

MINUTES of the meeting of Council held at The Shirehall, St Peter's Square, Hereford. on Friday 27 May 2011 at 10.30 am

Present: Councillor J Stone (Chairman)

Councillors: PA Andrews, AM Atkinson, LO Barnett, CM Bartrum, PL Bettington, AJM Blackshaw, WLS Bowen, H Bramer, AN Bridges, ACR Chappell, EMK Chave, MJK Cooper, PGH Cutter, BA Durkin, PJ Edwards, DW Greenow, KS Guthrie, RB Hamilton, J Hardwick, EPJ Harvey, AJ Hempton-Smith, JW Hope MBE, MAF Hubbard, RC Hunt, JA Hyde, TM James, JG Jarvis, AW Johnson, Brig P Jones CBE, JLV Kenyon, JF Knipe, JG Lester, MD Lloyd-Hayes, G Lucas, RI Matthews, PJ McCaull, SM Michael, JW Millar, PM Morgan, NP Nenadich, C Nicholls, FM Norman, RJ Phillips, GJ Powell, R Preece, PD Price, SJ Robertson, P Rone, A Seldon, P Sinclair-Knipe, GR Swinford, DC Taylor, PJ Watts, DB Wilcox and JD Woodward

1. CHAIRMAN

The retiring Chairman called for nominations to the office of Chairman of the Council.

Councillor RJ Phillips proposed Councillor LO Barnett as Chairman of Herefordshire Council, stating that Councillor Barnett was one of the most senior Members of Council, with over 30 years of experience.

Councillor TM James seconded Councillor LO Barnett as Chairman for the Council.

Councillor Barnett was unanimously elected as Chairman of the Council.

RESOLVED: That Councillor LO Barnett, be elected Chairman of the Council until the annual meeting of Council in May 2012.

2. PRAYERS

The Reverend Prebendary Paul Towner led the Council in prayer.

The Chairman extended a warm welcome to Her Majesty's Lord Lieutenant, the Countess of Darnley and the Earl of Darnley, the High Sheriff of Herefordshire, Mr Simon Arbuthnott and Mrs Arbuthnott who were in attendance.

Councillor Barnett thanked Councillor Stone for his Chairmanship of the Council, and said that he had set a high standard throughout his term of office and that she felt a certain amount of trepidation following in his footsteps. She thanked the proposer and seconder of the motion, and said that her priority whilst she held the honorary position was to work to raise the profile of healthcare in the County. She recognised the pivotal role of the County Hospital, and said that the health and wellbeing of the population of Herefordshire was the foundation of a good society.

Councillor Stone said that he had enjoyed his time as Chairman of the Council, and that it had been an honour to represent the Council. He thanked the Members and political groups for their support during his tenure. He thanked Mr Beris Williams for all his support as Vice-Chairman during the previous administration. He went on to thank Ms Vicky Harris, in her role as Personal Assistant to the Leader and the Chairman and said that she would be an asset to the new Chairman.

Councillor Stone explained that during his tenure he had undertaken several sponsored events on behalf of the Noah's Ark Trust, Herefordshire Headway, the Charles Renton Unit and Megan Baker House; many of these events had taken place with the Help of Councillor S Robertson and he thanked her for her support.

He went on to say that he had known Councillor Barnett for many years, and wished her every success in her new role.

3. APOLOGIES FOR ABSENCE

Apologies for absence were received from the Councillors CNH Attwood and GA Powell.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. VICE-CHAIRMAN

The Chairman called for nominations to the office of Vice Chairman of the Council.

Councillor JA Hyde proposed Councillor ACR Chappell. Councillor RI Matthews seconded the proposal.

RESOLVED: That Councillor ACR Chappell be appointed Vice-Chairman of the Council until the annual meeting in May 2012.

6. MINUTES

The Minutes of the meeting held on 4 March 2011 were approved as a correct record.

7. CHAIRMAN'S ANNOUNCEMENTS

The Chairman in her announcements:

- Informed Council of the royal visit that took place on 23 March by their royal highnesses the Duke and Duchess of Gloucester to the Hereford College of Arts, Peterchurch Community Church, MandM Direct in Leominster, Robert Clarke Windsor Chairs in Brockmanton and to the Megan Baker House, which was attended by Councillor J Stone as Chairman.
- Reminded Council that following the meeting, the annual photograph of Council would take place on the stage in the Shire Hall, and Council would then move to the Town Hall.

8. APPOINTMENT OF THE LEADER OF THE COUNCIL

The Chairman called for nominations to the office of Leader of the Council.

Councillor PD Price proposed Councillor JG Jarvis. Councillor PM Morgan seconded the proposal.

RESOLVED: That Councillor JG Jarvis be appointed Leader of the Council for the term of the Council.

9. NOTIFICATION OF CABINET APPOINTMENTS

The Leader of the Council announced the allocation of portfolios and the Deputy Leader of the Council.

The Leader reported that Councillor PD Price would serve as Deputy Leader, and would hold the portfolio of Corporate Services and Education. The following Councillors would also hold Cabinet positions:

- Councillor RJ Phillips (Cabinet Member, Enterprise and Culture)
- Councillor PM Morgan (Cabinet Member, Health and Wellbeing)
- Councillor AJM Blackshaw (Cabinet Member, Highways and Transportation)
- Councillor DB Wilcox (Cabinet Member, Environment, Housing and Planning)

10. COMMITTEES AND OUTSIDE BODIES 2011/12

Council received a report on the constitution of committees and the allocation of their membership, together with other bodies, in accordance with political proportionality rules.

In presenting the report, the Monitoring Officer reminded Members that Parliament had set out strict rules concerning proportionality. The proportionality rules resulted in the seats being available to each Group as outlined on page 39 of the report. One ungrouped member would not have a seat on any Committees.

Should Council wish to allocate seats on a different basis from that of political proportion, this could only be done where approved by Council without any Member voting against (a nem com vote by Council). It was proposed that the application of proportionality should be suspended for the River Lugg Internal Drainage Board and the Wye Valley AONB Joint Advisory Committee, and that these appointments should be determined by Group Leaders.

A revised Appendix 2 to the report, containing proposed appointments to the posts listed, was circulated at the meeting. It was noted that on the Overview and Scrutiny Committee, Councillor GR Swinford would be replaced by Councillor SJ Robertson.

In discussion, the following points were made:

- Training for Committee Membership would take place during the day, but Members would be canvassed to see whether there would be sufficient interest for an evening session to be held.
- It was stated that care was needed when setting up the scrutiny system, as the system outlined to Council implied that the ruling political group would be scrutinising itself. He did not believe that this model was the best way forward for the Council.
- It was felt that the proposals were a backward step for democracy in the County.
- It was suggested that the 'Review of the Overview and Scrutiny Function In Herefordshire Council' carried out in December 2008 for the Overview and Scrutiny Committee should have been circulated to new Members. It was believed that the new arrangements recommended in the report were to be phased in, and that this had not happened.
- It was added that in Herefordshire, Call-in of executive decisions required the signatures of three Members from two different political Groups. In researching

other Authorities that operated a scrutiny commissioning model, the practice was that five members from any Group could sign the Call-in form. It was questioned how public participation would take place in Task and Finish Groups.

- IT was noted that as the Overview and Scrutiny Committee was an advisory body, it was required by law to be proportionate. Task and Finish Groups were not required to be proportionate, as proportionality had already been implemented in the setting up of the Overview and Scrutiny Committee.
- The Leader said that it was not the intention that the Task and Finish Groups should be proportional. He added that it was the intention that the Groups should go out to the public, and that they should encourage public participation in their deliberations.
- There was concerned about the proposals, as it was felt that the degree of openness could be restricted.
- One Member stated that he had come to the meeting with grave doubts about the proposed scrutiny system, but having spoken to senior officers, he was reassured, and urged Members to allow the new system to operate.
- A Member asked that the amendments to the Constitution that were inherent in this paper should be put before the Constitutional Review Working Group in order to ensure that the correct checks and balances were made.

The following amendment was moved by Councillor MAF Hubbard and seconded: *'That an early meeting of the new Overview and Scrutiny Committee should be called with the specific remit to review the report in conjunction with the Review of the Overview and Scrutiny Function in Herefordshire Council (2008), and to make recommendations regarding the effective implementation of the latter report.'*

In speaking to the amendment, Councillor Hubbard said that it was an amendment that supported the Leader's desire for consensus and collaborative working between the Groups.

The amendment was put to the vote.

For 16

Against 29

Abstention 27

The amendment was lost

RESOLVED that:

- (a) the list of ordinary committees be confirmed and the allocation of seats on those committees to political groups be made as indicated in the table below paragraph 16;**
- (b) the seats on other bodies to which the allocation of seats to groups falls to be made by this Council be as indicated in the table below paragraph 18 and all other representation on outside bodies in accordance with the Appendix be decided by the Chief Executive in consultation with the Group Leaders;**

- (c) no seats would be allocated to the ungrouped member;
- (d) the wishes of the political groups as to filling their respective allocations of seats be noted;
- (e) the appointments of Chairmen and Vice-Chairmen be confirmed in accordance with the list tabled at the meeting;
- (f) the terms of reference and functions of committees be adopted as detailed in the report and subject to the aspects relating to the new scrutiny model being reported back to Council;
- (g) the Monitoring Officer be authorised to make these and any other consequential amendments to the Constitution;
- (h) that the partial suspension of the rules of proportionality, in respect of the Regulatory Sub-Committee, the River Lugg Internal Drainage Board and the Wye Valley AONB Joint Advisory Committee, be approved.

11. REPORT OF THE INDEPENDENT REMUNERATION PANEL

The Assistant Director Law, Governance and Resilience presented a report on the recommendations of the Council's Independent Remuneration Panel on the Councillors Allowance Scheme.

Before opening the debate, the Leader spoke to Council and thanked the Panel for their report and ask Council to receive and adopt the report save that recommendation b2 be amended to take account of future developments in ICT technology and the piloting of the use tablet computers. I would like to amend the recommendation to state:

- b2) a one off allowance of up to £1,000 be made available to all Councillors on the condition that this is to allow them to equip themselves sufficiently with ICT to carry out their Council duties, payment to be made on the basis of actual expenditure evidenced by receipts. The allowance to be claimable anytime in the first three years of the life of this Council's administration.

In the ensuing discussion on ICT, the following points were made:

- There was some disappointment at the proposal, which could be seen as retrogressive. The Council had moved toward remote working to allow staff to work in the field. Members were working for a corporate body, with associated aims and it was proposed that the recommendation regarding ICT provision be put on hold until the Council had a chance to reconsider it.
- It was asked whether this scheme was cheaper and more cost effective than the previous one. It was added that the loss of ICT support could impede Members from doing their jobs effectively.

The Cabinet Member (Corporate Services and Education) who had oversight of ICT in the previous administration, stated that many options in the ways of working had been discussed. Members would have different requirements, and this option was considered the most appropriate way to ensure that there was sufficient ICT provision operating effectively within a corporate facility. This approach would also address the necessity to

upgrade technology in the future. He added that software would be provided to Members by the Council at a reduced rate.

In the ensuing discussion, the following points were made:

- It was pointed out that the current system was expensive because of the degree of back up that was provided to Members. The report before Council would be less costly, as Members would have to take responsibility for their own ICT provision.
- It was suggested that bulk purchase of ICT equipment by the Council should be considered, as this would serve to reduce costs.
- A Member said that whilst they supported the recommendations, it was felt that it could have been explained more clearly, as there were no figures that showed the savings that were being made. There was discussion on the Special Responsibility Allowances (SRAs).
- Councillor EPJ Harvey put forward an amendment to the recommendation that *'The Special Responsibility Allowances be waived for all qualifying Councillors for the current financial year, and the funds be used to offset the Government's withdrawal of the School Standards Fund at the end of the previous financial year'*

The Amendment was seconded by Councillor MAF Hubbard.

The amendment was put to the vote.

For the amendment :10

Against the amendment: 37

The amendment was lost

The Deputy Leader replied that the Standards Fund was subject to a national debate, and it had not, at this juncture, been withdrawn. The Cabinet Member (Enterprise and Culture) concurred, and added that the Government had been subject to a great deal of lobbying over this matter, and the Council was working with other Local Authorities to address the matter.

The following points were also made:

- that the Remuneration Panel was a body independent from the Council, which had recommended that there should be no increase in the amount payable to Councillors.
- it was important that people from all walks of life were in a position to be able to represent their ward by accepting allowances. She added that it should be a personal choice as to whether or not an individual Member accepted an SRA and, given the complexity and responsibility of her portfolio, she intended to utilise her allowance.
- A Member said that he had discussed the issues with the Leader, and understood that the SRAs would be reviewed annually. He pointed out that if Cabinet Members were aided in doing their jobs to their full potential by way of an SRA, then he believed that they were a way of saving the Council money in the long run.

RESOLVED

THAT:

- (i) the Independent Remuneration Panel be thanked for its report;**
- (j) having regard to the following recommendations of the Independent Remuneration Panel as set out in the Panel's appended report:**
 - 1 allowances should be updated annually in line with the National Joint Council for Local Government Services pay award for a further 4 years;**
 - 2 a one off allowance of up to £1,000 be made available to all Councillors on the condition that this is to allow them to equip themselves sufficiently with ICT to carry out their Council duties, payment to be made on the basis of actual expenditure from the 6 May 2011, evidenced by receipts. The allowance to be claimable anytime in the first three years of the life of this Council's administration.**
 - 3 Members be entitled to claim expenses for consumables including Broadband subscription up to a maximum of £200 per year on the basis of claims for actual expenditure evidenced by receipts, which are as a general rule expected to be submitted quarterly, with any payments exceeding that amount requiring approval by the Assistant Director Law, Governance and Resilience;**
 - 4 a Special Responsibility Allowance be paid to Advisers/Assistants to Cabinet Members which should not exceed more than 50% of the Band 2 Allowance in the Allowances Scheme currently paid to individual Cabinet Members, subject to the total budget currently allocated for individual Cabinet Members not being exceeded;**
 - 5 a Special Responsibility Allowance be payable in principle to Chairmen of Scrutiny Task and Finish Groups, subject to the total amount currently payable to the 5 Chairmen of Scrutiny Committees not being exceeded, the level of such Allowances to be determined in accordance with a Scheme to be prepared by the Assistant Director Law, Governance and Resilience and submitted to Council for approval;**
 - 6 a Special Responsibility Allowance is only paid to Political Group Leaders on the Council where the Membership of the relevant Political Group exceeds 10% of the total Membership of the Council (ie 6 Councillors);**
 - 7 mileage allowances should continue to be paid on the single rate used by Her Majesty's Revenue and Customs Service for all business mileage, as is the case for staff;**

8 Members be entitled to choose between claiming mileage allowance for bicycle travel, or claiming for an annual service for their bicycle instead; and

9 the current system of paying Members car parking expenses for official business by provision of a car parking pass should continue.

(k) and the new Allowances Scheme take effect from 28 May 2011.

12. DATES OF FUTURE MEETINGS

The dates of future Council meetings for 2011/12 were agreed as:

15 July 2011
18 November 2011
3 February 2012
2 March 2012
25 May 2012 (Annual Council)

All meetings would be held at 10.30 at the Shirehall, Hereford unless advised otherwise.

13. ANNUAL REPORTS

The Chairman called for a vote to vary Procedure Rule 4.1.5.2 in order to dispense with the annual reports of committees and the Leader's report, on the grounds that these reports were given at the final meeting of the preceding municipal year.

The vote was approved unanimously.

Resolved: that Procedure Rule 4.1.5.2 should be varied.

The meeting ended at 12.30 pm

CHAIRMAN