follows:

"What progress has the Council made in addressing the climate emergency declared at the Annual Meeting in May?"

The Leader of the Council provided the following response:

"Thank you for your question. Our administration sees addressing the climate emergency as a very high priority.

Since May the council has taken a number of steps towards addressing this:

We have set up a cabinet panel to gather the views of interested and informed local people and groups to help the council identify the steps it should take in the areas of cutting its own emissions, and enabling and encouraging others to do so. This panel met for the first time last evening and, having listened, this will inform how we progress the work we have already started, including updating the Council's Climate Change Strategy.

This includes first assessing the Council's current carbon footprint. Although this in itself will not reduce our carbon output, it is important to identify the scope for savings and where the biggest rewards can be obtained quickest.

Early progress has included beginning the process of switching the Council's own gas and electricity supplies to renewable sources, investigating the installation of solar panels on as many Council buildings as feasible and looking at ways of reducing energy use in swimming pools and leisure centres.

Of course, the Council's footprint only represents a small proportion of the carbon footprint of the district. In addition to reducing its own carbon emissions to a net zero by 2030, the Council has an important role to play in enabling residents and businesses to cut their own emissions, where the council can influence these directly.

It must also encourage residents and businesses to do this more widely, which is where the biggest dividends will result.

Responding to the emergency has implications for all Council areas and so, for example, we have begun the process of looking at planning policies relating to the energy performance of new homes and other buildings, examining what we can do to require performance in excess of that required by the building regulations and the extent to which we can require renewable energy technology to be incorporated.

We plan more electric vehicle charging points, both on street and in Council car parks and wherever possible new Council owned vehicles will be ultra low emission.

And we are engaging with the Woodland Trust to look at ways in which we can encourage both public and private sector land owners to plant more trees.

Another initiative has been to provide an incentive to taxi operators to use hybrid vehicles by offering reduced cost licences for these vehicles.

These are just some examples of action we are taking.

I note that you will also be asking a question at the next Cabinet meeting and that will be an opportunity for my colleague Steve Jarvis to go into more detail.

We are conscious that other Councils have been making progress on these matters for some years, I could mention Oxford and Plymouth as outstanding examples. We will also be drawing on their experience through the network of Co-operative Councils to build on best practice.

We very much value the work of groups like Transition Town Letchworth, Friends of the Earth and now Extinction Rebellion in campaigning for real change. This administration sees you as partners, each of us with a positive role to play in addressing the climate emergency and ensuring that not just the Council, but all our residents and businesses take the necessary action.”

Mr Devonald thanked Councillor Stears-Handscomb for his response and the officers for working hard on this issue and asked the following supplementary question:

“An emergency is defined in the Oxford English Dictionary as something serious or dangerous that requires fast action in order to avoid harmful results. There was no greater emergency than the climate emergency as a fundamental existential threat. In the view of the North Herts Climate Action Group, the Council needs to fundamentally transform that that it operates, this cannot be tackled at the margins for example you need to tell taxi drivers that, within a number of years, only hybrid or electric vehicles will be acceptable.

You cannot add the onerous tasks relating to climate change to the existing work of officers. A fundamental review of everything is needed, therefore where are the resources coming from to achieve that?”

Councillor Martin Stears-Handscomb responded:

“This was an important issue and this emergency goes across all of the Council’s services.

We are just beginning our budget process and are producing a Council Plan in consultation with all Members of the Council. During that process one of the key priorities will be looking at Environmental issues and the emergency.

There are some things that we can’t do. There are limits to what we can do in respect of the example given regarding taxi, but we will do what we can do.

During the process described we will ensure that this subject is right at the top, bearing in mind there are some things that we have to do. The climate emergency has to be done within the resources we have available.”

39 ITEMS REFERRED FROM OTHER COMMITTEES

Audio recording – Start of Item – 12 minutes 52 seconds

(A) Item Referred from Cabinet – 30 July 2019 - Risk Management Update

The Executive Member for Finance and IT presented the referral from Cabinet regarding the Risk Management Update including the following documents:

- Referral from Finance, Audit and Risk Committee considered by Cabinet 30.07.19
- Report considered by Cabinet 30.07.19;
- Appendix A - New Risk Anti Social Behaviour;
- Appendix B - Annual Report on Risk Management.

Cabinet recommended to Council: That the Annual Report on Risk and Opportunities be considered and noted.

The Executive Member for Finance and IT drew attention to:

- Section 3 – Changes to Risk;
- Section 6 – Business Continuity.

He thanked officers for the work undertaken during 2018/19 and advised Members of the challenges for the upcoming year.

It was proposed by Councillor Ian Albert, seconded by Councillor Kate Aspinwall and:

RESOLVED: That the Annual Report on Risk and Opportunities be considered and noted.

REASON FOR DECISION: To enable Council to consider the Annual Report on Risk Management.

(B) Item Referred from Cabinet – 30 July 2019 – Medium Term Financial Strategy 2020 - 2025

The Executive Member for Finance and IT presented the referral from Cabinet regarding the Medium Term Financial Strategy including the following documents:

- Referral from Finance, Audit and Risk Committee considered by Cabinet on 30.07.19;
- Report considered by Cabinet 30.07.19;
- Appendix A - Medium Term Financial Strategy 2020-25 (As amended).

Cabinet recommended to Council: That the Medium Term Financial Strategy 2020-25 as attached at Appendix A be adopted.

The Executive Member for Finance and IT drew attention to:

- The Strategy had been reviewed by Finance, Audit and Risk before being considered by Cabinet;
- The Council was required to set a balanced budget;
- Paragraphs 2.5 to 2.17 set out the assumptions made;
- Since the report was written some further information had been received;
- The spending review had clarified some of the uncertainty for next year, although now pushed that uncertainty to the following year;
- Funding would not be reduced due to the negative support grant;
- For one year the Council would have more funding than had been estimated;
- The limit on Council Tax increases would likely be 2 percent rather than the current 3 percent;
- Homelessness funding was welcome, but not a significant amount;
- The Council needed to consider how to manage the one off benefit;
- Officers still needed to identify savings;
- It may be necessary to build in impacts regarding Brexit;

The Executive Member for Finance and IT thanked officers for their help.

The following Members took part in the debate:

- Councillor David Levett;
- Councillor Richard Thake.

It was proposed by Councillor Ian Albert, seconded by Councillor Sam North and:

RESOLVED: That the Medium Term Financial Strategy 2020 – 2025 be adopted.

REASON FOR DECISION: Adoption of a MTFs and communication of its contents would assist in the process of forward planning the use of Council resources and in budget setting for 2020/2021 to 2024/2025, culminating in the setting of the Council Tax precept for 2020/21 in February 2020.

40 MINOR AMENDMENT STANDARDS COMMITTEE CO-OPTEE NUMBERS AND APPOINTMENT OF PARISH/ TOWN REPRESENTATIVES TO STANDARDS COMMITTEE

Audio recording – 29 Minutes 57 seconds

The Service Director – Legal and Community/Monitoring Officer presented the report entitled Minor Amendment Standards Committee Co-Optee Numbers and Appointment of Parish/Town Representatives to Standards Committee

It was proposed by Councillor Judi Billing, seconded by Councillor Ruth Brown and:

RESOLVED:

- (1) That Paragraph 7.2.2 of the Constitution be amended, to a maximum of four Parish Council co-optees as non-voting members of the Standards Committee;
- (2) That Councillor Dr Julie Magill MBE (Barkway Parish Council) and Councillor Amy Bourke-Waite (Royston Town Council) be appointed as non-voting co-optee members to the Standards Committee.

REASON FOR DECISIONS: The increase in co-optee numbers will widen the engagement and further promote the ethical standards message in the District. This also ensures that there is Parish/Town or Community Council in-put into the Standards Committee and Sub-Committees (as may be required).

41 QUESTIONS FROM MEMBERS

Audio recording – 33 minutes 12 seconds

In accordance with Standing Order 4.8.11(b), three questions had been submitted by Members by the deadline date for questions set out in the Council's Constitution as follows:

(A) Garden Waste Re-Subscription

Councillor David Levett to Councillor Elizabeth Dennis-Harburg (Executive Member for Recycling and Waste Management):

“Following the extension to the previous charging period for Garden Waste and the introduction of stickers to identify those residents who have paid for collection of garden waste could the Executive Member say how many households have re-subscribed to the service and what percentage uptake this represents?”

Councillor Elizabeth Dennis-Harburg (Executive Member for Recycling and Waste Management) provided the following response:

“There is a question more answerable and probably the one intended. The question how many households have re-subscribed was difficult to get the data for, as it would be onerous on officers to pull together the data regarding all those who subscribed last year but didn't this year and it would exclude all of the people who did not subscribe last year, but have subscribed this year.

I think Councillor Levett may be asking how many households had signed up to the service this year and what percentage that amounts to.

As of 3pm today, 25,475 households have signed up to the Garden Waste Service which is 47.8 percent of the households in the District (June, July, August and 1-12 September 2019)

During the first 3 months of the 2018/19 subscription period, noting that these were different months due to the extension, 21,354 households who had paid for one or more garden waste bins to be collected.

Some residents have paid for more than one bin, the total number of bins that have been paid for in June, July and August this year is 25,366, last year the total number of bins paid for was 21,732. In the comparable period of the first 3 months more people had subscribed this year.

Based on anecdotal evidence there are some people who have chosen to drop out of the scheme, but equally there are new households who have opted in and once the autumn leaf fall period is past perhaps we can do some analysis and if you really want to know which households have chosen not to re-subscribe and try to think about the reasons customers might chose not to, then that is a piece of work we could do later in the year.

I feel that, at the moment, bearing in mind the pressures on the department, its possibly not the right time to be doing that work,”

Councillor David Levett asked the following supplementary question:

“That was part of the answer, but it was also to find out why people had not re-subscribed, but this data can be looked at later.

Bearing in mind that answer, the new Administration, prior to the election made a number of commitments regarding the charging for garden waste and brown bins ie:

- Bin the brown bin tax now;
- Liberal Democrat Councillors voted against this measure and continue to do so;
- If elected, I will do all I can to stop this stealth tax
- Labour will scrap the £40 bin tax for garden waste.

With this in mind can the Executive Member confirm that it is still the intention to scrap the bin tax and if so, when this will happen?”

The Executive Member for Recycling and Waste Management gave the following response:

“I will refer to the Labour manifesto for 2019 which is the relevant year.

In 2019 the Labour group ran on the basis that the Conservatives had introduced this charge. It is going to be far too onerous in terms of budgeting restrictions for us to unwind what has already been done, given that it would require us to either pay Urbaser £375,000 per year to provide the service for free and this is better option than lumping the food waste back in with the garden waste when you consider environmental issues. The food waste has to be separate if we are going to achieve our climate objectives. So it is not financially viable.

What we did say in our manifesto this year, which is the relevant set of promises which the administration is putting in place, is that we would look into and implement as quickly as possible concessionary rates. This is going to have to be next year and officers have been tasked with researching how we can build the infrastructure and what level to set the concessionary rate at. So that Labour manifesto promise is happening.

I can't speak to what Liberal Democrat colleagues put in their election literature, they ran their own campaign and at that time were a separate entity however, this administration has joint priorities and joint promises and just like any joint administration we have all made compromises and all made sacrifices of things we had in our wish list and we are working together to deliver the best possible service that we can to the residents of this District."

Councillor Sam North noted that the Executive Member had answered the question on behalf of the Labour Group and asked how the Liberal Democrat Group would be able to respond.

The Chairman advised that she would allow a Liberal Democrat representative to respond. There was no response before the Chairman moved to the next question.

(A) Community Infrastructure Levy

Councillor Richard Thake to Councillor Paul Clark (Executive Member for Planning and Transport):

"The Executive Member for Planning and Transport will be aware of the recent Planning Advisory Service (PAS) report that concluded that a combination of Community Infrastructure Levy (CIL) and Section 106 (S106) is the most effective way of capturing land value uplift to support essential infrastructure.

Would he agree that many developers in North Herts are not making a proper contribution to strategic infrastructure and in many cases making no contribution at all to the same, because NHDC has not implemented a CIL tariff?"

Councillor Paul Clark, Executive Member for Planning and Transport, gave the following response:

"Yes I do agree. It is disappointing that the previous Conservative administration did not implement it or look at it."

Councillor Richard Thake asked the following supplementary question:

“Councillor Clark is fully aware that, sadly, because of archaine Government rules, unless you have a Local Plan in place you can’t put CIL in place.

Will he now undertake to instruct officers to do the preparatory work to introducing CIL and bring to this Chamber a set of options so that, when and if the Local Plan is finally ratified and adopted, there is no further delay in trying to extract the maximum for the benefit of our greater community in North Hertfordshire from the development industry?”

The Executive Member for Planning and Transport responded:

“There is a report coming to Cabinet in December as part of the SPD to review CIL to go out as part of the Local Plan for consultation. So we will be able to try to redress the balance at that stage.”

Councillor Clark raised a point of order in that he believed that Members were only allowed to submit one question and asked that this be looked into. He stated that despite this, he was happy to answer the second question from Councillor Thake.

(B) Educational Provision in the Local Plan

Councillor Richard Thake declared that he was an elected Member of Hertfordshire County Council and in asking this question, which clearly has implications for the provision of education, for which the County Council is the statutory provider, wished to make it clear that he did not consider that there was any interests that would be improper. He was asking the question as a concerned parent, grandparent and resident of North Hertfordshire because of his concerns about the future of education.

Councillor Richard Thake to Councillor Paul Clark (Executive Member for Planning and Transport):

“In his recent letter to this Authority, the Local Plan inspector, Mr Simon Berkeley, raised further concerns and queries around the alarming disparity between this Councils proposal for education provision contained within the emerging Local Plan and the County Council’s representations regarding future educational provision in the secondary sector.

Can the Executive Member for Planning and Transport confirm that he will be pursuing modifications to the local plan to fully implement the recommendations from the County Council, acting as it does as the statutory authority for the provision of sufficient school places in a viable structure, and in doing so, recognise the current local plan educational provisions are deficient and as such puts at risk future educational standards in North Herts?”

Councillor Paul Clark, Executive Member for Planning and Transport, gave the following response:

“Following receipt of the Inspectors letter, in which he asked this Council to try to understand the County Council’s view, we are working with the County Council to try to resolve the issue amicably.”

Councillor Thake asked the following supplementary question:

“I am aware that conversations are going on between officers here and the other place, for which I am grateful.

Will the Executive Member please assure this Chamber that he will be bringing back regular reports on the progress of this Authority’s projected responses to all of the questions in both letters that the Inspector raised, so that Members can have full cognisance of what is going on and not just be landed with them at some later point in the future when it is too late to make any input?”

The Executive Member for Planning and Transport responded:

“I can assure the Member that that is my intention, so that we have all Members of this Council know what is going on. The officer has been on holiday and has recently returned. The Project Board has met a couple of times to plan the way forward. I believe the Inspector has been written to and we hope to have some of the information to him by the end of November.”

The Service Director – Legal and Community addressed Councillor Clark’s earlier point of order and advised that when the Constitution was recently changed, in regard to questions it now stated three questions per political group.

42 NOTICE OF MOTIONS

Audio recording – 48 minutes 40 seconds

The following motions had been submitted, due notice of which had been given in accordance with Standing Order 4.8.12:

A. Governance Review

It was moved by Councillor Martin Stears-Handscorn and seconded by Councillor Carol Stanier that:

“In order to meet the Administration’s commitment to a more inclusive and open approach to decision making, Council agrees to ask officers, in consultation with an all party working group, to review its governance arrangements and constitution and report back to Council in due course.”

The following Members took part in the debate:

- Councillor David Levett.

Upon the vote it was:

RESOLVED: That, in order to meet the Administration's commitment to a more inclusive and open approach to decision making, Council agrees to ask officers, in consultation with an all party working group, to review its governance arrangements and constitution and report back to Council in due course.

B. Pets as Prizes

It was moved by Councillor Carol Stanier and seconded by Councillor Ruth Brown that:

"This Council:

- Is concerned about the number of cases reported to the RSPCA each year, regarding pets given as prizes via fairgrounds, social media and other channels;
- Is further concerned for the welfare of those animals being given as prizes;
- Recognises that many cases of pets being given as prizes may go unreported each year; and
- Supports a move to ban the giving of live animals as prizes, in any form, on North Herts District Council Land.

The Council agrees to:

- Ban outright the giving of live animals as prizes, in any form, on North Herts District Council Land; and
- Write to the UK Government, urging an outright ban on the giving of live animals as prizes on both public and private land in England."

Councillor David Levett proposed and Councillor Strong seconded an amendment to the motion as follows:

That an additional line be added to read:

"That officers be requested to prepare an NHDC Land Licences Policy to ensure that Council owned land is only used for proper and fit purposes."

The following Members took part in the debate:

- Councillor Michael Weeks;
- Councillor Steve Jarvis.

Councillor Carol Stanier accepted the proposed amendment to the motion

Upon the vote it was

RESOLVED:

This Council:

- Is concerned about the number of cases reported to the RSPCA each year, regarding pets given as prizes via fairgrounds, social media and other channels;
- Is further concerned for the welfare of those animals being given as prizes;

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- Recognises that many cases of pets being given as prizes may go unreported each year; and
- Supports a move to ban the giving of live animals as prizes, in any form, on North Herts District Council Land.

The Council agrees to:

- Ban outright the giving of live animals as prizes, in any form, on North Herts District Council Land; and
- Write to the UK Government, urging an outright ban on the giving of live animals as prizes on both public and private land in England;
- That officers be requested to prepare an NHDC Land Licences Policy to ensure that Council owned land is only used for proper and fit purposes.

C. NO DEAL BREXIT AND PROROGATION OF PARLIAMENT

Council agreed to the request by Councillor Kay Tart to present and amended motion, which had been circulated to all Members.

It was moved by Councillor Kay Tart and seconded by Councillor Adem Ruggiero-Cakir that:

“This council:

1. In following Government instructions to prepare for a No Deal Brexit is aware of the risk that this could result in impossible demands being placed on this and other Hertfordshire Councils and all other work grinding to a halt.
2. Is dismayed that the Prime Minister has announced his intention to prorogue Parliament in the midst of a constitutional crisis, with the increasing threat of a catastrophic No Deal Brexit.
3. Condemns the suspension of Parliament by the Prime Minister and the silencing of elected representatives at a time of such national importance as undemocratic.
4. Is conscious of the highly damaging effects of a No Deal Brexit on all residents of the District.
5. Recognises and understands the concerns of its residents who are EU nationals and the threat a No Deal Brexit presents to their stability and wellbeing.

This council resolves to:

1. Make urgent representations to the Prime Minister urging him to abandon his plan to prorogue Parliament and to ensure that Parliament is fully involved in the decision making process regarding Brexit and any future Withdrawal Agreement.
2. Communicate to residents the possible outcomes of a No Deal Brexit and advise them of how to prepare for this eventuality, publicising the link to Council website on preparing for Brexit.
3. Take positive steps to alert residents who are EU nationals to inform them of the importance of applying for Settled Status, providing information about this process and signposting them to the website link and other appropriate support.
4. Make information available at surgeries and other local events and centres for EU nationals who need support in securing Settled Status.”

The following Members took part in the debate:

- Councillor Martin Stears-Handscomb;
- Councillor Michael Weeks;
- Councillor David Levett;
- Councillor Keith Hoskins;
- Councillor Sam Collins;
- Councillor Jim McNally;
- Councillor Daniel Allen;
- Councillor Kate Aspinwall;
- Councillor Gerald Morris;
- Councillor Ian Albert;
- Councillor Elizabeth Dennis-Harburg;
- Councillor Terry Hone;
- Councillor Steve Jarvis;
- Councillor Richard Thake;
- Councillor Judi Billing;
- Councillor Kay Tart.

The Chairman advise that she would take separate votes on each of the resolutions in the motion;

Following these votes it was:

RESOLVED:

That this council:

1. In following Government instructions to prepare for a No Deal Brexit is aware of the risk that this could result in impossible demands being placed on this and other Hertfordshire Councils and all other work grinding to a halt.
2. Is dismayed that the Prime Minister has announced his intention to prorogue Parliament in the midst of a constitutional crisis, with the increasing threat of a catastrophic No Deal Brexit.
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3. Take positive steps to alert residents who are EU nationals to inform them of the importance of applying for Settled Status, providing information about this process and signposting them to the website link and other appropriate support.
4. Make information available at surgeries and other local events and centres for EU nationals who need support in securing Settled Status.

The meeting closed at 9.20 pm

Chairman