

**MINUTES of the annual meeting of Council held at The Assembly Hall, The Shirehall, Hereford on 23rd May, 2003 at 11.30 a.m.**

**Present:** Councillors: Mrs. P.A. Andrews, B.F. Ashton, Mrs. W.U. Attfield, Mrs. L.O. Barnett, Mrs. E.M. Bew, W.L.S. Bowen, A.C.R. Chappell, M.R. Cunningham, Mrs. S.P.A. Daniels, N.J.J. Davies, Mrs. C.J. Davis, G.W. Davis, J.W. Edwards, P.J. Edwards, D.J. Fleet, Mrs. J.P. French, J.H.R. Goodwin, K.G. Grumbley, J.G.S. Guthrie, P.E. Harling J.W. Hope, B. Hunt, T.W. Hunt, G.V. Hyde, Mrs. J.A. Hyde, T.M. James, Brig. P. Jones, CBE, Mrs. R.F. Lincoln, Mrs. M.D. Lloyd-Hayes, G. Lucas, R.M. Manning, R.I. Matthews, J.C. Mayson, R. Mills, J.W. Newman, Mrs. J.E. Pemberton, R.J. Phillips, Ms G.A. Powell, R. Preece, Mrs. S.J. Robertson, D.W. Rule, MBE, D.C. Short, MBE, R.V. Stockton, J. Stone, D.C. Taylor, J.P. Thomas, W.J.S. Thomas, Ms A.M. Toon, P.G. Turpin, W.J. Walling, A.L. Williams, J.B. Williams, R.M. Wilson.

The outgoing Vice-Chairman Mrs. J.H. Thomas took the Chair for the first item.

**1. CHAIRMAN**

**RESOLVED:** That Councillor P.E. Harling be elected Chairman of the Council until the annual meeting of Council in May 2004.

Councillor Harling took the chair for the remainder of the meeting.

**2. PRAYERS**

The Very Rev. Michael Taviner, The Dean of Hereford, led the Council in prayer.

**3. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Bramer, Burke, Dauncey, Mrs. Gray and Wilcox.

**4. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

The Chairman announced that, following the election on 1st May, 2003 all Members of the Council had completed and signed Notifications of Financial and Other Interests and Written Undertakings. He reminded Members of their obligation, under Standing Order 2.8A.3 to notify the County Secretary and Solicitor of any changes in the information within one month of any change occurring.

**5. VICE-CHAIRMAN**

**RESOLVED:** That Councillor J.W. Edwards be appointed to the office of Vice-Chairman of the Council until the annual meeting of Council in May 2004.

## 6. MINUTES

The Chairman advised that no motion to amend the minutes of the meeting held on 25th April, 2003 had been received but proposed that the Minutes be amended in relation to the last paragraph of Minute No 97 on Page 4 of the agenda as follows:

The penultimate sentence starting "Following further discussion..." be deleted and replaced with:

"During discussion of the rights of the public and Members to speak at Cabinet the Chief Executive read an extract from the Cabinet Procedure Rules contained in Appendix 1 to the Constitution. Members noted the current right to speak was permissive and felt the issue of whether Members should have a right to speak should be reviewed by the Constitutional Review Working Group."

**RESOLVED: That, subject to the above alteration, the Minutes of the meeting held on 25th April, 2003 be approved as a correct record and signed by the Chairman.**

## 7. PERSONS ELECTED AS COUNCILLORS

The Council received a report from the Chief Executive as Returning Officer as to the persons elected on 1st May, 2003 to serve as Councillors. He reported that all Members so elected had made their Declarations of Acceptance of Office.

**RESOLVED: That the information be noted.**

## 8. POLITICAL COMPOSITION OF THE COUNCIL AND FORMATION OF POLITICAL GROUPS

The Chief Executive submitted a report setting out the notifications which he had received at the time of the despatch of the Agenda under Regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990 giving the composition of the political groups. The political composition notified was 21 Conservatives, 17 Independents, 16 Liberal Democrats and 4 Labour. He confirmed that since that time, no further notifications had been received and the political composition of the Council was, therefore, as set out in the Agenda.

**RESOLVED: That the information be noted.**

## 9. APPOINTMENT OF THE LEADER OF THE COUNCIL

**RESOLVED: That Councillor R.J. Phillips be appointed the Leader of the Council for the ensuing Council year.**

## 10. CHANGES TO THE CONSTITUTION

A supplementary report setting out proposed amendments to the Constitution was circulated at the meeting.

The Chief Executive advised that Standing Orders would need to be suspended so that the proposed changes to the Constitution could take immediate effect and that a further report would be submitted, via the Constitutional Review Working Group, Strategic Monitoring Committee and Cabinet so that the detailed changes necessary could be finalised at Council on 25th July, 2003.

**RESOLVED:**

- That (a) the Cabinet comprises the Leader of the Council and nine Cabinet Members with the following programme areas: Audit and Performance Management; Community and Social Development; Economic Development, Markets and Property; Education; Highways and Transportation; Human Resources and Corporate Support Services; Rural Regeneration and Smallholdings; Social Care and Strategic Housing; Strategic Planning, Regulatory and Waste Management;
- (b) the Leader of the Council be authorised to appoint a Deputy Leader of the Council from the Cabinet to deputise for the Leader and to assist with the political management role;
- (c) Programme Panels be abolished;
- (d) a Health Scrutiny Committee be established to undertake the Council's statutory scrutiny function in relation to the planning, provision and operation of health services in the County;
- (e) the Strategic Monitoring Committee comprise the Chairmen and Vice-Chairmen of the five scrutiny committees;
- (f) the establishment of the three area planning sub-committees on the revised boundaries as shown at Appendix 1;
- (g) Local Area Forum Chairmen not be appointed until the outcome of the pending review;
- (h) subject to decisions on the aforementioned recommendations, to authorise the County Secretary and Solicitor in consultation with the Chief Executive and Leader of the Council to revise the Council's Constitution to give immediate effect to the wishes of the Council; and
- (i) notwithstanding the delegation to the County Secretary and Solicitor at (h) above with immediate effect the revisions be considered by the Constitution Review Working Group, Cabinet and Strategic Monitoring Committee so that the final form of the revisions to the Constitution can be considered by Council at its meeting on 25th July, 2003.

**11. APPOINTMENT TO OFFICES RESERVED TO COUNCIL, ALLOCATION OF SEATS TO POLITICAL GROUPS, APPOINTMENT TO COMMITTEES, ETC.**

A list of those offices to which Council had powers to appoint, together with nominations, was circulated at the meeting. Also circulated was a list of outside bodies to which appointments needed to be made immediately.

The Chief Executive advised that only one appointment was required on the Adoption Panel and that Councillor Mrs. Attfield, who had recently been made Mayor of Hereford, had agreed to step down in favour of Mrs. Gray.

With regard to the West Mercia Police Authority, the Chief Executive explained that appointments would be made taking account of political proportionality, across all the

constituent Councils, i.e. Herefordshire, Worcestershire, Shropshire and Telford and the Wrekin. He advised that this Council and Telford and Wrekin would share three seats and, because Herefordshire had claimed two seats for the past five years, there was a tacit agreement that Telford and the Wrekin would have two for the period 2003-07. Because of the political proportionality, Telford and the Wrekin would automatically get a Labour seat. He said this meant that Herefordshire would need to claim both the Independent and the Liberal Democrat seat but express a preference to fill the Independent seat. If Herefordshire and Telford and the Wrekin could not agree on which seats they should fill, the matter would be referred to the Joint Committee to be resolved.

The Leader advised that Councillor Hyde would be Deputy Leader. He also advised that Council was, exceptionally, being asked to appoint the Chairmen and Vice-Chairmen of the Area Planning Sub-Committees at this meeting. In future years the election of Chairmen and appointment of Vice-Chairmen would revert to the sub-committees at their first meeting after the annual meeting of Council.

In response to a query about the numbers represented on each of the political groups the Chief Executive advised that the numbers referred to in the report were as had been notified.

#### **RESOLVED:**

- That**
- (a) the arrangements for appointments to committees and other bodies be agreed as shown at Appendix 2;**
  - (b) Councillors be appointed to the offices described in the report for a term of office which will expire at the next Annual Meeting of Council;**
  - (c) the Chief Executive be requested to exercise his delegated powers to make, following consultation with the political group leaders, any adjustment to the number and allocation of seats to give effect to the rules on proportionality and to make appointments, as necessary, in accordance with the nominations of the political group leaders**
  - (d) membership of the area planning sub-committees be agreed;**
  - (e) membership of the Local Area Forums be agreed;**
  - (f) the arrangements for appointments to outside bodies be noted and appointments made to the Adoption Panel (1 Member), Herefordshire Housing (5 Members), Herefordshire Community Leisure Trust (2 Members), the Combined Fire Authority (6 Members), the West Mercia Police Authority (1 Member) and the Joint Committee (2 Members) as shown at Appendix 3.**

## **12. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman thanked the Dean of Hereford, the Very Reverend Michael Tavinor for leading the annual meeting in prayer. He also announced that the Dean had accepted his invitation to be Chaplain to the Council for the forthcoming year.

The Chairman commented on the increased turnout at the all-postal voting 2003 elections, from 38% in 2000 to 61%, an increase in those voting of more than 60%.

He said that this demonstrated that the public were interested in local politics and it is the Council's duty to serve them to the best of its ability.

The Chairman announced that Her Majesty the Queen and His Royal Highness the Duke of Edinburgh would be visiting the County on Friday, 11th July, 2003. Further details of the visit would be available nearer the time.

The Chairman presented a cheque to the outgoing Mayor of Hereford, Councillor A.L. Williams for his charity St Michael's Hospice and a further cheque to the new Mayor, Councillor Mrs. Attfield for her charity MIND.

He told Council he had received a petition from Councillor W.J.S. Thomas on behalf of residents of Belmont/Haywood Lane/Newton Farm and Grafton asking for positive action to stop the use of leisure/conservation land being used as a scrambler track. He asked the County Secretary and Solicitor to pass the petition to the relevant Cabinet Member for action.

### **13. QUESTIONS FROM MEMBERS OF THE PUBLIC and QUESTIONS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS**

The Chairman dealt with these two items together.

He advised Members that both items were listed on the agenda in accordance with the Constitution. He reminded Council that both the Chief Executive and the County Secretary and Solicitor had advised on previous occasions that the Council's Constitution should be used to facilitate the business of Council rather than to obstruct. He also said that an additional Council meeting had been held on 25th April, 2003 to avoid a situation where the incoming administration would be asked to be accountable for decisions taken prior to the election. He understood that there was a tacit understanding that questions would not be asked at the annual meeting of Council following an election. He said that if the Council could not self-regulate on this point he would ask the Constitutional Review Working Group to consider exempting Standing Orders 4.24 and 4.25 from inclusion on the agenda of the Annual Meeting first following an election. He ruled that the questions as set out in Appendix 4 would stand referred to the appropriate office holders for written responses under Standing Order 4.25.4. *(Note: For completeness copies of the answers provided after the meeting have been included.)*

He expressed concern that a question had been raised by a member of the public and undertook to write personally to her to explain the difficulty the Council faced in dealing with her question in the usual way. *(Note: For completeness a copy of the question and answer is included at Appendix 5.)*

The Chief Executive read the following question from Councillor Short which had been addressed to the Chairman.

*"Is the Chairman of Council aware of the concerns expressed by Hereford City Council regarding instructions given to depart from existing custom and practice and refrain from flying:*

*The National flag of Scotland November 30th*

*The National flag of Wales March 1st*

*The Hereford Flag March 31st*

*from Hereford Town Hall and will he explain on whose authority were such instructions given and will he give an assurance that in future these flags will be flown in accordance with long established tradition?"*

The Chairman said he thought it was extraordinary that a question of this nature was asked at Council before other avenues had been exhausted as it trivialised the business of the Council and could potentially damage the reputation of both the Hereford City Council and this Council. He confirmed that a schedule of dates was the subject of correspondence between the Town Clerk of the then Hereford Town Council and the Chief Executive of Herefordshire Council culminating in a letter of 18th August, 2000 from the Chief Executive to the Town Clerk. The requested confirmation of that schedule was never received. However the Chairman confirmed that all the dates listed were on the schedule and the relevant flag should be flown on that day. No further correspondence had been received from the Town Clerk by either the Chief Executive or the County Secretary and Solicitor. However there was correspondence involving the Mayor of Hereford relating to the flying of the Hereford City flag on 31st March. Agreement was reached that the Herefordshire flag and not the Hereford City flag would be flown on that day. This was explained to the Mayor. The Herefordshire flag was flown, but not from the Town Hall and this omission has been explained and will be rectified. The Chairman confirmed that flags would be flown in accordance with the agreed schedule subject to the relevant flags being available.

Councillor Short said he had been asked to raise the matter at the last meeting of the City Council and asked for the Chairman's assurance that those responsible for flying flags would be given the agreed schedule. The Chairman said he had already given the necessary assurances.

#### **14. NOTICES OF MOTION UNDER STANDING ORDERS**

There were no notices of motion.

#### **15. DATES OF FUTURE MEETINGS**

It was noted that the dates determined for Council meetings in the year 2003/04 are:

Friday, 25th July, 2003

Friday, 7th November, 2003

Friday, 16th January, 2004.

Friday, 5th March, 2004

Friday, 21st May, 2004 (Annual Council) (Shirehall)

All meetings will commence at 10.30 a.m. and will be held in the Council Chamber, Brockington, 35 Hafod Road, Hereford unless advised otherwise.

The meeting ended at 12.38 p.m.

**CHAIRMAN**