

COUNCIL

Wednesday, 4 November 2020

Attendance:

Councillors Present

Cunningham (The Mayor)

Achwal	Hutchison
Becker	Laming
Bell	Learney
Bentote	Lumby
Bronk	Mather
Brook	McLean
Clear	Miller
Clementson	Murphy
Cook	Pearson
Craske	Porter
Cutler	Power
Evans	Prince
Ferguson	Read
Fern	Ruffell
Gemmell	Rutter
Godfrey	Scott
Gordon-Smith	Thompson
Green	Tod
Griffiths	Weir
Hiscock	Weston
Horrill	Williams
Humby	

[Full audio and video recording](#)

1. **MINUTES OF THE ORDINARY MEETING OF THE COUNCIL HELD ON 23 SEPTEMBER 2020**

RESOLVED:

That the minutes of the Ordinary Meeting of the Council held on 23 September 2020 be approved and adopted

2. **DISCLOSURE OF INTERESTS**

Councillors Hiscock, Humby, Tod and Porter declared personal (but not prejudicial) interests in respect of agenda items due to their roles as County Councillors.

Councillor Weir declared a personal (but not prejudicial) interest in respect of agenda item 8 (Question 2) as was a trustee of the University of Winchester Academy Trust which sponsored the Barton Farm Primary Academy.

Councillor Bronk declared a personal (but not prejudicial) interest in respect of agenda item 8 (Question 4) as he was a resident of Twyford which was impacted more so than other parts of the district from the flight path of Southampton International Airport.

3. **ANNOUNCEMENTS FROM THE MAYOR, LEADER AND CHIEF EXECUTIVE.**

The Mayor made a number of announcements.

The Mayor referred to the recent passing of former Councillor and past Mayor Jean Hammerton. Jean was elected to the council in 1994 and was Mayor 2003 to 2004 and was also a Bishops Waltham Parish Councillor for 26 years.

The Mayor then announced that former Councillor and past Mayor, Major Dougie Covill MBE DCM was celebrating his 100th birthday and that he had sent greetings from the Mayoralty and wider Council for his happy occasion.

The Mayor then reported that his recent Local Hero Awards had been great success. The awards had offered residents the chance to celebrate unsung heroes during the COVID-19 pandemic. In addition to the 113 individuals and groups who had been nominated, 48 Parish Councils and 19 local community groups had also been recognised for their efforts. Certificates had been issued to all these Heroes and the Mayor have recorded a special video in celebration.

The Mayor's next announcement was with regard to the recent Queen's Birthday Honours and he had written to the following:

- Professor Paul Elkington of Owslebury, a Professor of Respiratory Medicine at Southampton University. For services to Medicine particularly during the COVID-19 pandemic. A Member of the Order of the British Empire.
- Vera M Collings of Martyr Worthy. For services to the community. A Medal of the Order of the British Empire.
- Ronald D Williamson of Bishops Waltham. For services to the community. A Medal of the Order of the British Empire.

The Mayor then referred to Remembrance Sunday and that he was to lay a wreath on behalf of the Winchester district at the war memorial. Due to the COVID-19 pandemic restrictions, the clergy only cathedral service would be viewable via a live stream. He had also recorded a special video, with the Royal British Legion, which will be released on the council's social media channels just before 11am on both Sunday 8th and Wednesday 11th November.

The Leader then made her announcements.

The Leader referred to measures the council had taken to support free school meals during the half term break and that she would call on the government and other agencies to ensure that all those entitled to free school meals continued to do so during the school holidays.

The Leader then referred to the recent announcement by the government of a further four week period of lockdown restrictions. The council's key services would continue to be maintained and communities supported during this latest lockdown period, with the council once again working closely with partner and voluntary organisations and the county council etc.

The Leader then, on behalf of the council, thanked officers for their hard work in continuing to support businesses and communities.

The Leader then asked the Chief Executive to outline measures to be put in place and the council's priorities, especially during the latest lock down period.

Accordingly, the Chief Executive explained that priorities were to support individuals or groups who were identified as most at risk from COVID-19. The council would also support the businesses who had been forced to close and also working with those who were able to remain open to ensure that they operated within COVID-19 secure guidance.

A key priority was to enable and support the valuable work of community groups and individuals who are taking practical action to help their neighbours.

The council's critical frontline services were to be maintained, especially those that may face extra demand or additional operational challenges during the lockdown period.

The Chief Executive then outlined in detail the work undertaken to date to ensure that the council achieved these priorities.

The council was to continue to work with local councils to ensure that it provided the best service to communities at this time.

4. **QUESTIONS FROM MEMBERS OF THE PUBLIC**

Two written questions had been received and one member of the public was in attendance at the meeting to present their question, along with an associated supplementary question. Both questions and the response from the Cabinet Member were subsequently set out on the [council's website](#).

5. **URGENT DECISION - HM COURTS AND TRIBUNALS SERVICE - LICENCE TO OCCUPY ROOMS IN WINCHESTER GUILDHALL**

The Council noted the use of urgency provisions on 13 October 2020 by the Chief Executive under paragraph 19 of part 4.4 and paragraph 16 of part 4.3 of the Winchester City Council constitution.

6. **NOTICE OF MOTION**

In accordance with Council Procedure Rule 10, a Motion was submitted by Councillor Lumby as follows. The Motion was seconded by Councillor Brook.

"This Council commits to write to Central Government urging the urgent creation of criminal offences of trespass when setting up an unauthorised encampment, entering upon land as a trespasser with the purpose of residing there in a vehicle and residing in an unauthorised encampment."

Councillor Lumby introduced the Motion and in summary raised the following points:

- It was recognised that that 96.6% of the Gypsy, Traveller and Roma communities used authorised sites.
- The government's consultation on the criminalisation of trespass to create unauthorised encampments was between November 2019 and March 2020. To date, no further information had been forthcoming.
- Test Valley Borough Council had passed a similarly worded motion in September of this year. The southern parishes of this district have now asked for the council to consider its position regarding the matter.
- Unauthorised encampments continued to be a regular issue across the whole of the district, in the countryside and in the city.
- Waste left behind following an unauthorised encampment, if not cleaned up by communities, was a cost to the council. There were also instances of criminal activity and fear and unease in some communities.
- Officers of the council have strategies in place to deal with encampments, including producing court orders to move unauthorised encampments on. This takes on average 5 days and takes resource to complete. A quicker process was now required that allowed the police to act without a court order. There should be disincentives to not create encampments in the first place.
- The district needs to have sufficient authorised sites to move the 4.4% who currently used unauthorised encampments to.

During the debate which followed on the Motion, in summary, the following points were made:

- A Member detailed their experiences of unauthorised encampments within their community which had resulted in litter, disturbance and antisocial and criminal behaviour.
- The motion could impact on vulnerable, homeless people. For example, it would criminalise rough sleepers or those sleeping in cars and encourage them to conceal themselves which could mean that the council would be unable to locate and provide assistance.
- There does need to be improvements to how illegal encampments on private land is able to be dealt with – but not from criminalising activity. It cannot be assumed that the police would be able to prioritise, and they had responded negatively to the consultation.

- Without site allocation, there could be further marginalisation of sectors of our society.
- There were probably adequate criminal processes already in place to deal with some unexceptional behaviour experienced in some communities.
- The motion over-simplified a complex issue.
- The council should come back to consider the matter once the government had responded to the consultation.
- There was concern that there was debate on a motion that would impact primarily on one ethnic group. Support of the motion may show an implicit policy direction of the council regarding the matter – without having firstly considered all associated issues, including equality and human rights.
- The Human Rights Act served one sector of the community and abused another as a consequence, i.e. the right to peacefully enjoy their own property.
- Unauthorised encampments on open space and public land can have a detrimental impact on those living close to the land that is being occupied.
- Some encampments had not resulted in trespass and so the proposals would be unnecessary in such cases.
- Sites can be allocated appropriately and having regard to infrastructure (such as schools and GPs) to help ensure there was an inclusive approach to gypsies and travellers as part of the community.
- The Motion would save money and officer and court time.

Before voting on the motion, the mover of the motion (Councillor Lumby) gave his right of reply:

- There are issues for the traveller communities, but there were issues for residents regarding intimidation and fear when there was an unauthorised encampment close by.
- Need an effective solution simply to speed up the process of gaining possession, which currently takes around 5 days. Also to encourage the traveling communities to make use of the existing authorised sites.

As it was the request of more than five Members present in the meeting, a recorded vote was taken on the motion.

Division Lists

The following Members voted in favour of the motion:

Councillors Brook, Clementon, Cook, Cunningham, Gemmell, Godfrey, Griffiths, Horrill, Humby, Lumby, Mather, Mclean, Miller, Pearson, Read, Ruffell, Scott, Weston

The following Members voted against the motion:

Councillors Achwal, Becker, Bell, Bentote, Bronk, Clear, Craske, Cutler, Evans, Fern, Ferguson, Gordon-Smith, Green, Hiscock, Hutchison, Laming, Learney, Murphy, Porter, Power, Prince, Rutter, Thompson, Tod, Weir, Williams

There were no Members abstaining from voting on the motion

Motion lost.

RESOLVED:

That the motion as set out above be not carried.

7. **CHANGES TO COMMITTEE MEMBERSHIPS**

There were no changes to committee memberships to report.

8. **QUESTIONS FROM MEMBERS OF COUNCIL**

10 written questions had been received which were heard at the meeting along with any associated supplementary questions. All questions are set out in full on the [council's website](#), together with responses from the relevant Cabinet Member.

9. **SPECIAL THANKS**

It was proposed that council offer its thanks to all the recipients of the Mayor's Local Hero's Awards and this was seconded and Members then reciprocated with applause.

The meeting commenced at 6.00 pm and concluded at 8.05 pm

The Mayor