

MINUTES OF A SPECIAL MEETING OF FULL COUNCIL HELD ON MONDAY, 25 JANUARY 2010 COMMENCING AT 7.00PM

PRESENT:- Councillor H C Hamilton (Town Mayor), together with Councillors B Brooks, O Cash, J E Charles, G D Davey, P Drake, S C Egan, J Evans, K Evans, A D Hampton, N P Hodges, S A Hodges, K Kemp, K Kuhnell, L M Payne, B I Shaw, T C Stenstrom, S T Wiliam, E T Williams and M Wright

ALSO PRESENT:- Derek Wolfe – Executive Officer
Cliff Lewis – Deputy Executive Officer
Angie Norman –Administration

234. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors K Lewis and C Turner.

235. **DECLARATIONS OF INTEREST**

Councillors P Drake, J E Charles, K Kuhnell and S T Wiliam declared personal interests in relation to all agenda items regarding the Memorial Hall & Theatre Trust by virtue of being Trustees.

236. **EXCLUSION OF PRESS AND PUBLIC**

A question was raised as to why the meeting had been called and by whom it had been called and why it was considered necessary to carry out the meeting with the exclusion of the press and public.

The Mayor advised that he had called the meeting under Standing Order 5 due to concerns over the vote taken at the previous meeting. The Leader of Council added that there was no reason why the meeting could not be called and he asked Members to consider and discuss the report submitted by the Executive Officer and also to consider the motion put forward by a number of Councillors in accordance with Standing Order 54.

The Executive Officer advised that the meeting needed to be carried out with the exclusion of the press and public to enable Members to be provided with additional written material. Some Councillors questioned why they had not been provided with the written advice prior to the meeting. The Executive Officer stated that the person providing the advice had done so on the strict proviso that it be considered with the press and public excluded and distributed to Councillors at the meeting and on the further condition that all copies be returned to the Executive Officer at the end of the meeting.

Councillor S Hodges proposed that the meeting take place with the press and public present, which was seconded by Councillor Hampton. The Executive Officer advised that if the meeting continued out in open session he would be unable to provide Councillors with the written advice he had obtained. A vote

was taken the result of which was 9 for and 11 against, therefore the motion was declared LOST.

RESOLVED: That in accordance with section 1(2) of the Public Bodies (Admission to Meetings) Act 1960, in view of the confidential nature of the business about to be transacted, the press and public be excluded from the remainder of the meeting.

237. **REVIEW OF PREVIOUS DECISIONS TAKEN REGARDING THE APPOINTMENT OF LAY TRUSTEES**

Councillor S Hodges suggested that the decision to allow Members to read the written advice tabled by the Executive Officer. Following a heated discussion Councillor S Hodges left the meeting. The Mayor proposed and granted 15 minutes for the purpose of reading the advice provided by the Executive Officer and the meeting was adjourned for this period of time.

Upon resumption various points were raised regarding the advice. Some Councillors took the view that the advice indicated that the meeting on 8 November 2009 had been carried out correctly and that thus there was no need for the previous decision to be rescinded. A question was raised as to why the Executive Officer felt it the actions taken at that meeting were deemed improper and why he had not spoken out at that meeting. The Mayor advised that the Executive Officer had attempted to explain the process but had been told, by a Councillor, to sit down and not to interrupt.

The Executive Officer's report and other information was considered and further heated discussion took place, following which the Leader of Council, Councillor Egan, proposed the recommendations set out in the Executive Officer's report, which was seconded by Councillor Stenstrom. Councillor N Hodges proposed, seconded by Councillor Hampton, an amendment as follows:-

"In the light of confidential legal advice received by the Executive Officer in a number of emails and the information concerning the decision made at the meeting held on 8 November 2009, this matter be referred to the next meeting of Full Council under Part 2 for further discussion."

Councillor S Hodges returned to the meeting and apologised for her extended break. She felt that the Council needed to formulate a policy relating to substitution rights on all the Council's Committees. Prior to a vote being taken a Councillor raised a point of order that the motion shown on the Council's agenda and submitted in the name of six Councillors should be considered prior to voting on the report. However, the Executive Officer pointed out that the motion submitted in accordance with Standing Order 20 formed agenda item 5, which followed his report. The Mayor then proceeded with the vote. A recorded vote was requested.

The result of the vote on the amendment was as follows:-

For (9)

Councillor Charles
Councillor Hampton
Councillor N P Hodges
Councillor S A Hodges
Councillor Kemp
Councillor Shaw
Councillor William
Councillor Williams
Councillor Wright

Against (11)

Councillor Brooks
Councillor Cash
Councillor Davey
Councillor Drake
Councillor Egan
Councillor J Evans
Councillor K Evans
Councillor Hamilton
Councillor Kuhnell
Councillor Payne
Councillor Stenstrom

The amendment was declared LOST.

A vote was taken on the recommendations set out in the Executive Officer's report as follows:-

For (11)

Councillor Brooks
Councillor Cash
Councillor Davey
Councillor Drake
Councillor Egan
Councillor J Evans
Councillor K Evans
Councillor Hamilton
Councillor Kuhnell
Councillor Payne
Councillor Stenstrom

Against (9)

Councillor Charles
Councillor Hampton
Councillor N P Hodges
Councillor S A Hodges
Councillor Kemp
Councillor Shaw
Councillor William
Councillor Williams
Councillor Wright

The recommendations set out in the Executive Officer's report were declared CARRIED.

Councillor William asked that it be minuted that he had voted against recommendations as he felt there had been no discussion on the them. Councillor N Hodges asked that it be minuted that five out of the six Councillors that had put the motion forward were present, but he did not feel they had understood the contents of the motion that they had put their names to.

RESOLVED:

1. that the decision taken at Council on 8 November (minute no. 222.) be rescinded and that the decision taken by the Appointments Committee, acting under delegated powers, be reinstated;
2. that with immediate effect the terms of reference of the Appointments Committee be amended, such that from now on the Committee would have full delegated powers in relation to any vacancies considered by it, thus enabling it to determine the appointment of all senior staff and all lay and other Council-appointed trustees, without having to make recommendations to the Town Council;
3. that the remaining vacant Lay Trustee post on the Memorial Hall & Theatre Trust be re-advertised accordingly.

At the end of the meeting Councillors handed back the copies of the written advice provided by the Executive Officer.

The meeting closed at 8.37pm.

Signed

Dated