178. Chairman's Announcements/Personal Matters

Having welcomed Members to the Meeting, the Chairman of Council made the following announcements:

(a) Pembrokeshire Leading Farmers

The Chairman congratulated two of Pembrokeshire’s leading farmers who had recently been elected to positions of great responsibility within their industry. Mr Meurig Raymond had been elected as the new President of the National Farmers’ Union, whilst Mr Stephen James had been elected as President of the NFU Cymru.

Both were very well known throughout the Pembrokeshire farming community; and the Chairman stated that it was a matter of great pride for the County that two Pembrokeshire people were working alongside the country's most influential politicians and decision-makers for the good of the farming industry.
(b)  Prendergast Primary School

The Chairman congratulated Prendergast Primary School, Haverfordwest for their work in Physical Education which had been recognised nationally. The school had been given an Active Mark Cymru award by Sport Wales and the Association for Physical Education.

He advised that those organisations endorsed schools who were committed to developing high quality physical education and school sport; and promoted the benefits of physical activity.

(c)  Ysgol y Preseli rugby team

The Chairman referred to the valiant effort of the Ysgol y Preseli rugby team which had reached the final of the Welsh Schools Under 18 Cup played at the Millennium Stadium in March. Sadly, they had lost by just one point to Llanishen High School, Cardiff.

(d)  Milford Haven School

Staying on schools, the Chairman reported that the governing body of Milford Haven School was the second secondary school in the County to be awarded the Governors Wales Quality Mark Bronze award. The Bronze Award was an initiative by Governors Wales to improve the quality of work undertaken by school governors across the country.

(e)  Director of Transportation, Housing and Environment

The Chairman announced that the Authority’s Director of Transportation, Housing and Environment, Ian Westley, had been a guest at No. 10 Downing Street last month. Mr Westley, together with Heads of Service, Darren Thomas and Richard Brown, had been invited to a reception along with other agency heads around the country.

They had been able to meet the Prime Minister and tell him of their experiences coping with the exceptionally severe weather which had hit Pembrokeshire in January and February this year.

(f)  Director of Finance and Leisure

The Chairman stated that he could not conclude his announcements without reference to the fact that this would be the last full Council meeting attended by the Director of Finance and Leisure, Mark Lewis, before his well earned retirement.

The Chairman invited Members and Officers to join him in wishing the Director a long and happy retirement.

Council stood and applauded the Director of Finance and Leisure for his service to the Authority.
179. Declarations of Interest

Councillor J L Adams declared a prejudicial interest in Agenda Item No. 11 – Notice of Motion relating to Members’ Travel Claims.

Councillor R M Lewis declared a prejudicial interest in Agenda Item Nos. 14 and 15 – Questions relating to Standards Committee Decision; and Nos. 20, 21 and 23 – Notice of Motion relating to Councillor R M Lewis.

Councillors Umelda Havard and L L Frayling each declared a personal interest in Agenda Item Nos. 20, 21 and 23 – Notice of Motion relating to Councillor R M Lewis.

Councillor M J John declared a personal interest in Agenda Item No. 7 – Notice of Motion relating to Broadband provision.

180. Minutes of Previous Meeting

Council considered the Minutes of the Meeting held on 6 March 2014 for approval as a correct record.

Moved by Councillor R M Lewis; Seconded by Councillor B J Hall

RESOLVED

That the Minutes of the Meeting held on 6 March 2014 be approved as a correct record.

181. Notice of Motion relating to Audit and Democratic Services Committee

Council considered a report by the Head of Legal and Committee Services setting out the recommendation of the Corporate Governance Committee arising out of a Notice of Motion submitted to Council by Councillor R P Kilmister; such notice being to the effect that Council considers increasing the number of seats on the Audit and Democratic Services Committees to 13, to ensure that the political balance rules applied in a properly democratic manner.

Council was advised that in considering the matter, the Committee had noted the following:

- The Audit Committee currently consisted of 7 members, 6 being Members of the Council and one Lay Member, who was the Chairman of the Committee. The Democratic Services Committee currently consisted of 7 Members of the Council. The political balance rules applied to both Committees.

- The terms of the motion were to the effect that the membership of both Committees be increased to 13. With respect to the Audit Committee, it had not been made clear whether by increasing its membership to 13, this figure was inclusive of at least one Lay Member, although from the wording of the Notice, it would appear that this was the case.
• It appeared that the intention of the Motion was to provide for representation of the three smallest minority political groups on both the Committees. Under the current allocation of seats, Plaid Cymru, with 4 group members, was allocated one seat on the Democratic Services Committee and did not have a seat on the Audit Committee. The Conservative and Pembrokeshire Alliance political groups, with 3 group members each, did not have a seat on either of the two Committees.

• If Members were minded to increase the membership of the Audit Committee to 13, consideration should be given to increasing the number of Lay Members on the Committee, in order to continue to provide an appropriate balance between Councillors and Lay Members.

• Increasing the membership of the Democratic Services Committee to 13 would not necessarily result in any seats being allocated to either the Conservative political group or the Pembrokeshire Alliance political group, as the political balance rules required aggregation of this Committee’s seats with the seats on other relevant Council Committees.

The Committee’s Decision was to recommend that the Notice of Motion be not adopted and the status quo be maintained.

Councillor Kilmister addressed Council and he stated that he wished to amend his Notice of Motion by deleting the first sentence and adding the following words: that this Council increases the number of seats on the Audit Committee to 15, and that this should include one Lay Member; and that this Council increases the Democratic Services Committee to 13. The Amendment was seconded by Councillor Jacob Williams.

Councillor Kilmister advised that the purpose of the Amendment was to find a consensus in the matter. He advised that the Audit Committee was an important new addition to the role of the Council and it excluded three groups on the Council from participating in its business, which he considered could not be desirable. By increasing the membership of the Audit Committee to 15, he stated that the Independent Plus Group would get eight seats; there would be six opposition seats and one lay member seat, which would enable all groups to be represented and decisions made on a consensus basis. He considered that without all groups being represented, the Committee was not democratic.

With regard to the Democratic Services Committee, Councillor Kilmister advised that a different calculation was made due to there being no lay member representative. He considered that the Committee was an important one as it had taken on many of the functions of the Corporate Governance Committee. He pointed out that under the present arrangements, two groups were unrepresented which was not desirable; and he stated that a membership of 13 would enable all groups to be represented.

In response, the Leader of Council stated that the matter had been discussed extensively at Corporate Governance Committee and he concurred that the functions and responsibilities of the Audit and Democratic Services Committees were different and he concurred that lay member representation on the Audit Committee was extremely important for ensuring public accountability. The
Leader stated that he could not support any dissolution of lay member involvement and the public confidence that provided to the work of the Committee. He referred to the purpose of the political balance rules and the impact of aggregation and he stated that seats on Committees could not be changed every time a new group was formed on the Council. The Leader considered that the recommendation of the Corporate Governance Committee should be supported as a smaller group of members enabled those Committees to focus clearly and drill down on the issues requiring consideration. He also stated that both Committees had undertaken their functions well and, in terms of the Audit Committee, excellent scrutiny work had been undertaken recently and he stated that the public sought the assurance of outside involvement in the Audit Committee.

Members of Council took the opportunity to express their views on the terms of the Notice of Motion.

In summing up, Councillor Kilmister advised that the regulations in respect of political balance had not considered the scenario of multiple groups that currently existed in the Council. He stated that supporting the recommendation was undemocratic.

On being put to the vote, the Amendment was lost.

Moved by Councillor J L Adams; Seconded by Councillor H M George

RESOLVED

That the Notice of Motion be not adopted and the status quo be maintained.

182. Notice of Motion relating to the Call-in of Cabinet Decisions

Council considered a report by the Head of Legal and Committee Services setting out the recommendation of the Corporate Governance Committee arising out of a Notice of Motion submitted to Council by Councillor R P Kilmister; such notice being to the effect that Council determines to consider at its meeting on 8 May 2014, the Notice of Motion relating to the call-in procedure for Cabinet Decisions which had been submitted originally on 20 October 2011.

Council was advised that in considering the matter, the Committee had noted the following:

- The current position on call-ins, under Overview and Scrutiny Procedure Rule 16, was that:
  1. A call-in request could be made by the Chairman or at least 4 members of an Overview and Scrutiny Committee.
  2. A call-in request had to be made by 5.00 p.m. on the third working day following the day of Cabinet, with Cabinet decisions being promulgated by 5.00 p.m. on the day following Cabinet.
3. The request in writing could be made by fax or by e-mail, providing that the request and all its necessary particulars, including all signatures, were contained within one document and that in the case of e-mail, the transmission was as an attachment thereto of a scanned image of the written notice, incorporating the verifiable signature(s) of the relevant member(s) submitting the notice.

- It was clear from the National Assembly for Wales Guidance on Executive Arrangements, that the intention was that any call-in of an Executive decision would be the prerogative of the members of an Overview and Scrutiny Committee and would not be exercised by a proportion of the membership of the Council as a whole, some or all of whom might not be members of the Overview and Scrutiny Committee.

- The draft model Constitution, which was currently being considered by the Constitutional Issues Working Group, provided with respect to call-in that the call-in should be by a number of Members (the number to be specified by an Authority) of an Overview and Scrutiny Committee.

- The thrust of the relevant Guidance and the draft model Constitution was that a call-in should be by request of members of an Overview and Scrutiny Committee. This Council also allowed the Chairman of a Committee to exercise a call-in.

The Committee’s Decision was to recommend that the Notice of Motion be not adopted; but that the call-in procedure be considered by the Committee and by the Constitutional Issues Working Group at their next meetings.

Councillor Kilmister spoke in support of his Notice of Motion and he stated that the purpose of the motion was to ensure that the matter was now debated by Council. He pointed out that since the motion was submitted, the position had changed and some progress had been made. Councillor Kilmister referred to the fact that Chairmen of Overview and Scrutiny Committees were now politically balanced, which was welcomed, as it made the call-in process easier to operate. Councillor Kilmister stated that he still had concerns that those Members not affiliated to a political group continued to be excluded from the process by the current arrangements. On the basis that the matter would be considered in detail by the Constitutional Issues Working Group, Councillor Kilmister supported the recommendation.

Moved by Councillor R P Kilmister; Seconded by Councillor J L Adams

RESOLVED

That the Notice of Motion be not adopted; but that the call-in procedure be considered by the Corporate Governance Committee and by the Constitutional Issues Working Group at their next meetings.
Council considered a report by Cabinet setting out its recommendation arising out of a Notice of Motion submitted by Councillor O W James and referred to Cabinet by Council; such motion being to the effect that the Authority, together with the National Park Authority, immediately engages with the all Wales Provider to understand the faster broadband process; to identify service level expectations; to specify requirements to identify work necessary to collate information for any ABC bids; to identify a joint lead officer for the authorities with sufficient resources; to identify poor provision and be proactive in the identification of alternatives; and to identify and negotiate opportunities for communities to enhance standard provision with bespoke solutions.

Council was advised that in considering the matter, Cabinet had noted the following:

- Superfast Cymru was the Welsh Government’s programme for the roll out of high speed broadband in Wales. The programme was a partnership between the Welsh Government and BT which aimed to provide superfast broadband to 96% of households in Wales by 2017.

- In terms of the roll out in Pembrokeshire, Enterprise Zones would be prioritised; and businesses in the Haven Waterway Enterprise Zone should have access to superfast broadband by late summer. BT had started to upgrade the Haverfordwest exchange and this work was expected to be completed by June. Work would then begin on the Milford Haven, Johnston, Neyland and Pembroke exchanges.

- The Head of Regeneration had been appointed as the “Superfast Exploitation” Officer to raise awareness of the benefits of superfast broadband amongst the business community; and he would be working with the Welsh Government and BT to raise awareness of the advantages that broadband could offer local businesses.

- The Authority had managed a European funded project to deliver broadband to rural and disadvantaged communities, such as at Angle, Herbrandston and Newgale.

- The Bridge Innovation Centre currently offered levels of 100 mgb, and discussions were concluding with High Performance Computing Wales regarding locating a tier 2 facility at the centre so that local businesses could access high performance computing services.

Cabinet’s Decision was that Council be recommended that the progress regarding the roll out of the Superfast Cymru Broadband Programme be noted; and that the issues relating to broadband be referred to the Economy Overview and Scrutiny Committee for inclusion in its forward work programme.

Councillor James addressed Cabinet in support of his Notice of Motion and he stated that the County was to be the beneficiaries of a broadband contract between the Welsh Assembly and BT. He stated that it appeared the Council had no understanding of the contract; no understanding of the service level delivery; and no expertise to answer his questions. Councillor James stated that
Council needed specifics and details and he pointed out that a key message from the WLGA was that nobody should be disadvantaged by where they live and that quality broadband provision should be available for everyone.

In response, Councillor D J Pugh, the relevant Cabinet Member, stated that he shared Councillor James’ concerns and he reminded Council that he and the Leader had met with BT’s Director for Wales to express concerns regarding the rollout of the programme and at being at the end of the line in terms of the 96% coverage. He advised Council that the Wales Audit Office had announced that it would be undertaking a review of the effectiveness of the Welsh Government’s programme and the achievements made, and all households would be surveyed as part of the review to gain an understanding of the extent of the roll out. He supported the recommendation that the Economy Overview and Scrutiny Committee be asked to undertake a review and that the views of experts be sought as part of the review.

Moved by Councillor O W James; Seconded by Councillor D J Pugh

RESOLVED

That the progress regarding the roll out of the Superfast Cymru Broadband Programme be noted; and that the issues relating to broadband be referred to the Economy Overview and Scrutiny Committee for inclusion in its forward work programme.

184. Notice of Motion relating to Graduate Recruitment

Council considered a report by Cabinet setting out its recommendation arising out of a Notice of Motion submitted by Councillor P N Miller and referred to Cabinet by Council; such motion being to the effect that the Council reviews its Graduate Recruitment Programme with a view to re-opening the scheme and providing not less than ten opportunities in the 2014-15 financial year; and a draft policy document be produced outlining a Council strategy for supporting the Pembrokeshire economy in attracting and retaining a greater number of newly qualified graduates.

Council was advised that in considering the matter, Cabinet had noted the following:

• Graduate recruitment had been considered in detail in April 2013, following a similar Notice of Motion at that time. Council subsequently resolved that the Notice of Motion be not adopted, but that the principle of a graduate recruitment programme be supported and the position be reviewed annually.

• Since 2007, eleven graduates had been recruited to undertake training in, for example, town planning, civil engineering, architecture, trading standards and housing management. The Authority had achieved a return on its investment by employing ten of the graduate trainees in substantive positions on completion of their training. The former Graduate Management Training Scheme had afforded places to ten graduates in the period 2002-2006, several of whom had gone on to develop their careers with the Authority.
Recruitment to the scheme had been suspended in 2010 to allow for those training agreements already entered into, to mature. The option to re-open the scheme had been reconsidered periodically and it had been possible to introduce opportunities for graduate recruitment in certain services, within existing budgets as team restructuring had released the requisite resources or by securing additional external funding; and examples were set out in the report.

Whilst the sentiments expressed in the Notice of Motion were laudable, it was considered that it could not be supported at present for the following reasons: there was no evidence from current service workforce planning of any need for a graduate trainee intake in 2014/15; the creation of ten graduate trainee places would cost in the region of £250,000 per annum, a sum that had not been budgeted for; the proposal was inconsistent with the cost reduction programme approved by Council, as set out in the medium term financial strategy; and the Authority was now managing its workforce through a sensitive transitional period, as the consequences of service changes became clear.

In terms of the Council’s direct support there were a number of related activities:

(i) The Futureworks Business Unit provided traineeships and apprenticeships across a range of occupational areas. The case load included some graduates, particularly in schemes such as the Flexible Support Fund.

(ii) The Economic Development Service delivered a European funded ‘Steps to Enterprise’ programme that supported young people into entrepreneurship and enterprise. 10 graduates had been supported in the last twelve months and over 250 young people since the project commenced in 2009.

(iii) The Bridge Innovation Centre (BIC) had provided both facilities and support for enterprise in knowledge-based sectors. The Economy Overview and Scrutiny Committee had recently considered a report advising that 86 new jobs had been created at the BIC in the last two years, 49 of which were graduate level. In addition, Swansea University had delivered a management development programme from the Centre.

Cabinet’s Decision was to recommend that the Notice of Motion be not adopted for the reasons described in the report by the Director of Development and Head of Human Resources; but that the case for a graduate trainee intake continue to be kept under review, with appropriate opportunities for such recruitment being considered in any restructuring and that all activities to support and encourage graduate employment be collated for the information of Members.

Councillor Miller addressed Council in support of his Notice of Motion and he stated that the matter was important to him and he considered that the Authority should play a greater role in supporting graduate opportunities. He stated that he welcomed the commitment outlined in the recommendation and he hoped that the matter would form part of the Economy Overview and Scrutiny Committee’s forward work programme. With reference to the Authority’s role, Councillor Miller pointed out that as the largest employer in the County, it was unacceptable that
there had been no graduate opportunities; with the exception of the trainee Solicitor posts identified, which was a positive step. Councillor Miller accepted the financial challenges facing the Authority, but he considered that graduates would bring in new ideas to service provision and delivery and would bring transformational change. Councillor Miller considered that the Authority should play a leading role in retaining graduates in the Pembrokeshire economy; otherwise no one else would do so and that would be to the detriment of the economy.

In response, the Leader of Council stated that he shared Councillor Miller’s aspirations and he supported the production of a policy document setting out a strategy for attracting and retaining graduates. The Leader reminded Council that over the past 12 years, 20 graduates had been offered opportunities and they had provided a solution to a shortfall in capacity in specific areas and they had been utilised to strengthen certain areas of service, which had been welcomed. However, with regard to the provision of ten graduate placements in 2014/15, the Leader stated that this would require an investment of around £250,000 and there was no budgetary provision available given the severe financial constraints now placed on the Authority.

The Leader pointed out that services were changing and some staff were being offered retraining and redeployment opportunities, as a commitment had been given that compulsory redundancies would be avoided wherever possible. He advised Council that if a need was evidenced, as had been demonstrated in the Legal Service, graduate recruitment would be undertaken. The Leader stated that, as highlighted in the report, the Authority had done a good deal to support graduates opportunities; but, he acknowledged that the Authority probably had not done enough to disseminate that information to Members and the public. The Leader made particular reference to the investment made in people at the Bridge Innovation Centre and he stated that that investment was now paying off.

Cabinet Members took the opportunity to highlight the wide range of graduate opportunities that had been provided in relevant Directorates. Council acknowledged those significant opportunities. Members of Council then referred to the importance of growing the Authority’s own graduates and embedding that into the culture of the organisation.

In summing up, Councillor Miller welcomed the points made in respect of investment in people and he asked for details on that investment. He outlined the importance of bringing in new graduates to ensure there were new ideas for change; to support the wider Pembrokeshire economy; and to support and retain young people in the County. He considered that the provision of ten graduate placements would provide a start in the development of a graduate strategy. Councillor Miller then proposed an Amendment in the following terms: that Council accepts the recommendation of Cabinet and a report on supporting graduates in Pembrokeshire be produced and form part of the Economy Overview and Scrutiny Committee’s forward work programme; and that ten opportunities for graduates be created in the coming financial year; Seconded by Councillor A W Wilcox.

The Leader reminded Council that the investment required to support the Amendment was unbudgeted and that such spending would require funding taken from elsewhere. Members of Council also expressed concern regarding
the funding arrangements. Council was reminded that there was no budgetary capacity and that the Authority was in fact reducing its current workforce and that the proposition would reduce existing staff more than it would otherwise. Council was further advised that reserves had been committed to fund the 21st Century Schools Programme; and was reminded that financial savings of £12.9m had had to be found in the current financial year and around a further £7m savings would be required in the next financial year.

On being put to the vote, the Amendment was lost. It was then

Moved by Councillor J L Adams; Seconded by Councillor H M George

RESOLVED

That the Notice of Motion be not adopted for the reasons described in the report by the Director of Development and Head of Human Resources; but that the case for a graduate trainee intake continue to be kept under review, with appropriate opportunities for such recruitment being considered in any restructuring and that all activities to support and encourage graduate employment be collated for the information of Members.

185. Notice of Motion relating to Housing Allocations - Local Connections Policy

[Councillor R G Bowen declared a personal interest during consideration of this item of business by virtue of being a Director of Tai Cantref.]

Council considered a report by Cabinet setting out its recommendation arising out of a Notice of Motion submitted by Councillor P N Miller and referred to Cabinet by Council; such motion being to the effect that the local connections policy, currently applied to rural areas of the County, be extended to cover the whole of Pembrokeshire.

Council was advised that in considering the matter, Cabinet had noted the following:

- The matter of extending local connection arrangements had been raised during the passage of the Allocation Policy revision through Older Persons Health and Well-being and Children and Families and Overview and Scrutiny Committees in January and March 2013.

- It had been resolved that a review of the application of local connection criteria within the Policy be undertaken and a commitment was given to conclude the review by December 2013.

- That review was completed and presented to Cabinet in October 2013 and the decision of Cabinet was that the Housing Allocation policy be not amended to include the urban areas of Fishguard, Goodwick, Haverfordwest, Merlins Bridge, Milford Haven, Neyland, Pembroke and Pembroke Dock; and that a further review of the appropriateness of
changing the current local connection arrangements in urban areas be undertaken following the completion of the introduction of welfare benefit changes and the enactment of anticipated housing legislation changes.

- There had been no significant changes since Cabinet had made their decision, with the continuation of the implementation of Welfare Benefit reform and the introduction of new Housing Legislation still expected to take place during 2014.

Cabinet’s Decision was to recommend that that the Notice of Motion be not adopted, as the matter was considered in October 2013; and there have been no changes to suggest that the review of the Allocation Policy in relation to the application of local connection criteria be brought forward from March 2015.

Councillor Miller addressed Council in support of his Notice of Motion and he stated that the current system was unfair, as there was no housing in towns reserved for those people who had a local connection; and he considered that the policy should be changed.

A number of Members who represented towns spoke in support of the Notice of Motion for the reasons of fairness and to retain young people in their local communities and called for the local connection policy to be applied equitably to all areas. Those Members indicated that housing issues constituted a high proportion of their caseload; and it was pointed out that some people had been placed in the gold band, but still could not find accommodation and the situation was becoming more difficult, due to limited housing and high demand. It was suggested that empty properties should be advertised to local people in the first instance for a short period and if there was no interest from those meeting the local connection criteria, then the property be advertised to all residents and that the matter be reviewed in March 2015.

Councillor D Simpson, the relevant Cabinet Member, stated that changes to the policy could not be considered without consultation with the Authority’s partners: Pembrokeshire Housing Association and Tai Cantref. Councillor Simpson reminded Council that a commitment had been given to review the scheme in March 2015 following the previous Notice of Motion submitted by Councillors Lee, Havard and Frayling. He advised Council that a report was in the process of being drafted and he would be consulting with the proposers of the Notice of Motion on the matter. Councillor Simpson pointed out that there were valid reasons why the policy had not been introduced in the towns, but he gave his assurance that the matter would be addressed.

In response to a question on the number people from outside the County being housed in Pembrokeshire, Councillor Simpson provided details of the current breakdown. Council noted that as of 31 March 2014, of the 625 allocations made: 28 had come from outside of Pembrokeshire, and of those, seven had no connection to Pembrokeshire, the others had family connections or had previously resided in the County. Council was advised of the criteria that people had to meet before being allocated a property. In response to a further question, Councillor Simpson stated that private landlords also provided accommodation and this could explain why it appeared there were more people from outside Pembrokeshire being housed locally.
Council was advised that changes to the policy had to be considered in the context of partnership working; the implications of the Welfare Benefits changes and the Bedroom Tax; and the utilisation of properties. It was noted that those matters were being addressed as part of the work being undertaken. The Leader pointed out that Members needed more up to date information during the consultation and he asked the relevant Cabinet Member to provide that information via the relevant Overview and Scrutiny Committee to ensure that the outcome of the review was a position which was robust and fit for purpose. The Leader also stated that he was seeking to achieve the same objective of equity and he advised that it could only be achieved over time and in consultation.

In summing up, Councillor Miller welcomed the consensus for parity across the County and he commended the co-signatories of the previous Notice of Motion in bringing the matter to Council’s attention; but he considered that the changes were taking too long. In order to speed up the review, Councillor Miller Moved an Amendment that Council make clear its desire to achieve parity in local connections across Pembrokeshire before the end of this financial year; that a cross party Working Group be established to work through associated issues and a Council decision be taken in this financial year to extend the local connections policy; Seconded by Councillor Jacob Williams.

In response, the Leader stated that he had suggested to Councillor Simpson that he engage with the Older Persons, Health and Well-being Overview and Scrutiny Committee, which was a cross party group, as they were best placed to challenge the process. He gave Council assurance that there was a commitment to bring the matter to Council by March 2015.

Councillor Simpson reminded Council that a discussion paper would be drafted by June and he confirmed that he would discuss the matter with the Older Persons, Health and Well-being Overview and Scrutiny Committee. He considered that it was unnecessary to establish another working group.

A recorded vote was requisitioned in respect of the Amendment and votes were recorded as follows:

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<tr>
<th>For the Amendment</th>
<th>Against the Amendment</th>
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<tr>
<td>P R Baker</td>
<td>J L Adams</td>
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<td>J A Brinsden</td>
<td>J S Allen-Mirehouse</td>
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<td>Pat Davies</td>
<td>Daphne Bush</td>
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<td>M L Evans</td>
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<td>Umelda Havard</td>
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<td>Lyn Jenkins</td>
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<td>Bob Kilmister</td>
<td>D K Howlett</td>
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<td>Alison Lee</td>
<td>S T Hudson</td>
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[Councillor R G Bowen abstained from voting.]

Council was advised that notice of a further Amendment had not been properly given in accordance with Procedure Rule 12.6 (f); and on that basis could not be considered.

Moved by Councillor J L Adams; Seconded by Councillor B J Hall

RESOLVED

That the Notice of Motion be not adopted, as the matter was considered in October 2013; and there have been no changes to suggest that the review of the Allocation Policy in relation to the application of local connection criteria be brought forward from March 2015.

186. Notice of Motion relating to the Planning and Rights of Way Committee

Council considered a report by the Head of Legal and Committee Services setting out the recommendation of the Corporate Governance Committee arising out of a Notice of Motion submitted to Council by Councillor Lyn Jenkins; such notice being to the effect that in future any nominations to sit on the Planning Committee, by group leaders, should be made no later than five working days prior to the meeting.
Council was advised that in considering the matter, the Committee had noted the following:

- Section 16 of the Local Government and Housing Act 1989 provided that so long as a seat on a Committee continued to be allocated to a political group, the Council had to act in accordance with the wishes of that group to determine whether and when to terminate that appointment; and a duty was imposed upon the Council to give effect to the wishes of that group as to who was to be appointed to their allocated seats on that body.

- By law, the Council could not restrict the ability of a political group leader to determine when an appointment of a member of their group to a particular Committee was to be terminated and a new appointment made. Providing that the correct and established procedures were followed, the termination of such an appointment and the appointment of another political group member to a Committee could occur at any time.

The Committee’s Decision was to recommend that the Notice of Motion be not adopted; but that notices from Group Leaders or Deputy Group Leaders in respect of appointments to the Planning and Rights of Way Committee be kept in a register open for public inspection.

Councillor Jenkins addressed the Committee in support of her Notice of Motion and she advised that the purpose of the motion was to ensure that future planning applications were considered and decided in an open, fair and democratic way. She advised Council that she would prefer a situation where there were no replacement Members, but accepted that could not happen. On that basis, she Moved an Amendment in the following terms: that the Notice of Motion be not adopted; but a system be implemented whereby Group Leaders were asked to nominate, on a political balance basis, a pool of ten replacement Members to sit on the Planning and Rights of Way Committee; and that those Members be identified on Agendas and receive all appropriate documentation; and be invited to training sessions and site visits. She considered that the proposal would provide clarity for those submitting planning applications.

Moved by Councillor Lyn Jenkins; Seconded by Councillor R M Lewis

**RESOLVED**

That the Notice of Motion be not adopted; but a system be implemented whereby group leaders be asked to nominate, on a political balance basis, a pool of ten replacement Members to sit on the Planning and Rights of Way Committee; and that those Members be identified on Agendas and receive all appropriate documentation; and be invited to training sessions and site visits.

[Councillor A W Wilcox requested that his vote against the above be recorded.]

187. **Notice of Motion relating to Members' Travel Claims**

[Councillor J L Adams declared a prejudicial interest in this matter and withdrew from the Chamber during consideration thereof.]
Council considered a report by the Director of Finance and Leisure setting out the recommendation of the Audit Committee arising out of a Notice of Motion submitted to Council by Councillor Tessa Hodgson; such notice being to the effect that the Audit Committee investigates the travel claims submitted by the Leader during 2012, which were paid, despite being years beyond the three month time limit which is clearly printed on all claim forms; and reports back to Council with a recommendation which clarifies the proper process to be followed in situations where claims might be submitted outside of the time limit.

In his capacity as Vice-Chairman of the Audit Committee, the Vice-Chairman of Council reported that the Audit Committee had noted the following:

- The Independent Remuneration Panel for Wales (IRPW) Regulations stated that “An Authority must specify a time limit from the date on which an entitlement to travelling or subsistence allowance arises during which a claim for those allowances must be made by the person to whom they are payable. However, this does not prevent an authority from making a payment where the allowance is not claimed within the period specified”.

- The Director of Finance & Leisure (under delegated authority) had stipulated that claims “should be submitted” no later than three months after an approved duty had been undertaken. However, the Regulations made it clear that this did not prevent payment when a claim was made outside that period.

- The Wales Audit Office Audit Manager had confirmed that he had reviewed the claim and he stated that the claim had been properly checked and authorised and that there was nothing to prevent payment when a claim was made outside that period.

- The Monitoring Officer had referred to the relevant regulations which stated that a Member may recover expenses incurred on official business for an approved duty of Council but there was no absolute time limit which could be stipulated in law as to when a claim was to be submitted.

- The Allowances for Members Regulations and the IRPW Annual Reports required Authorities to specify a time limit for submission of claims, but both also allowed for payment of claims submitted outside of that time limit.

- The Monitoring Officer had reported orally on the legal aspect of Members claiming reimbursement of disbursements made in undertaking an approved duty as an elected Member. The payment of the expenses claimed had been audited by the Wales Audit Office and were found to be lawful. The regulations allowed Members to submit claims for expenses incurred by them in carrying out their duties as Councillors. The regulations also required the Council to set administrative timescales for the submission of claims for reimbursement of expenses. The regulations specifically stated that should a Councillor submit claims outside the administrative timescale, payment of the expenses could not be prevented.
The Committee’s Decision was that Council be recommended that on the basis of the advice of the Wales Audit Office and the Monitoring Officer, the claims examined were within the statutory framework and that whilst Members were strongly encouraged to bring claims within the administrative three month limit, it was recognised that claims brought outside that limit, but within the statutory timescale, would be paid providing that adequate supporting evidence was produced.

Councillor Hodgson addressed Council in support of her Notice of Motion and she commended the Committee for the lengthy and robust discussion that had been undertaken on the matter. She stated that there were several contradictions in respect of the regulations; and she advised that the IRPW Regulations stated that there must be a timescale specified; however, it appeared that this was unenforceable and she considered the situation to be perverse. Councillor Hodgson stated that under the current interpretation of the Regulations, a Member could submit a claim up to six years after the event, which could lead to an unexpected budget shortfall for the Authority. In order to resolve the matter, Councillor Hodgson called on the Council to write to the IRPW to seek clarification on the terms of Rule 36 of the Regulations.

In response, the Vice-Chairman of Council stated that the timescale imposed was for administrative purposes only and could not be enforced; and as such the payment of a late claim was not outside the regulations. He agreed that there was confusion which needed clarification. The Vice-Chairman advised Council that during the Committee’s deliberations, Councillor Guy Woodham had raised concerns regarding the anomalies identified and it had been agreed that a letter be sent to the IRPW seeking clarification. Council noted that the letter had been drafted and sent to Councillor Woodham to ensure it had captured his comments and that the letter would be sent to the IRPW in due course.

In considering the matter, Members of Council raised concerns regarding the contradictory terms of the Regulations and welcomed the submission of a letter for clarification purposes. Council was advised that the Authority was obliged to pay a debt that was proven; otherwise it could be in a position of being sued for that non payment.

Councillor Hodgson Moved an Amendment in the terms that the Council writes to the IRPW to ask for clarity regarding Rule 36 of the Regulations and in particular the wording “does not prevent the Local Authority making a payment when the allowance was not claimed within the period specified”; Seconded by Councillor T J Richards.

On being put to the vote, the Amendment was carried and it was

Moved by Councillor Tessa Hodgson; Seconded by Councillor T J Richards
RESOLVED

(a) That, on the basis of the advice of the Wales Audit Office and the Monitoring Officer, the claims examined were within the statutory framework and that whilst Members are strongly encouraged to bring claims within the administrative three month limit, it is recognised that claims brought outside that limit, but within the statutory timescale, will be paid providing that adequate supporting evidence is produced.

(b) That Council writes to the Independent Remuneration Panel for Wales to ask for clarity regarding Rule 36 of the Regulations and in particular the wording "does not prevent the Local Authority making a payment when the allowance was not claimed within the period specified".

The meeting adjourned at this juncture for a 20 Minute break.

[Councillors R G Bowen, P Kidney, J A R Nutting and T B Tudor left the meeting during the break.]

188. Pembrokeshire County Council Improvement Plan 2014/2015

[Councillors D M Edwards, P Harries and P J Morgan each declared a personal interest when reference was made to business rate support by virtue of being business ratepayers.]

Council considered the Authority’s Improvement Plan for 2014/2015.

Council was reminded that under the Local Government (Wales) Measure 2009, all local authorities had a statutory duty to prepare an Improvement Plan each year. The scope of the plan was to show how the Authority would:

- secure continuous improvement
- secure achievement of improved objectives
- make arrangements to exercise its functions to meet any performance standards/indicators.

The draft Improvement Plan 2014/2015 had been considered by Cabinet on 7 April 2014.

The draft approved by Cabinet had included a typographical error, which had now been corrected. The error, on page 34 of the Plan, had been the inclusion of an out of date success measure. Consequently, the measure “Care Services annual questionnaire: percentage of customers agree that their care plan meets their needs” had been replaced with “Those surveyed who agree that overall their quality of life has improved because the service they have received has made things better for them”. A target of 94% had been set for the new measure.
In considering the Plan, a number of Members of Council took the opportunity to seek clarification on various issues and points of interest to them, to which relevant Cabinet Members responded.

Moved by Councillor J L Adams; Seconded by Councillor R M Lewis

RESOLVED

That the Pembrokeshire County Council Improvement Plan 2014/2015 be approved.


Council considered a report by the Director of Finance and Leisure advising that the Independent Remuneration Panel for Wales (IRPW) had made its annual Determination in relation to the Basic and Senior Salaries for Members and fees for Co-opted Members as part of their review for 2014/15. A schedule of such remuneration was appended to the Director's report.

Council was advised that there were two issues on which the Council must use its discretion to determine payments for 2014/15, those being:

(a) Determining payments in respect of Civic and Deputy Civic Leaders within three different levels of remuneration as per the options set out in the report; and

(b) Determining the maximum number of days for which a co-opted member may be paid in one year. For 2013/14, the IRPW had determined that payments be capped at a maximum of the equivalent of 10 full days per year for each committee to which an individual was co-opted.

In response to a question, the Leader advised that option (b), as set out in the report, was being recommended as it was commensurate with the hierarchy advised by the Remuneration Panel for a mid ranking Authority. Council was advised that Pembrokeshire was a mid ranking Authority based on the number of electors.

An Amendment was Moved by Councillor P N Miller that option (c) be adopted; Seconded by Councillor Tessa Hodgson. A recorded vote was requisitioned in respect of the Amendment and votes were recorded as follows:

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<td>D G B Lloyd</td>
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Council: 08.05.2014

P N Miller  H M George
R Owens     B J Hall
J S Preston  S L Hancock
G Price     P Harries
D R Sinnett Umelda Havard
R M Stoddart D K Howlett
Mrs V M Stoddart S T Hudson
A W Wilcox  D G M James
Jacob Williams O W James
M Williams  Lyn Jenkins
            M J John
            S G Joseph
            K Lewis
            R M Lewis
            Mrs P Llewellyn
            P J Morgan
            E A Morse
            D J Neale
            M Pepper
            Susan Perkins
            D J Pugh
            D W M Rees
            K Rowlands
            D Simpson
            P A Stock
            R G Summons
            W J A Williams
            S Yelland

17       35

[Councillor T J Richards abstained from voting.]

The Amendment having been lost, it was

Moved by Councillor J L Adams; Seconded by Councillor H M George

RESOLVED

(a) That the civic salaries for the Chairman and Vice Chairman of Council be set at £21,500 and £16,000 respectively for the 2014/15 municipal year.

(b) That Co-opted Members be limited to a maximum of 10 full days for the 2014/15 municipal year for each committee to which they are co-opted.
190. Questions submitted by Councillor D M Bryan under Council Procedure Rule 9.2 - Standards Committee decision regarding Councillor R M Lewis

[Councillor R M Lewis declared a prejudicial interest in this item of business and withdrew from the Chamber during consideration thereof.]

The Leader of Council advised that, in the absence of Councillor D M Bryan, the answers to the two questions submitted by Councillor Bryan would be provided in writing to Councillor Bryan.


The Leader of Council responded to a question submitted by Councillor R M Stoddart prior to the meeting in accordance with the provisions of Council Procedure Rule 9.2, as follows:

At the meeting of Council on December 12 2013 the Leader stated:

"I do have in my possession here today signed letters from, for example, the main contractor and indeed the subcontractor for the roof at Coronation School Meyrick Street Pembroke Dock which indicate that the entire roof was stripped and re-clad in new and used natural slates on new felt and batten. And, as Cllr Pugh has indicated, both he and I have been in those lofts and have seen that for ourselves.

I hope, genuinely, that that is a demonstration for Cllr Stoddart of the propriety and probity that has been extended throughout these two grant schemes.

I give you my assurance that the Cabinet member and I have been there; we have seen it and I hope you can consider your position in terms of this authority."

Can the Leader confirm that it was not possible to inspect the whole of the roof from the two available access points and, therefore, his statement that he and Cllr David Pugh "have been in those lofts and have seen that for ourselves" i.e. "that the entire roof was stripped and re-clad in new and used natural slates on new felt and batten" was untrue?

In response, the Leader stated that the Authority had been advised against any further public discussion about the matter by the Police in order to avoid prejudicing their investigation.

192. Question submitted by Councillor Jacob Williams under Council Procedure Rule 9.2 - Pension Opt - Out Payment Scheme

The Leader of Council responded to a question submitted by Councillor Jacob Williams prior to the meeting in accordance with the provisions of Council Procedure Rule 9.2, as follows:

Does the leader intend to attempt to reintroduce a pension opt-out payment scheme, and is he aware if any senior council officer wishes to do the same?
The Leader responded that there was no such intention, but the Council had acknowledged at its meeting held on 14 February 2014 that contractual issues had been created which were currently unresolved.

In response to a supplementary question on the take-up of the scheme, the Leader stated that he had no control over the take-up of the scheme.

193. Question submitted by Councillor P N Miller under Council Procedure Rule 9.2 - Milford Haven Oil Refinery

Councillor D J Pugh, the relevant Cabinet Member, responded to a question submitted by Councillor P N Miller prior to the meeting in accordance with the provisions of Council Procedure Rule 9.2, as follows:

*I’m certain that the Leader is well aware of the importance of the Milford Haven Oil Refinery to the Pembrokeshire Economy. Very conscious that events may well have overtaken the submission of this question, will he commit the council to providing any and all assistance in its power to either:

1) Help secure a sustainable future for the site; or

2) If the worst has happened, and a closure has become inevitable, support the affected workforce and Pembrokeshire businesses to whom this plant represents their livelihood?

Councillor Pugh advised that the Welsh Government Minister for Economy, Science and Transport, Mrs Edwina Hart, had established a Task Force in response to the failure of Murphy Petroleum Ltd and Greybull Capital to reach agreement on the future of the refinery. The Task Force was chaired by Lord Bourne of Aberystwyth, and it comprised representatives from Murphy Petroleum Ltd, Unite trade union, Welsh Government, UK Government, Pembrokeshire County Council and Pembrokeshire College.

He advised that the Task Force’s aim was to assist Murphy Petroleum to secure an alternative buyer and operator for the site. The Task Force was exploring all avenues in terms of assistance that it could provide to Murphy, and the workforce at the Milford Haven refinery. If, despite those efforts, Murphy Petroleum decided to close the refinery, the Task Force would put in place measures to assist the workforce and contractors to secure alternative employment. Job Centre Plus would lead and co-ordinate public sector agencies to deliver an integrated support service to any employee who might be made redundant.

Council was advised that the Authority was committed to working with the Task Force to secure the future of the oil refinery at Milford Haven. Councillor Pugh reported that a meeting had been held the previous evening. However, not much progress had been made.

In response to a supplementary question, Councillor Pugh gave Council his categoric assurance that he, the Director of Development and the Head of Regeneration would do everything that could be done to support and assist families.
194. **Question submitted by Councillor P N Miller under Council Procedure Rule 9.2 - Town Centre Regeneration**

Councillor D J Pugh, the relevant Cabinet Member, responded to a question submitted by Councillor P N Miller prior to the meeting in accordance with the provisions of Council Procedure Rule 9.2, as follows:

> Accepting that the council has done some work in the last few years to improve the appearance of Town Centres I can't help feeling that this work has been piecemeal and has lacked the scale necessary to produce a real change in the fortunes of Pembrokeshire’s Town Centres.

> Key to commercial retail regeneration is providing footfall and providing consistent footfall requires a strategic vision which delivers a mix of destination retail outlets together with a unique local offer.

> The Milford Haven Port Authority has recently outlined its vision for Milford Haven Docks and Haverfordwest Chamber of Trade has been very proactive in putting forward options for the centre of Haverfordwest.

> Where is this authority’s vision for the future of Pembrokeshire’s Town Centres?

Councillor Pugh stated that the challenges facing town centres were complex and well documented. They included a range of interrelated factors: the recession and reduced demand; an over-supply of retail sites and premises; a dramatic shift to on-line retailing; the growth of out-of-town shopping centres; high rents and high business rates; and, more locally, the impact of competing centres outside the County.

Councillor Pugh advised that the Council had adopted a strategic approach to the regeneration of its town centres. In 2008, the Authority had prepared a Regeneration Masterplan which outlined the specific priorities for each of the town centres.

In 2010, a Complementarity Study had been completed which outlined the interrelated nature of the town centres and the importance of them working together to maximise benefits. The Study had underpinned retail policies in the Local Development Plan. In addition, a number of studies had been undertaken to guide the regeneration of town centres in for example, Haverfordwest, Milford Haven and Saundersfoot.

In 2012/13, the Economy Overview and Scrutiny Committee had undertaken an extensive review of town centre regeneration. A number of experts had shared their knowledge and experience which enabled the Committee to draw up a series of recommendations to address the challenge of regenerating town centres. A key recommendation had been the establishment of the town teams. Town teams were now established in the six largest towns, and they had developed actions plans which outlined short, medium and long term interventions under three broad themes: economic, environmental and marketing. The plans provided a clear sense of direction and were interactive so that they were able to respond to changing circumstances. Now that the town teams had been established, they would drive the regeneration agendas forward in their towns, in collaboration with the Authority.
Councillor Pugh advised that later in the year work would begin with second tier town centres which would be led by PLANED in co-operation with the Authority; and that the Authority was committed to working in partnerships with local communities to respond to the challenges of regenerating the town centres.

In response to a supplementary question, the Leader pointed out that the Minister for Economy and Business had made the point clearly that the role of local authorities in town centre regeneration should be that of a backroom facilitator. He advised, therefore, that the Authority was not in a position to take the lead in developing town centres; and it was not the Authority’s role to impose its ideas on towns, but to help to facilitate the process as far as it was able to do so.

195. Notices of Motion relating to Councillor R M Lewis, Deputy Leader and Cabinet Member

[Councillor R M Lewis declared a prejudicial interest in this item of business and withdrew from the Chamber during consideration thereof.]

In accordance with Council Procedure Rule 10.4, the Chairman considered that it was essential and conducive to the despatch of business to allow the two motions of no confidence in Councillor R M Lewis to be dealt with at the meeting and to take them together.

The terms of the Notices of Motion were that this Council has no confidence in the Councillor R M Lewis, Deputy Leader and Cabinet Member for Highways and Transportation. The proposers were Councillors R M Stoddart and D M Bryan.

In response to a question, the Monitoring Officer advised Council that the matter relating to the misuse of the Authority’s computers had been determined by the Standards Committee and he further advised that the Council had no residual powers to consider matters relating to Members’ conduct. Furthermore, the Monitoring Officer advised Council that those Members who had been supported by Councillor Lewis in preparing their election literature could elect to declare a personal interest in this item of business.

Councillor R M Stoddart addressed Council in support of his Notice of Motion and he stated that at the recent Hearing of the Standards Committee, Councillor R M Lewis had advised the Ombudsman that he had paid £90-100 to Clive James for the printing of election material. Councillor Stoddart stated that Councillor Lewis had also put in a sum of £55.96 for sundry items in his election expenses form. He stated that there had been no invoice from Mr James in Councillor Lewis’ election expenses return, but Councillor Lewis had made a declaration on the form that it was a complete and accurate return. On that basis, Councillor Stoddart stated that Councillor Lewis had either lied to the Ombudsman or had made a false declaration on his election expenses return, as both statements could not be true.

In response, the Leader of Council stated that he accepted the decision of the Standards Committee in respect of Councillor Lewis’ misdemeanor. The Leader reminded Council that the Notices of Motion referred to having no confidence in Councillor Lewis and in response he stated that he continued to have confidence
in Councillor Lewis’ ability to undertake his duties. He advised that Councillor Lewis had a demeanour which was open to all Members of Council regardless of political group and he had applied the same professional approach to all Members of Council. Council was advised that Councillor Lewis effectively held Officers to account in his portfolio of Transportation and Environment and Planning. The Leader pointed out that with respect to the Major Events part of his portfolio, Councillor Lewis had worked diligently in attracting major events to Pembrokeshire, such as Iron Man Wales which had brought in £4m to the County, and he had been an advocate in encouraging other major events; and the Leader expressed his view that Councillor Lewis should be allowed to continue that work for the benefit of the County.

Other Members of Council then took the opportunity to express their particular opinions in respect of the terms of the Motion.

In summing up, Councillor Stoddart stated that Councillor Lewis had failed to follow the Nolan principles of honesty and integrity in public office. He also stated that the Standards Committee had not been apprised of all the facts when making their determination. Councillor Stoddart stated that Councillor Lewis’ behaviour had fallen below that expected of a Deputy Leader of the Council.

A Recorded Vote having been requisitioned, the Motion on being put to Council was declared lost; votes being recorded as follows:

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RESOLVED

That the Notice of Motion be not adopted.

196. Notice of Motion relating to Councillor R M Lewis, Deputy Leader and Cabinet Member

[Councillor R M Lewis declared a prejudicial interest in this item of business and withdrew from the Chamber during consideration thereof.]

The Monitoring Officer advised Council that a report on the allegation of a breach of the Code of Conduct by Councillor R M Lewis had been considered by the Standards Committee; that the Committee had determined that a breach had occurred and a sanction had been imposed. Furthermore, the Monitoring Officer advised that the Council had no residual power to consider a breach of the Code of Conduct or to impose any sanction on a Member of Council.

The Monitoring Officer reminded Council that it had already considered the Motion of no confidence in Councillor Lewis. He stated that the terms of the Notice of Motion regarding the misuse of Council computers had been dealt with by the Standards Committee; and a resolution of no confidence would amount to a censure and that was not within the power of the Council.

On the basis of the advice given by the Monitoring Officer, the Chairman advised the meeting that he would not allow the Notice of Motion to be considered.

197. Notice of Motion relating to the public filming public Council meetings

A Notice of Motion was submitted by Councillor D K Howlett to the effect that members of the public be allowed to film public Council meetings as long as they do not impede or obstruct proceedings.
Upon the terms of Council Procedure Rule 10.4, the Motion having been Moved by Councillor D K Howlett; Seconded by Councillor M Williams, then stood referred to Corporate Governance Committee.

198. **Notice of Motion relating to the Time to Care Charter**

A Notice of Motion was submitted by Councillor P N Miller to the effect that the Council formally considers adoption of the Time to Care Charter.

Upon the terms of Council Procedure Rule 10.4, the Motion having been Moved by Councillor P N Miller; Seconded by Councillor A W Wilcox, then stood referred to Cabinet.

The meeting ended at 2.25 p.m.