

MINUTES of the Extraordinary meeting of Council held at The Shirehall, St Peter's Square, Hereford. on Friday 12 June 2009 at 10.30 am

Present: Councillor J Stone (Chairman)
Councillor JB Williams (Vice Chairman)

Councillors: PA Andrews, WU Attfield, LO Barnett, AJM Blackshaw, WLS Bowen, H Bramer, ME Cooper, PGH Cutter, H Davies, GFM Dawe, PJ Edwards, MJ Fishley, JP French, JHR Goodwin, AE Gray, DW Greenow, KG Grumbley, KS Guthrie, JW Hope MBE, RC Hunt, TW Hunt, JA Hyde, TM James, Brig P Jones CBE, G Lucas, RI Matthews, PJ McCaull, AT Oliver, JE Pemberton, RJ Phillips, GA Powell, SJ Robertson, A Seldon, RH Smith, RV Stockton, JK Swinburne, AP Taylor, DC Taylor, AM Toon, WJ Walling, PJ Watts, DB Wilcox and JD Woodward

21. PRAYERS

The Very Reverend Michael Tavinor, Dean of Hereford, led the Council in prayer.

22. APOLOGIES FOR ABSENCE

Apologies were received from Councillors: C Bartrum, DJ Benjamin, ACR Chappell, BA Durkin, MAF Hubbard, JG Jarvis, MD Lloyd-Hayes, R Mills, GA Powell, NL Vaughan

23. DECLARATIONS OF INTEREST

There were no declarations of interest made.

24. CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised Members that an extraordinary meeting of the Council had been called to exercise the powers reserved to Council at its Annual Meeting in the allocation of seats to political groups for the forthcoming year.

25. APPOINTMENT TO OFFICES RESERVED TO COUNCIL, ALLOCATION OF SEATS TO POLITICAL GROUPS, APPOINTMENT TO COMMITTEES AND OTHER BODIES

The Chairman called on the Chief Executive, Chris Bull to inform Council of the process for considering the item together with any pertinent legal issues which required to be borne in mind by Members.

The Chief Executive advised Members that the detailed report outlined the rules of proportionality and the options for the allocation of seats to political parties. Members were informed of the proposals for their consideration and were provided with an outline of the options relating to; the suspension of proportionality for both Strategic Monitoring Committee and (for clarity) Regulatory Committee (outlined in paragraph 14 of the report) which would need to be agreed nem com; and the option relating to the application of strict proportionality (according to the allocation outlined in paragraph 18 of the report) which would legally prevail should the first option not be agreed nem com.

Members were informed by the Chief Executive that firstly the Council must establish whether it wished to suspend proportionality, which if agreed nem com, would require Council to consider recommendations (c) and (d); should proportionality not be suspended the Council would consider recommendations (e) and (f) of the report.

Council was informed that the proposed suspension of proportionality would relate to the membership of both Strategic Monitoring Committee and Regulatory Committee.

Following a request, the Chairman informed Council that the recommendations in the report would be considered individually.

Councillor JD Woodward advised Council that she had agreed to present a statement to Council on behalf of Councillor MD Lloyd Hayes, who was not in attendance due to a prior engagement. Councillor JD Woodward emphasised whilst she would articulate the words of the statement, no assumptions or inferences should be made of her personal views. Councillor MD Lloyd Hayes' statement expressed her view that that the current administration was dictatorial in its manner which was illustrated by the discriminatory way the Alliance Group was treated due to its lack of Committee positions and in the way allocations were determined. The statement expressed the view that the Alliance Group sought equity with the Labour Group regarding Committee positions. The opportunity for Councillors to serve on different Committees was also addressed in the statement. Further views were expressed regarding back bench Members' involvement in training and development and wider issues pertaining to the review of the constitution. Reference was additionally made to the recent reports relating to MPs allowances and the need to rebalance the national democratic deficit through a radical review.

The Leader, in responding to issues raised, advised Members that the statement was fundamentally flawed as several points related to mistaken assumptions regarding the appointments process which in turn underlined a basic lack of knowledge and understanding of the Council's constitution and constitutional matters. The Leader challenged certain views articulated in the statement and advised Members that the reputation of the Council could be damaged if such remarks were left unchallenged. He sought an apology from Councillor MD Lloyd Hayes on personal remarks made of the Leader within the statement.

Council was advised by the Leader that under the Local Government Act, Group Leaders were a recognised group and the Council had procedures in place for Group Leaders to consider appointments. As such, committee proportionality had been discussed within political groups with any resulting proposed changes considered with Group Leaders.

The Leader expressed his disappointment that Councillor MD Lloyd Hayes was unable to attend and thanked those Members in attendance who had rearranged long standing commitments to be in attendance, not least those Members of the Planning Committee, the meeting of which had to be rescheduled for a later date. It was hoped that the rescheduling of the Planning Committee did not have a detrimental effect on those issues requiring consideration.

The Leader urged Members to agree to suspend proportionality in Strategic Monitoring Committee and Regulatory Committee.

The Cabinet Member Corporate, Customer Service and Human Resources, Councillor JP French, echoed the comments of the Leader. Councillor French provided Council with an explanation of the current situation in respect to the Chairman of the Audit and Corporate Governance Committee being a Labour Councillor. Members were informed that the position of Chairman of the Committee was a Conservative seat, however the

post had been traditionally offered to a senior member of the Council (not in the Executive). By offering the position to an opposition Member, this further underlined the transparency of the authority and emphasised the robustness of the process. Responding to a particular point which arose in the statement, Councillor JP French stated that Members wishing to change their Committee membership should make a request through their group leader who would undertake the appropriate negotiation with fellow group leaders.

Following the explanation regarding the appointment of Chairman of Audit and Corporate Governance, Councillor AM Toon advised Council that she no longer held an objection to the recommendations as clarity had been provided on the issue. However Councillor AM Toon advised Council of the need to be aware of perceptions of inequity in order that they can be clearly addressed the future.

The Liberal Democrat Group Leader, Councillor TM James, agreed with the views expressed by the Leader and emphasised the importance of the Council's reputation. Councillor TM James raised the issue that upon its establishment the Audit and Corporate Governance Committee made provision for an external independent Chairman, however in the absence of a suitable independent individual, the post had been ably filled by senior councillors based on their skills and talents. The Vice Chairman of Audit and Corporate Governance Committee, Councillor RH Smith, paid tribute to the current Chairman of the Committee, Councillor ACR Chappell for his knowledge and ability and emphasised the importance for democracy that the position be gifted to a councillor external to the party in administration. Councillor RH Smith added that by failing to understand the context of the appointment, Councillor MD Lloyd Hayes misrepresented the situation of the appointment of Chairman of the Audit and Corporate Governance Committee.

The Cabinet Member Social Care Adults, Councillor LO Barnett requested that all councillors work together to deliver greater benefits and progress to the county. Councillor LO Barnett stated that it was recognised that Members worked hard within their wards and that she was proud to be associated with the Council.

The Leader advised Council that the appointments process would be reconsidered in time for 2010 and additionally stated further consideration would be given to the provision of an independent Chairman of Audit and Corporate Governance Committee. The Leader referred to the recent media interest regarding Westminster and that the focus on national political issues detracted from local government, not least the resignation of the Communities and Local Government Minister on the eve of local and European elections. The need for local government to focus on the importance of delivering services to people to enhance their quality of life was emphasised by the Leader.

RESOLVED unanimously that:

- (a) the arrangements for proportionality be noted;**

(Councillor GFM Dawe requested his abstention be recorded in the minutes)

- (b) the notice given in paragraph 9 of the need to partially suspend the rules of proportionality in respect of the Strategic Monitoring Committee be noted and a resolution be moved to that effect;**

(Councillor GFM Dawe requested his abstention be recorded in the minutes)

- (c) subject to the vote at recommendation (b) being passed nem con, appointment to membership of Committees (as at Appendix 1) be**

noted for the term of office which will be due for consideration at the next Annual Meeting of Council;

(Councillor GFM Dawe requested his abstention be recorded in the minutes)

(d) subject to the vote at recommendation (b) being passed nem on, appointment of Chairmen & Vice Chairmen of Committees (as at Appendix 2) be approved for the term of office which will be due for consideration at the next Annual Meeting of Council;

(Councillor GFM Dawe requested his abstention be recorded in the minutes)

Due to Council's approval of recommendations (a) – (d), recommendations (e) and (f) did not require consideration.

The meeting ended at 11.00 am

CHAIRMAN