

MINUTES of the meeting of Council held at The Council Chamber, Brockington, 35 Hafod Road, Hereford. on Friday 4 January 2013 at 10.30 am

Present: Councillor LO Barnett (Chairman)
Councillor ACR Chappell (Vice Chairman)

Councillors: PA Andrews, AM Atkinson, CNH Attwood, CM Bartrum, PL Bettington, AJM Blackshaw, WLS Bowen, H Bramer, AN Bridges, 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, JA Hyde, TM James, JG Jarvis, Brig P Jones CBE, JLV Kenyon, JF Knipe, MD Lloyd-Hayes, RI Matthews, PJ McCaull, SM Michael, PM Morgan, NP Nenadich, C Nicholls, FM Norman, RJ Phillips, GJ Powell, AJW Powers, R Preece, PD Price, SJ Robertson, P Rone, A Seldon, P Sinclair-Knipe, J Stone, GR Swinford, GA Vaughan-Powell, PJ Watts and DB Wilcox

68. APOLOGIES FOR ABSENCE

Apologies had been received from Councillors:-

EMK Chave, MAF Hubbard, RC Hunt, AW Johnson, JG Lester, JW Millar, and DC Taylor

(Cllr RJ Phillips left the meeting partway through item 4 and was absent for the remainder of the meeting.)

69. PRAYERS

Canon Andrew Piper led the Council in prayers.

70. DECLARATIONS OF INTEREST

4. ELECTORAL REVIEW OF HEREFORDSHIRE.

Councillor AN Bridges, Non-Pecuniary, The Councillor would be affected by the proposed ward changes.

5. BREACH OF THE MEMBERS' CODE OF CONDUCT BY COUNCILLOR MARK HUBBARD.

Councillor ACR Chappell, Non-Pecuniary, The Councillor was a member of the standards panel that had considered the matter.

71. ELECTORAL REVIEW OF HEREFORDSHIRE

The Leader of the Council presented a report on the proposed submission to the Local Government Boundary Commission of England in respect of the Commission's proposals for Council size and warding arrangements in Herefordshire. The Leader informed Council that the Commission was unlikely to make any significant changes at this late stage and any proposed changes would need to be well argued and well presented with evidence. The Leader commended the report to Council and the recommendations therein.

The following points were made in discussion:-

- That there was a feeling a reduction to 53 members would put greater strain on members populating existing Council Committees. In many cases Councillors commit 40-60 hours per week on Council work and this would also add to the overall carbon footprint.
- The reduction in Member numbers would adversely affect the access to skills and experience that members bring to meetings.
- At least one of the 3 guiding principles of the Boundary Commission seems to be breached in that there are examples of Multi Agency wards working very strongly in particular:-
 - i) Tupsley and the work of the Tupsley Community Group and N. Tupsley Action Group
 - ii) Leominster and the work of the 'Bridge Street Buddies'
- Many of the Communities were being cut in half by the proposals on boundary lines inappropriately drawn up based on landscape features or numbers rather than community make-up.
- The Commission seemed determined to pursue the idea of single member wards with no consideration to alternative views.
- Councillor WLS Bowen, in respect of recommendation (c) stated that the current proposition was not a practical one with too much focus on the South of the ward. Councillor Bowen stated that the barrier between Hanway Common and Mortimer Forest was significant and the ward was not drawn up in a practical way for Richards Castle to receive a proper service from a Councillor at Mortimer, for example.
- Ledbury Ward preferred to remain as a single ward with three Councillors. The responses received from Ledbury Town Councillors were unanimous in opposition, as were the opinions of the Ward Members. The responses received from Ledbury represented 30% of the written responses received by the Council.
- Councillor GA Powell made the point that the proposals in respect of Hunderton and Hinton were unsatisfactory and Hunderton and Newton Farm should be linked as one ward.
- The consultation period was abnormally short, without explanation from the Commission, and rendered even shorter by the Christmas holidays. Around 40% of the responses were submitted on the last day (28 August 2012) and every single one quotes the same words, including the character marks, a paragraph of text must therefore have been sent out for people to use in responses, every single one of whom was associated with the Conservative party.
- For some wards it was appropriate to leave them as they were and the " Do Nothing" option should also be considered.
- The Council had already made its substantive submissions in its letter to the Commission in the summer of 2012 and effectively therefore there were no alternatives on the table to consider and these issues were not up for debate.

- The proposals could be considered as a more efficient use of the time of both officers and members once implemented.

The recommendation at (a) in the report was moved and seconded whereupon a vote was taken as follows:-

For: 30
 Against: 16
 Abstentions: 2

Councillor FM Norman proposed a motion that ‘this Council agrees that greater flexibility is needed and multi-member arrangements should be possible where called for’ which was seconded, whereupon a vote was taken as follows:-

For: 23
 Against: 24 (The Chairman having used her vote)
 Abstentions: 2

The recommendation at (b) in the report was proposed and seconded and carried UNANIMOUSLY.

A named vote was requested in accordance with paragraph 4.1.16.38 in respect of motion (c). The motion being proposed and seconded the vote was taken as follows:-

For: 24 votes
 Councillors: PA Andrews, AM Atkinson, LO Barnett, CM Bartrum, AJM Blackshaw, H Bramer, ACR Chappell, MJK Cooper, PGH Cutter, BA Durkin, DW Greenow, KS Guthrie, JW Hope MBE, JA Hyde, TM James, JG Jarvis, JF Knipe, PM Morgan, NP Nenadich, RJ Phillips, GJ Powell, PD Price, P Sinclair-Knipe, DB Wilcox

Against: 23 votes
 Councillors: CNH Attwood, PL Bettington, WLS Bowen, AM Bridges, J Hardwick, EPJ Harvey, AJ Hempton-Smith, Brig. P Jones CBE, JLV Kenyon, MD Lloyd-Hayes, RI Matthews, PJ McCaull, SM Michael, C Nicholls, FM Norman, GA Powell, AJW Powers, R Preece, SJ Robertson, A Seldon, J Stone, GR Swinford, PJ Watts

Abstentions: 1
 Councillor: PJ Edwards

In respect of Motion (d) after agreeing that each name change be passed, subject to proposal and seconding, changes to ward names would be sent to the Boundary Commission for their consideration

RESOLVED

That the Council:

- accepts the Boundary Commission proposal for a council size of 53 members.**
- supports the submission of Richards Castle Parish Council that the parish should be included in the proposed Kingsland Ward rather than Mortimer Ward**
- accepts the recommended warding arrangements for the county**
- approves the list of ward names as set out in appendix A of the report, subject to the changes as follows:-**

No 8	Bromyard Downs	to Bromyard East
No 28	Kingsland	to Bircher
No 10	Broomy Hill	to Greyfriars
No 19	Eign Hill	to Central Tupsley
No 29	Kingstone	to Wormside
No 1	Ashperton	to Trumpet, Newton and Burley Gate
No 5	Bishops Frome	to Bishops Frome and Cradley
No 4	Bircher	to Golden Valley East

72. BREACH OF THE MEMBERS' CODE OF CONDUCT BY COUNCILLOR MARK HUBBARD

The Report was introduced by Councillor Stone, the Chairman of the Council's Audit and Governance Committee. Councillor Stone observed that this was a case that fell within the transitional period between the old and new standards regimes. Councillor Stone also confirmed that the Council had set up a new Independent Standards panel four months ago and that Audit and Governance Committee agreed that this report should be presented to full Council.

In the discussion that followed, the following issues were raised:-

- Some Councillors expressed the view that the Subject Member's conduct had fallen well below the standard of honesty and integrity expected. There were concerns that Councillors would be tarnished as peers.
- Concern was expressed about the subject member entering the office and removing an envelope.
- It was noted that no expression of remorse had been put forward.
- Not all Councillors agreed they were brought into disrepute by the actions of another Councillor.
- There were concerns that some Councillors may have had the benefit of access to the investigation report that other Councillors had not and that evidence should be properly considered.
- That concerns should perhaps be diverted towards the lack of robustness in the current process and that the Council's options were limited.
- That sometimes it was in the public interest to 'whistle blow'.
- That in this case the Subject Member made no attempt to seek advice in respect of the decision to disclose the report in Complaint 1209.

The Deputy Monitoring Officer confirmed that the process these complaints had gone through was a properly recognised one. The decision of the Audit and Governance

Committee was the most action they could take and that the options open to Council was solely to either note the incident or issue a censure.

The Leader confirmed that the investigation report had been supplied in response to a Freedom of Information request. The Leader stated he would check who had access to the report. To enable the subject member to have his say and address the Full Council, the Leader proposed that the Chief Executive, the Leader and the Chairman of Audit and Corporate Governance Committee look at the process and make recommendations back to Council and that the item be referred back to Full Council. This was seconded and UNANIMOUSLY agreed.

RESOLVED

That this item be brought back to Council with Councillor MAF Hubbard being given the opportunity to attend.

73. COUNCIL MEETING DATE

This item was UNANIMOUSLY agreed, with the suggestion being made that future Council meetings are held at Brockington to effect savings.

74. ANNUAL REPORT OF THE HEREFORD AND WORCESTER FIRE AND RESCUE AUTHORITY

Councillor Brigadier P Jones CBE commended the report to Council.

In the brief ensuing discussion it was confirmed that the fire service was looking at the balance between retained and full fire fighters. Congratulations were offered to the service for its good work over the past year and the Chairman was requested to send a letter to this effect to the Fire Authority.

RESOLVED

THAT the report be noted.

The meeting ended at 1.15 pm

CHAIRMAN