

MINUTES OF THE ANNUAL MEETING OF
THE COUNCIL HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 12 MAY 2010, AT 7.30 PM

PRESENT:

Councillor A D Dodd (Chairman).
Councillors M R Alexander, D Andrews,
W Ashley, P R Ballam, K A Barnes,
R Beeching, S A Bull, A L Burlton,
Mrs R F Cheswright, M G Carver, D Clark,
N P Clark, R N Copping, K Darby,
A F Dearman, J Demonti, R Gilbert,
Mrs M H Goldspink, A M Graham, P Grethe,
L O Haysey, J Hedley, Mrs D L E Hollebon,
Mrs D Hone, A P Jackson, G E Lawrence,
J Mayes, G McAndrew, M P A McMullen,
T Milner, R L Parker, D A A Peek, M Pope,
N C Poulton, R A K Radford, J O Ranger,
P A Ruffles, S Rutland-Barsby,
G D Scrivener, V Shaw, R I Taylor,
J J Taylor, M J Tindale, A L Warman,
J P Warren, N Wilson, M Wood,
C Woodward and B M Wrangles.

OFFICERS IN ATTENDANCE:

Anne Freimanis	- Chief Executive
Simon Drinkwater	- Director of Neighbourhood Services
Philip Hamberger	- Programme Director of Change
Jeff Hughes	- Head of Democratic and Legal Support Services
Martin Ibrahim	- Senior Democratic Services Officer
Lorraine Kirk	- Senior Communications Officer

Colin Sagers	- Webcast Operator
Peter Searle	- Head of Business Support Services
John Woodham	- Deputy Section 151 Officer

1 CHAIRMAN'S REMARKS

The Chairman (Councillor S A Bull) opened the meeting by advising that the meeting was being webcast live and that Members should remain seated when speaking.

He thanked Members and Officers for their support to him throughout the previous year and he had enjoyed the privilege of serving as Chairman. He referred to the hundreds of engagements and highlighted the Young People of the Year event.

He advised that over £6,000 had been raised for his charity and paid particular tribute to the support he had received from Francesca Dust and Pam Archer.

Councillors A P Jackson, M Wood and K A Barnes each paid tribute to the Chairman.

Councillor A P Jackson referred to the Chairman's ability to connect and engage with a range of people and age groups throughout the community. He spoke of the Chairman's capacity to carry out his duties with dignity, a sense of humour and with care for others.

Councillor M Wood also thanked the Chairman, particularly for hosting his Civic Dinner at the Rhodes Arts Complex in Bishop's Stortford.

Councillor K A Barnes congratulated the Chairman on his success and referred to his background as an Independent Member and the fair manner in which he had allowed all views to be aired within the chamber.

2 ELECTION OF CHAIRMAN OF THE COUNCIL 2010/11

It was moved by Councillor A L Warman and seconded by Councillor R N Copping that Councillor A D Dodd be elected Chairman of the Council to hold office for the civic year 2010/11.

It was moved by Councillor A M Graham and seconded by Councillor Mrs M H Goldspink that Councillor M Wood be elected Chairman of the Council to hold office for the civic year 2010/11.

After being put to the meeting and a vote taken, Councillor A D Dodd was elected Chairman of the Council for the civic year 2010/11.

RESOLVED - that Councillor S A Bull be elected Chairman of the Council and hold office for the civic year 2010/11.

The Chairman made the statutory Declaration of Acceptance of Office, and took the Chair.

3 APPOINTMENT OF VICE-CHAIRMAN OF THE COUNCIL 2010/11

It was moved by Councillor J Hedley and seconded by Councillor J O Ranger that Councillor S Rutland-Barsby be appointed Vice-Chairman of the Council to hold office for the civic year 2010/11.

It was moved by Councillor R Taylor and seconded by Councillor M Wood that Councillor Mrs M H Goldspink be appointed Vice-Chairman of the Council to hold office for the civic year 2010/11.

After being put to the meeting and a vote taken, Councillor S Rutland-Barsby was appointed Vice-Chairman of the Council for the civic year 2010/11.

RESOLVED - that Councillor S Rutland-Barsby be

appointed Vice-Chairman of the Council and hold office for the civic year 2010/11.

The Vice-Chairman made the statutory Declaration of Acceptance of Office. She thanked Members and looked forward to supporting Councillor A D Dodd.

4 MINUTES

RESOLVED – that the Minutes of the Council meeting held on 3 March 2010, be approved as a correct record and signed by the Chairman.

5 CHAIRMAN'S ANNOUNCEMENTS

The Chairman (Councillor A D Dodd) thanked Members for electing him. He advised that his chosen charities would be Isobel Hospice and Vale House.

Councillor A D Dodd presented Councillor S A Bull with a small gift and his Past Chairman Badge.

Finally, the Chairman invited Members and Officers to join him for some light refreshment after the meeting.

6 DECLARATION OF INTEREST

Councillor N Clark declared a personal interest in Minutes 607 – 608 and Items 3 – 4 of the Executive Decision Sheets which related to Local Development Framework matters as he was Secretary of the Stop Harlow North Campaign.

7 MEMBERS' QUESTIONS

Councillor D Clark commented that a hung parliament might make it more difficult for David Cameron to implement some of the policies in the Conservative manifesto. However, Conservative local authorities were in a position to keep faith with the voters by going ahead with those promised initiatives which did not require any additional legislation. She asked the Leader when East Herts Council would implement the

Conservative manifesto commitment to publish details of spending over £500.

In reply, the Leader stated that he was happy with the principle and was aware of some local authorities where such information was published. He would be discussing with Officers how this could be implemented in East Herts and that it would be important to consider Officers' advice on the practicalities as well as the cost. He advised that Officers would be looking at this as part of the budget process and that it would be useful to draw on experiences elsewhere.

Councillor D Clark welcomed the news and referred to Officers' advice to the Independent Group during the last budget process that such a scheme could be set up at minimal cost. She asked whether or not the Leader could commit to implement the scheme before the District Council elections in May 2011.

In reply, the Leader declined to make such a commitment but reiterated that Officers would look at the practicalities.

Councillor N Clark asked the Executive Member for Environment and Conservation whether he could state how many replacement wheelie bins had been provided in the financial year 2009/10, how many replacement wheelie bins were requested during April 2010 and how many residents had been asked to pay the new £25 charge for their replacement wheelie bin as a result of those requests.

In reply, the Executive Member for Environment and Conservation undertook to provide a written response that would be copied to all Members.

Councillor M Wood asked the Leader of the Council if a report on the rationale behind the decision to have a period of "purdah" in recent weeks could be produced and whether Council should have had a considered view on the matter, in order that the Chief Executive was aware of Members' feelings on the issue.

In response, the Leader clarified the distinction between the role of the Chief Executive and the Acting Returning Officer. There was no requirement for the Acting Returning Officer to report to Council and therefore it would be inappropriate for a report to be submitted to Council. He suggested that any Member could put their concerns to the Acting Returning Officer in writing.

Councillor M Wood commented that other Councils had not had a purdah period and decision-making in East Herts had been delayed. He asked the Leader whether this indicated that staffing resources in Democratic Services were incapable of dealing with the election as well as the usual business.

The Leader expressed surprise with this supplementary question and queried whether it was so unusual. In previous years, the Council had programmed meetings to avoid the election period, but this had not been possible on this occasion as the election date had not been known. He stated that there was no evidence that residents had been inconvenienced by purdah and there had been no complaints.

He suggested that the purdah period had removed the opportunity for Councillor M Wood to have made political points. Purdah was there to protect Members as much as anyone, as they could be accused of currying favour on an issue, such as the Castle Hall development.

Councillor M Wood referred to a question he had asked at Council on 24 February 2010 about the withdrawal of the cash office at the new Customer Service Centre in Bishop's Stortford, and the effect that could have had for some older customers. Following on from that, many older people liked to pay their Council Tax via their local post office. He asked the Leader to confirm that there were no plans to remove this particular payment option.

In reply, the Leader gave a categorical assurance that, for the remainder of this Council term, there were no plans to remove this facility. The Council would continue to encourage the use of direct debit as this was easier and more economic. Officers

would continue to provide advice and guidance on payments to residents who needed it.

Councillor M Wood asked the Executive Member for Environment and Conservation, in view of the recent closure of the public conveniences located at the Causeway in Bishop's Stortford and the close proximity of the town's paddling pool and Sworders Field and Castle Gardens to these facilities, whether or not Council would consider keeping these toilets open during the summer months this year, in order to allow other possible partners time to make other arrangements for these public conveniences.

In reply, the Executive Member reminded Members of the Community Toilet Scheme and its successful implementation in Ware. The scheme had been extended to Bishop's Stortford in April 2010. He advised that it would be possible to keep the Causeway toilet open during the school holidays but that this would result in additional costs that would have to be funded by savings identified elsewhere. He undertook to ask Officers to look at this possibility.

Councillor M Wood asked the Executive Member if he was aware of the anguish caused by the closure and the apparent lack of awareness of the community scheme by the Council's partners in the new Customer Service Centre.

In response, the Executive Member stated that he was aware that changes could cause concern and reiterated that he and Officers would continue to look at this.

Councillor M Wood asked the Executive Member for Planning Policy and Transportation if any discussions had taken place with Hertfordshire Highways since the harsh winter weather with regard to dealing with the effects of ice and snow on both the highways and footways in the District, in order to come up with more joint arrangements to make roads and footways, in particular safer, most especially for pedestrians, whose own safety was often forgotten about.

In reply, the Executive Member for Planning Policy and

Transportation provided assurance that regular discussions were held between Highways colleagues, the Highways Joint Member Panel Chairman and Vice-Chairman and the relevant Member on the Hertfordshire County Council (HCC) Cabinet. He commented on the exceptional winter conditions and believed that HCC had managed well despite Government interference in seeking to redistribute salt stocks around the country. There had been good cooperation involving the District's parking attendants and street cleaners helping out wherever they could.

The Executive Member referred to the funding constraints discussed at the last Highways Panel meeting and advised that he had been invited to give evidence at the HCC Scrutiny Panel meeting in June 2010. He stated that he would welcome any input from Members that would assist him in his submission.

In response to a supplementary question on the need for joined up thinking to tackle the condition of pavements and footways, the Executive Member reiterated that he would welcome any comments from Members.

Councillor Mrs M H Goldspink asked the Executive Member for Resources and Internal Support, in view of the criticisms of the Council for the way in which the Executive had failed to inform backbenchers of the details of the Causeway deal in Bishop's Stortford, made in the independent Audit report, what steps would the Executive take to ensure that, in any future deals, all Councillors would be given all the facts and information before the decisions were taken.

In reply, the Executive Member for Resources and Internal Support referred to the recommendations of the Grant Thornton report and stated that the Executive would be seeking to implement these.

Councillor Mrs M H Goldspink asked a supplementary question on whether the Executive Member was aware that the Audit Committee has only noted the recommendations and had not been asked to accept them.

In reply, the Executive Member reminded Members that the Grant Thornton report had found that the Council had acted broadly in line with best practice and that there had been no suggestion that backbenchers had not been informed. He accepted that there were some lessons that could be learnt, but the Council did not operate in an ideal world, for example, the Council would have known about the Inland Revenue's position on VAT.

8 REPORT OF THE EXECUTIVE

The Leader of the Council reported on the work of the Executive and presented the Minutes of the Executive meeting held on 9 March 2010 and the Decision Sheets of the Executive meeting held on 11 May 2010.

In respect of Decision Sheet Item 2 – Executive Arrangements, Councillor M Wood expressed opposition to the Mayor and Leader/Cabinet models of governance on the basis that they were undemocratic and resulted in dictatorship. He expressed his preference to the enhanced committee system, but acknowledged that this was not legal in East Herts.

Councillor M Wood proposed, and Councillor Mrs M H Goldspink seconded, an amendment to recommendation (B) to read:

“an extensive public consultation exercise to ascertain the preferred option of elected Leader or Directly elected Mayor be authorised, by a method of using the Council's website, Link magazine to include a return slip/ballot paper and local newspapers”

Councillor M Wood commented that if the Council was going to consult the public, then it should do so properly. He had no idea of the cost but did not believe that it could be so great as Link magazine would be going out anyhow.

Councillor Mrs M H Goldspink believed there should be as

wide a consultation as possible and that the suggestion made at the Executive meeting that only the bare minimum should be done should be opposed. She believed that using the website only would exclude many people.

The Leader spoke against the amendment and referred to the significant costs that would be incurred. He reminded Members that the consultation was a legislative requirement and had not been prescribed. Therefore, he believed that the costs should be proportionate. He also did not believe that there was any appetite amongst residents for new governance arrangements as the opportunity to instigate a referendum was already there.

Councillor J Hedley spoke against the proposed amendment on the basis that the Mayoral experience elsewhere had not been successful.

After being put to the meeting and a vote taken, the amendment was declared LOST.

RESOLVED – that the Minutes of the Executive meeting held on 9 March 2010 and the Decision Sheets of the Executive meeting held on 11 May 2010, be received, and the recommendations contained therein, be adopted.

9 MINUTES OF COMMITTEES

(A) STANDARDS COMMITTEE – 2 MARCH 2010

RESOLVED – that the Minutes of the Standards Committee meeting held on 2 March 2010 be received.

(B) DEVELOPMENT CONTROL COMMITTEE – 10 MARCH 2010

RESOLVED – that the Minutes of the Development Control Committee meeting held on 10 March 2010 be received.

(C) LICENSING COMMITTEE – 11 MARCH 2010

RESOLVED – that the Minutes of the Licensing Committee meeting held on 11 March 2010 be received.

(D) ENVIRONMENT SCRUTINY COMMITTEE
– 16 MARCH 2010

In respect of Minute 644 – Refuse, Recycling and Street Cleansing Contract Design, Councillor D Clark asked Council to note that she would be seeking to amend this Minute at the next Committee meeting.

RESOLVED – that the Minutes of the Environment Scrutiny Committee meeting held on 16 March 2010 be received.

(E) AUDIT COMMITTEE – 17 MARCH 2010

Councillor N Clark asked Council to note that he would be seeking to amend the Minutes at the next Committee meeting.

RESOLVED – that the Minutes of the Audit Committee meeting held on 17 March 2010 be received.

(F) STANDARDS COMMITTEE – 30 MARCH 2010

Councillor J Hedley, as the main subject matter of this particular meeting, apologised to all Members.

RESOLVED – that the Minutes of the Standards Committee meeting held on 30 March 2010 be received.

(G) DEVELOPMENT CONTROL COMMITTEE
– 31 MARCH 2010

RESOLVED – that the Minutes of the Development Control Committee meeting held on 31 March 2010 be received.

10 REVIEW OF THE COUNCIL'S DECISION-MAKING STRUCTURE

The Head of Democratic and Legal Support Services submitted a report reviewing the Council's decision-making structure. Council noted the nominations of each political group to the seats on main committees as detailed in the papers tabled at the meeting.

The Leader asked Council to note that, in respect of the Executive portfolio responsibilities, the Markets portfolio was the responsibility of the Executive Member for Planning Policy and Transportation and not the Executive Member for Community Development, Leisure and Culture, as shown at Essential Reference Paper 'C' of the report submitted.

Councillor A M Graham moved and Councillor V Shaw seconded an amendment to the effect that the Community Voice structure should be abolished and an alternative mechanism be set up to consider and discuss major issues on an ad-hoc basis.

Councillor A M Graham acknowledged that that there had been a good public turnout at some Community Voice meetings but that these had been the exception. He questioned their value and believed that tens of thousands of pounds could be saved.

Councillor V Shaw commented that she had received numerous complaints from residents about Community Voice meetings. She had raised this issue when first elected to the District Council in June 2009, but nothing had happened.

The Executive Member for Community Development, Leisure and Culture stated that current arrangements were being reviewed as part of a wider consideration of community engagement, which would look at other forms of communicating with the public. She advised that discussions were at an early stage and that, until definite proposals came forward, the existing arrangements should be retained. She

further advised on the topics for the next two rounds of meetings.

The Leader referred to the Total Place Agenda and reassured Members that the community engagement review would look at the role of Community Voice.

Councillor J O Ranger referred to recent legislation on councillors' new duties and suggested that a task and finish group could be set up to look at communications with the public and partners. The Executive Member for Community Development, Leisure and Culture commented that she would be happy to recommend that the Community Scrutiny Committee look at this issue via a task and finish group.

In response to a comment from Councillor D Clark, the Executive Member stated that advertising the forthcoming June 2010 round of meetings would be better.

After being put to the meeting and a vote taken, the amendment was declared LOST.

In respect of the proposal to commence Council meetings in 2010/11 at 7.00 pm, Councillor Mrs M H Goldspink moved and Councillor M Wood seconded an amendment that the 7.30 pm start time be retained.

Councillor Mrs M H Goldspink believed this would impact negatively on Members who were in full time employment and might struggle to reach Hertford for 7.00 pm. Councillor M Wood commented on the growth of Hertford-based meetings and how this disadvantaged people on the eastern side of the District. Councillors K A Barnes and R Taylor also supported the amendment, especially in respect of Development Control Committee meetings, which were now held in Hertford.

The Leader responded to these comments by stating that he had canvassed the views of Members within his Group and had noted when other Authorities had their meetings. He reminded Members that some meetings were already held in the daytime and other Authorities started at 7.00 pm or even

6.30 pm. This proposal was not unusual or exceptional and cited Hertfordshire County Council where daytime meetings were held.

In response to a question from Councillor N Clark, the Leader stated that whilst there would be some savings, the main reason for this proposal was to enable Members and Officers to work decent hours.

After being put to the meeting and a vote taken, the amendment was declared LOST.

In respect of the proposed allocation of seats to political groups, Councillor D Clark expressed disappointment at the number of seats for the Group of Independents compared to the Independent Member.

Council approved the recommendations as now detailed.

RESOLVED – that (A) the following Scrutiny Committees, Regulatory Committees and Joint Member Panel be appointed, with the number of voting Members stated: DIS

<u>Committee</u>	<u>No. of Members</u>
Community Scrutiny	10
Corporate Business Scrutiny	10
Environment Scrutiny	10
Audit	7
Development Control	16
Human Resources	7
Licensing	15
Highways Joint Member Panel (8 from Hertfordshire County	16

Council, 8 from this Council)

(B) the allocation of seats be as set out in Essential Reference Paper 'B' of the report now submitted;

(C) the allocation of seats on the Highways Joint Member Panel (8) to political groups be as follows:

Conservative	7
Liberal Democrat	1

(D) the membership of Scrutiny Committees, Regulatory Committees and the Highways Joint Member Panel be as now submitted, with Members being appointed in accordance with the wishes of the political groups to whom the seats on these bodies have been allocated; DIS

(E) the number of Executive Members to be appointed to the Executive be 6, plus the Leader;

(F) the Council's Standards Committee be appointed for the ensuing civic year consisting of four independent Members, four District Councillors (of whom at least one should be from each political party with four or more Members), one Town Council Member, two Parish Council Members and the following District Councillors be appointed: DIS

Councillors R L Parker, P A Ruffles, J P Warren and M Wood

(G) the programme of Council meetings, as detailed at paragraph 7.1 of the report submitted, be approved;

(H) the Director of Internal Services be authorised to make changes in the standing membership of committees and panels in (A) above, in accordance with the wishes of the political groups to whom seats on these bodies have been allocated, and DIS

(I) the action to be taken by the Director of Internal Services, in consultation with the Leader, under delegated authority, concerning the appointment of representatives to outside bodies, be noted.

11 EXECUTIVE ARRANGEMENTS

Council noted that this item had been dealt with at Minute 8 above.

12 AMENDMENTS TO THE CONSTITUTION AND REPORT UNDER SECTION 5 OF THE LOCAL GOVERNMENT AND HOUSING ACT 1989

The Monitoring Officer submitted a report reviewing the Council's Constitution which also provided a report under Section 5 of the Local Government and Housing Act 1989.

The Monitoring Officer detailed proposed changes arising from recent legislation on petitions and other proposed changes relating to Council's Procedure Rules. He also reported a contravention of Section 2 of the Local Government and Housing Act 1986, in respect of a press release.

Councillor J O Ranger drew attention to further updates needed to recognise that the Youth Council was now defunct and that Castle Hall had been renamed Hertford Theatre. He also referred to areas of Human Resources which were under review and asked how any changes would be dealt with. In reply, the Monitoring Officer stated that Council could consider any proposed changes during the year as they arose.

In response to a proposed additional delegation relating to Planning Performance Agreements, Councillor D Clark sought clarification on what these were and whether they were legally binding. In reply, the Monitoring Officer stated that they concerned the processing of applications and were not related to Section 106 Agreements. The proposed delegation would enable pre-application discussions to be held and were not about determining planning applications. He added that the

Agreements were not legally binding and likened them to service level agreements.

Councillor M Wood referred to the call-in arrangements and proposed, and Councillor N Clark seconded, an amendment to the process to include decisions of the Human Resources (HR) Committee. He referred to past Human Resources Committee decisions in which he believed there had been insufficient consideration by Members.

The Monitoring Officer outlined the statutory arrangements concerning the call-in process for decisions of the Executive and Executive Member non-key decisions. He cautioned Members that including HR decisions could have serious implications for an individual's rights, e.g. redundancy, which could result in severe financial risk to the Council.

The Chairman of Human Resources Committee spoke against the amendment on the basis that HR matters should be kept out of the political arena and should not be subject to scrutiny committees. He reminded Members that the Human Resources Committee could decide to refer any matter to Council for decision if it wanted.

Councillor N Clark spoke in favour of the amendment. He commented that the Independent Group had been excluded from a number of HR decisions. He believed there were no checks and balances on the Human Resources Committee and call-in would enable further discussion and provide transparency. He reminded Members that the call-in process allowed for matters to be referred back to the decision-maker and so Human Resources Committee would still be able to make the decision.

The Leader spoke against the amendment and referred to the potential for costly employment tribunal rulings if the Council was found to have fettered its judgement. He suggested that existing safeguards, such as allowing all Members to speak at Human Resources Committee meetings and the ability to refer decisions to Council.

Councillors M Wood and N Clark agreed to withdraw the amendment. In response to Councillor M Wood's request for a private discussion on the issue, the Leader stated that his door was always open.

Councillor Mrs M H Goldspink referred to the proposed change on portfolio reports and stated that backbenchers would be excluded from the detail on matters of interest. She believed that requiring portfolio holders to provide regular reports would be invaluable to Members.

The Leader stated that such reports often happened in any case as part of the Executive report and these would continue. He supported the proposed change as the current requirement was too prescriptive.

Councillor D Clark commented that portfolio reports were different to answering a question and that backbench Members should be able to question a whole portfolio area.

Councillor Mrs M H Goldspink moved and Councillor R Taylor seconded an amendment that the existing arrangements for portfolio reports be retained. After being put to the meeting and a vote taken, the amendment was declared LOST.

In respect of the draft model on petitions, the Monitoring Officer confirmed that these had not been changed and that what was proposed had been lifted from the guidance.

Councillor M Wood asked whether petitioners could be permitted to speak at Executive meetings. In reply, the Monitoring Officer stated that the draft model allowed for this. The Leader added that this would not be a problem where appropriate.

RESOLVED – that the amendments to the Constitution, MO as now submitted, be approved.

13 AMENDMENTS TO FINANCIAL REGULATIONS

The Monitoring Officer submitted a report setting out proposed

amendments to the Council's Financial Regulations. He advised that a separate report on Contract Procurement Rules was still being prepared and would be submitted to a future meeting.

The Monitoring Officer thanked Members and Officers who had contributed to the review. In view of the delay on the Contract Procurement Rules, he suggested an additional recommendation to the effect that Section 5 of the Financial Regulations, which would be moved into the Contract Procurement Rules, be retained until the revised Contract Procurement Rules were approved.

Councillor D Clark referred to the capital contingency and reminded Members that this did not exist anymore. She also referred to paragraph 16.5.10 of the proposed Financial Regulations and stated that the definition of a key decision was not helpful in respect of the disposal of assets. The Deputy Section 151 Officer commented that he was happy to withdraw that aspect for reconsideration.

Councillor D Clark also commented that the additional recommendation suggested by the Monitoring Officer might be better included as an amendment to recommendation (A). This was accepted by the Monitoring Officer.

Council approved the recommendations as now detailed.

RESOLVED - that (A) the amendments to the Financial Regulations, as now submitted, be approved, subject to the retention of Section 5 until the revised Contract Procurement Regulations are approved; and

MO

(B) the Chief Executive and the Director of Neighbourhood Services be authorised to make minor amendments to the Financial Regulations and in consultation with the Member/Officer Group.

CE/
DNS

14 INDEPENDENT REMUNERATION PANEL

The Director of Internal Services submitted a report setting out

options for filling the vacancies on the Independent Remuneration Panel.

Councillor N Clark proposed and Councillor D Clark seconded a version of option 2 as set out in the report submitted, in that five of the previously unsuccessful applicants should be appointed following a secret ballot at the next Council meeting and that no recommendations on the terms of reference be made.

Councillor N Clark opined that option 1, which authorised the Monitoring Officer to identify suitable candidates from the 5 “constituencies” detailed at paragraph 2.5 of the report submitted, sought to exclude the wider community. He also believed that option 3, which involved a further public recruitment exercise, would be unlikely to attract any suitable candidates given the treatment afforded to the previous applicants.

Councillor N Clark also commented that option 2 would meet the fifth constituency, that was members of East Herts town/parish councils. Finally, he referred to the suggestion that a small member group should consider the Panel’s terms of reference and stated that the Panel should be able to set its own terms of reference within the regulations laid down.

The Leader supported option 1 on the basis that it provided a better opportunity to engage a range of people with the necessary appreciation of the wider issues.

Councillor A M Graham referred to the Council’s shame and embarrassment over previous events leading to the resignation of the Panel en bloc and the wider national picture of the MPs’ expenses scandal. He expressed support for option 1, subject to the deletion of the constituency (E) and its replacement by “one of the previously unsuccessful applicants”. He believed that this would provide an opportunity to draw a line on the past and would build bridges for the future.

Councillor D Clark expressed concern that option 1 would

place undue pressure on the Monitoring Officer as he would be required to choose a candidate who was a former East Herts Councillor.

The Leader opposed Councillor A M Graham's suggestion as the previously unsuccessful applicants had since formed a shadow panel and lacked integrity. All of the proposed candidates would be submitted to Council for approval, thereby providing a necessary safeguard. Pursuing option 1 would provide sufficient guidance for Officers to draw a line on the past and to take the matter forward.

Councillor J O Ranger supported the Leader's proposal and pointed out that this proposal did not restrict suitable candidates from being identified as several applicants could come forward in each constituency. He also supported the proposal for a small member group to look at the terms of reference.

Councillor N Clark stated that he would consider withdrawing his proposal if it could be guaranteed that Council would be asked to consider more than one nomination from constituency (A), suggesting at least three. He also believed that residents should be included in their own right and that for him to support option 1, he would need to be presented by some choice within and across all of the categories.

Councillor A P Jackson responded by suggesting that constituency (E) already included residents. As for constituency (A), he believed that there could be at least 2 candidates put forward for consideration.

Councillor R Taylor supported Councillor A M Graham's proposal. He remained unconvinced that any suitable candidates would be found from option 3, as the Council had ignored the previous Panel's recommendations. He suggested that the Panel's recommendations should be binding on the Council.

At the request of the Chairman, Councillor N Clark reminded Members of his motion that a version of option 2 be adopted

and that five of the previously unsuccessful applicants should be appointed following a secret ballot at the next Council meeting and that no recommendations on the terms of reference be made. After being put to the meeting and a vote taken, this was declared LOST.

Councillor A P Jackson moved and Councillor J O Ranger seconded a motion that option 1, as set out in the report submitted, be adopted. After being put to the meeting and a vote taken, this was declared CARRIED.

In response to a point of order by Councillor A M Graham, the Chairman advised that all valid motions had been put to the meeting.

<u>RESOLVED</u> – that Option 1, as set out in the report submitted, be adopted, namely that the Monitoring Officer, in consultation with the Director of Internal Services, be authorised to identify suitable candidates from the 5 “constituencies, detailed in paragraph 2.5 of the report submitted.	MO/ DIS
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(Note – Councillors D Clark and N Clark asked that their dissent from this decision be recorded.)

The meeting closed at 10.07 pm

Chairman
Date