

COUNCIL

11 May 2006

Present: The Mayor (Brian Chaplin), Deputy Mayor (Councillor Jacky Fletcher) Councillors Allen, Barnes, Bishop, Britter, Buckland, Coleman, Mrs. Driver, Flynn, Mrs Franklin, Freeman, Garnham, Gearing, Godwin, Mrs. Hale, D Hall, P Hall, Hay, Mrs. Hibbert, Mrs. Holliday, Hutton, Jordan, Massey, McKinlay, McLain, Morris, Nicholson, Prince, Rawson, Mrs. Regan, Mrs. Ryder, Seacome, Smith, Stennett, Surgenor, Mrs. Thornton, Wall and Webster and Wheeler.

Apologies: Councillor MacDonald
(5.30pm – 8.45pm)

At the start of the meeting the Mayor welcomed Mr Andrew North to the meeting but stressed that his attendance was as an observer only.

A welcome was also extended to those Councillors who had retained their seats in the local elections and also to Councillors David Hall, Miss Penelope Hall, Colin Hay, Stuart Hutton and Paul Massey.

Council was informed that the Mayor would be attending a Thanksgiving Service at St Mary's church on the Sunday 14 May which he hoped would be attended by as many Councillors as possible.

Finally the Mayor indicated that whilst he was no longer a Councillor he had been assured by the monitoring officer that he had a right to vote and if necessary to have a casting vote. He hoped that he would not have to use it.

162 Declarations of Interest

No declarations of interest were made at this time.

163 Appointment of the Leader of the Council

Councillor McKinley informed the Council that the Liberal Democrat group was not putting forward a proposal for Leader or Cabinet as he was not confident of the support of another party. Given that no party had overall control he suggested that a working group of all parties be established to prepare a joint programme with cross party support that could be implemented in the next two years. He was of the view that the major parties shared common ground on many issues and that a cross party working group to devise an acceptable programme was the best way forward in the current political climate.

Councillor Smith agreed that there was an element of common ground and goodwill to provide the government for Cheltenham. He was however of the view that the Council owed it to the voters to try and form an Executive. Councillor Smith therefore indicated his intention to move that he be appointed as Leader of the Council.

Councillor Prince welcomed the suggested joint working group put forward by Councillor McKinlay but questioned where it would end. The PAB group now had a chance to sit together with the major parties and determine a

programme for Cheltenham. A coalition would be in the best interests of the town. He suggested it was premature to seek a single administration but that a coalition could not be formed until such time as the ground rules for that coalition had been established. This view was supported by Councillor Hay who based on experience, stressed the importance of ensuring arrangements were in place for resolving any difficulties that could arise from operating a coalition. This was particularly important if the Council was to achieve its aim of moving forward to becoming an excellent authority.

Councillor Godwin acknowledging the existence of the business plan questioned the need to have further discussions and stated that if one group was prepared to try to form an administration then it should do so.

Councillor McKinlay restated the importance of agreement being reached on future work programmes before a coalition could be established. Once those agreements were in place it might be possible for a minority administration or a coalition executive to be formed.

Councillor Prince noting that the Liberal Democrat group had not proposed a nomination for Leader or Cabinet questioned whether it would do so once a joint business plan had been agreed. However, if all groups were now to work together to develop a work plan, would the business plan, already unanimously agreed by Council, be replaced?

Councillor McKinlay indicated that the proposed joint working group would meet to try and obtain agreement. He reiterated it was a pre-requisite that a form of agreement on the way forward should be established but this would not pre-judge how the outcomes from the working group would be delivered.

The Deputy Monitoring Officer advised the Council that if a joint working group option was to be pursued then the need to set up a framework for agreement would need to be considered quickly as it would not be beneficial for the formulation of an administration to be delayed. He explained that in the current circumstances the Council did not have a Leader of the Council and if a Leader was not appointed an alternative arrangement would need to be considered. This could be vesting, with restrictions, administrative powers in the Acting Managing Director.

Councillor Smith indicated that the conservative group would support proceeding with a joint working group but would still attempt to form an administration. If this was not possible it could be necessary to adjourn the meeting to a date to be arranged.

Councillor McKinlay therefore proposed that a cross party working group be established to develop a two year programme which was acceptable to all the groups. The working group to comprise 3 Conservative, 3 Liberal Democrat, 1 PAB and 1 Labour member. This was seconded by Councillor Jordan

Upon a vote being taken the proposal which was CARRIED

Voting	For	34
	Against	nil
	Abstentions	6

The Deputy Monitoring Officer informed Council that the proposed make-up of the working party was not proportionate. It would therefore be necessary for council to formally agree that this was acceptable.

Upon a vote being taken. This was agreed.

Voting	For	15
	Against	12
	Abstentions	11

Councillor Smith then proposed himself as Leader which was seconded by Councillor McLain. Upon a vote being taken the proposal was LOST

Voting.	For	16
	Against	22
	Abstentions	2

Councillor Smith was of the view that Council owed it to the electorate to try and resolve the leadership issue this evening and he suggested an adjournment for 20-30 minutes to allow for informal discussions between the groups.

A number of Councillors saw no advantage of a short adjournment but that there was merit in adjourning the meeting to a date to be arranged. This would ensure all options were explored to reach an agreement which would be to the benefit of the town as a whole. The view was expressed that to defer a decision would not be seen as a problem but rather it was the Council being responsible in seeking to move forward positively.

Upon a vote being taken it was agreed that the Council would adjourn for a short while.

Voting.	For	23
	Against	17

The Council Meeting reconvened at 7:45 p.m.

Councillor Godwin informed Council that he had held meetings with his group and anticipated that the other two majority groups had done likewise in an attempt to arrange a coalition administration. He now acknowledged that there was a need to form an administration. The Authority had been through a difficult time and now with a new Chief Executive and Board of Directors, it was time for firm political leadership. He indicated that if Councillor Smith was to put himself forward as Leader and this proposal was to fall, the Council should adjourn to allow further discussions between the groups to take place. That he would second a proposal for Councillor Smith as Leader of the Council.

Councillor McKinlay restated his view that to proceed to a minority administration at this time was unrealistic. It was more appropriate for a joint working group to establish and to consider a work programme that was achievable and to which all groups could give support. The working group would also be able to give consideration to practical issues regarding the operation of a coalition cabinet such as protocols for resolving disputes. These issues should be resolved before any firm decision was taken with regard to a minority group administration.

Councillor Smith again proposed himself as Leader of the Council and this was seconded by Councillor McLain.

Voting	For	19
	Against	17
	Abstentions	4

Councillor Smith then informed Council that his Cabinet Deputies would be Councillors Garnham, McLain, Mrs Regan, Mrs Ryder and Wall.

- Resolved**
1. That councillor Smith be appointed Leader of the Council
 2. That the membership of the Cabinet as set out be noted.

164 Appointment of Committees

Resolved that the membership of the following committees be as indicated and the appointment of Chairman noted.

The Deputy Monitoring Officer advised the Council on the procedure to be adopted with regard to the election of a Chairman for appropriate committees.

A Overview and Scrutiny Committees

i. Economy and Business Improvement Overview and Scrutiny (10)

Councillors Coleman
Jordan
Massey
Rawson

Substitutes 1 McKinlay
2.Hay
3.Surgenor

Councillors Gearing
D. Hall
Hutton
MacDonald

Substitutes 1 Buckland
2. Mrs Driver
3 Seacome

Councillor Stennett Elected Chairman
Substitute 1. Godwin

Councillor Mrs Hale

ii. Environment Overview and Scrutiny (10)

Councillors	Britter Morris Surgenor Wheeler	
Substitutes	1.Bishop 2 Mrs Holliday 3 Massey	
Councillors	Buckland Mrs Fletcher D. Hall Ms Hall	
Substitutes	1 Gearing 2. Mrs Driver 3 Seacome	
Councillors	Mrs Hibbert Prince	Elected Chairman
Substitutes	1.Godwin 2.Stennett	

iii. Social and Community Overview and Scrutiny (9)

Councillors	Flynn Mrs Franklin Mrs Holliday Webster	
Substitutes	1 Rawson 2 Wheeler 3.Morris	
Councillors	Mrs Driver Ms Hall Nicholson Seacome	Elected Chairman
Substitutes	1 Mrs Fletcher 2 Freeman 3 MacDonald	
Councillor	Allen	
Substitute	1 Stennett	

B Appointment of Licensing Committee and Chairman

Councillors	Barnes Bishop Flynn Mrs Franklin Mrs Thornton	
Substitutes	1 2. 3	
Councillors	Mrs Driver Freeman Ms Hall MacDonald Seacome	Elected Chairman
Substitutes	1 Buckland 2 Gearing 3 Hutton	
Councillor	Stennett	
Substitute	1.Godwin	

C Appointment of Planning Committee and Chairman

Councillors	Barnes Coleman McKinlay Morris Surgenor Mrs Thornton Wheeler	
Substitutes	1. Bishop 2. Rawson 3.	
Councillors	Buckland Mrs Driver Garnham Gearing D. Hall Nicholson Seacome	Elected Chairman
Substitutes*	1. Freeman 2 Ms Hall 3. MacDonald	

Planning Committee (Continued)

Councillors Godwin
Stennett

Substitute 1 Allen
2

Councillor Mrs Hale

D Standards Committee

Councillor Mrs. Franklin

Councillor MacDonald

Councillor Prince

E. JNC Panel

Councillors Britter
Hay

Councillors Seacome
Garnham

Councillor Godwin

F Appointment of Staff and Support Services Committee and Chairman

Councillors Barnes
Mrs Franklin
Hay
Jordan
McKinlay

Substitutes 1. Britter
2. Morris
3. Mrs Thornton

Councillors Garnham
Hutton
Mrs Regan
Smith Elected Chairman
Wall

Substitutes 1. Mrs Fletcher
2. Gearing
3. Mrs Ryder

Councillor Godwin

Substitute 1 Prince

(i) Appointments Sub Committee

Councillors Mrs Franklin
Jordan
McKinlay
Hay

Councillors Garnham
Hutton
Smith
Wall

Councillor Godwin

G. Consultation Working Group

Councillors Britter
McKinlay
Morris

Councillors McLain
Smith
Wall

Councillor Prince

H. Recommendations to the Cabinet as to membership of the following bodies.

(a) Investment Panel

Councillors Barnes
Flynn
Rawson
Mrs Thornton

Councillors Gearing
Hutton
MacDonald
McLain

Councillor Mrs Hibbert

(b) Cheltenham Tourism Forum

Councillors Barnes
Hay

Councillor Nicholson
Seacome

Councillor Stennett

(c) Allotments Forum

Councillor Mrs. Thornton
Bishop

Councillor Buckland
Mrs Ryder

Councillor Mrs Hale

(d) Twinning Forum

Councillors Barnes
Mrs Thornton

Councillor Seacome
Freeman

Councillor Allen

(e) Gloucestershire County Council NHS Overview and Scrutiny Committee

Councillor Miss Hall with Councillor Rawson as Substitute

165. Consequential changes to the Constitution

Resolved That the Monitoring Officer be authorised to make consequential changes to the constitution arising from decisions taken at the meeting.

**Brian Chaplin
Mayor**