

Corporate Services

Alistair Neill – Chief Executive

TO: ALL MEMBERS OF THE COUNCIL

Your Ref:

Our Ref: SAHC

Please ask for: Sally Cole

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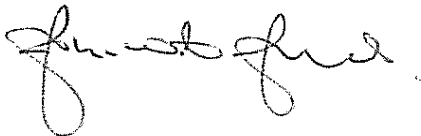
11 July 2013

Dear Councillor

YOU ARE HEREBY SUMMONED to attend the ordinary meeting of the Herefordshire Council to be held on **Friday 19 July 2013** at Council Chamber - Brockington at 2.00 pm at which the business set out in the attached agenda is proposed to be transacted.

Please note that car parking will be available at Brockington for elected Members.

Yours sincerely



J JONES
HEAD OF GOVERNANCE AND MONITORING OFFICER

AGENDA

Ordinary Council

Date: **Friday 19 July 2013**

Time: **2.00 pm**

Place: **Council Chamber - Brockington**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

Sally Cole, Governance Services

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Email: scole@herefordshire.gov.uk

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Agenda for the Ordinary Meeting of the Council

Membership

Chairman

Vice-Chairman

Councillor LO Barnett

Councillor ACR Chappell

Councillor PA Andrews
Councillor CNH Attwood
Councillor PL Bettington
Councillor WLS Bowen
Councillor AN Bridges
Councillor MJK Cooper
Councillor BA Durkin
Councillor DW Greenow
Councillor RB Hamilton
Councillor EPJ Harvey
Councillor JW Hope MBE
Councillor RC Hunt
Councillor TM James
Councillor AW Johnson
Councillor JLV Kenyon
Councillor JG Lester
Councillor RI Matthews
Councillor PJ McCaull
Councillor JW Millar
Councillor NP Nenadich
Councillor FM Norman
Councillor GJ Powell
Councillor R Preece
Councillor SJ Robertson
Councillor A Seldon
Councillor J Stone
Councillor DC Taylor
Councillor PJ Watts

Councillor AM Atkinson
Councillor CM Bartrum
Councillor AJM Blackshaw
Councillor H Bramer
Councillor EMK Chave
Councillor PGH Cutter
Councillor PJ Edwards
Councillor KS Guthrie
Councillor J Hardwick
Councillor AJ Hempton-Smith
Councillor MAF Hubbard
Councillor JA Hyde
Councillor JG Jarvis
Councillor Brig P Jones CBE
Councillor JF Knipe
Councillor MD Lloyd-Hayes
Councillor RL Mayo
Councillor SM Michael
Councillor PM Morgan
Councillor C Nicholls
Councillor RJ Phillips
Councillor AJW Powers
Councillor PD Price
Councillor P Rone
Councillor P Sinclair-Knipe
Councillor GR Swinford
Councillor GA Vaughan-Powell
Councillor DB Wilcox

AGENDA

	Pages
1. PRAYERS	
2. APOLOGIES FOR ABSENCE To receive apologies for absence.	
3. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4. MINUTES To approve and sign the Minutes of the ordinary and the extraordinary meeting of Council held on 24 May 2013.	13 - 24
5. CHAIRMAN'S ANNOUNCEMENTS To receive the Chairman's announcements and petitions from members of the public.	
6. QUESTIONS FROM MEMBERS OF THE PUBLIC To receive questions from members of the public.	25 - 28
7. FORMAL QUESTIONS FROM COUNCILLORS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS To receive any written questions from Councillors.	
8. NOTICES OF MOTION UNDER STANDING ORDERS There are two Notices of Motion for consideration by Council.	
NOTICE OF MOTION ONE:	
Proposed by Councillor AM Atkinson and seconded by Councillor P Rone	
At a time when we are discussing making vast numbers of Council staff redundant and cuts to the extent of which have never been seen before it is moved:	
That:	
<ul style="list-style-type: none"> • Elected Members take a voluntary 10% reduction in their attendance allowance. • In addition Councillors also consider not claiming all available expenses. 	
This saving in Members' allowances would give a potential saving of over £40,000 which is equivalent to two full time posts.	

NOTICE OF MOTION TWO:

Proposed by Councillor RB Hamilton

At its meeting in March 2013 Council resolved that votes on non-procedural motions be taken by means of a named recorded vote and the Council's Constitution has been amended accordingly. It is now moved that :

- 1 The Council's Constitution be further amended to require that non procedural votes taken at all meetings of Council's Committees be by means of recorded named vote with a view of increasing transparency in decision making.
- 2 That once recorded, and in order for constituents and others to see how Councillors (their Ward Member) votes, the details of all said votes to be included on each Member's webpage on the Council's website in accordance with the established process.

9. LEADER'S REPORT	29 - 36
To receive the Leader's report, which provides an overview of the Executive's activity since the last Council meeting.	
10. APPOINTMENT OF INDEPENDENT PERSONS TO THE COUNCIL'S STANDARDS PANEL	37 - 40
On the recommendation of the Audit and Governance Committee, to approve the appointment of two independent persons to the Council's standards panel.	
11. APPOINTMENT OF ELECTORAL REGISTRATION OFFICER AND RETURNING OFFICER	41 - 44
To designate the post of Head of Governance as Electoral Registration Officer and Returning Officer, this is undertaken independently of the Council.	
12. ELECTORAL REVIEW OF HEREFORDSHIRE - FINAL RECOMMENDATIONS	45 - 48
To note the Local Government Boundary Commission for England's final recommendations for Council size and warding arrangements in Herefordshire.	
13. HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY	49 - 54
To receive the report of the Annual Meeting of the Hereford & Worcester Fire and Rescue Authority.	

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- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
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- The nearest bus stop to Brockington is located in Vineyard Road near to its junction with Old Eign Hill. The return journey can be made from the same bus stop.

HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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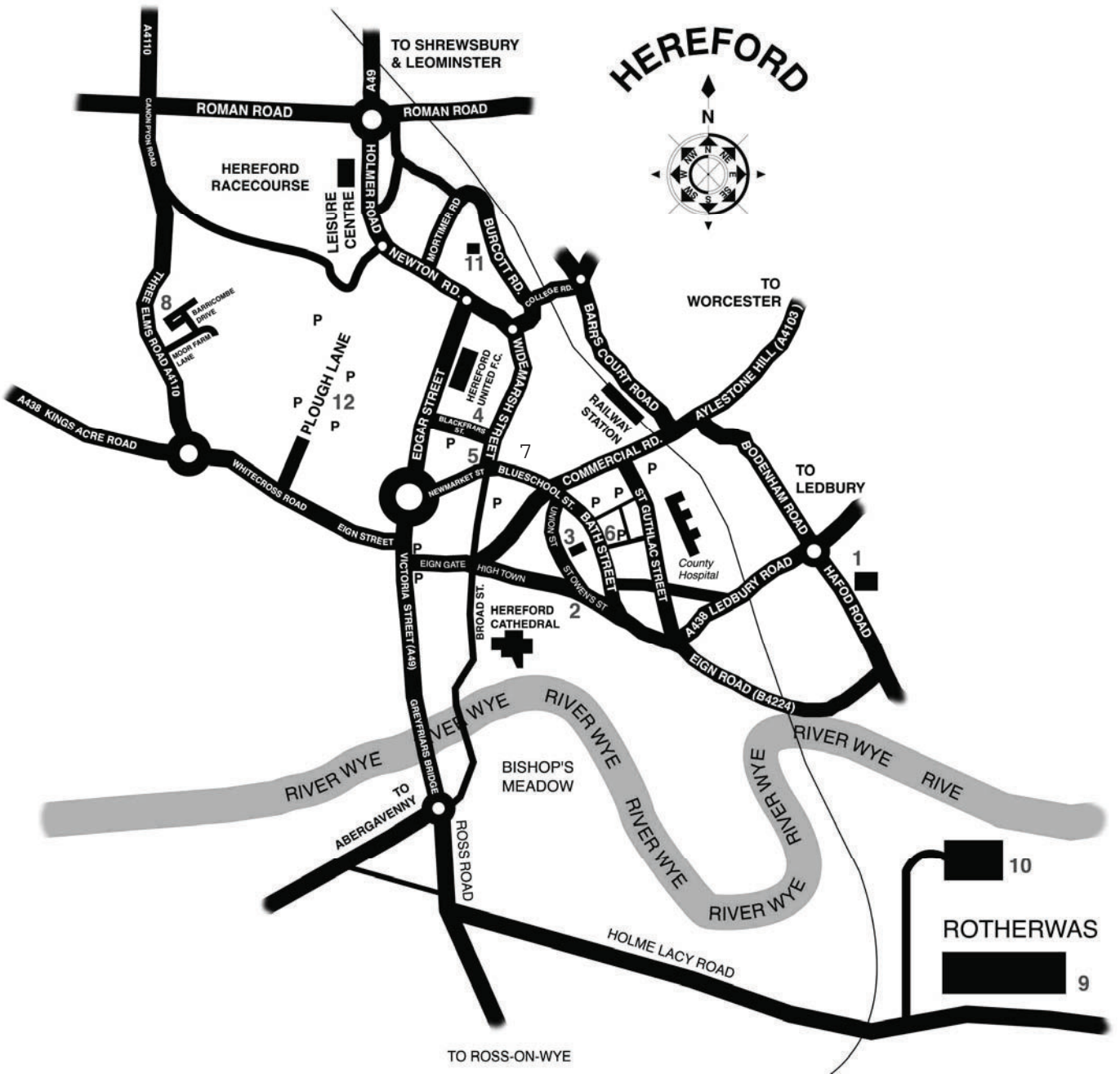
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| 2 | Town Hall | 8 | Trinity House |
| 3 | Shire Hall | 9 | Thorn Office Centre (ICT) |
| 4 | Blackfriars (inc. Legal) | 10 | Amey |
| 5 | Garrick House | 11 | Merchant House |
| 6 | Bath Street | 12 | Plough Lane |

HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Council held at Shire Hall, Hereford on Friday 24 May 2013 at 10.30 am

Present: Councillor LO Barnett (Chairman)
Councillor ACR Chappell (Vice Chairman)

Councillors: PA Andrews, AM Atkinson, CNH Attwood, CM Bartrum, PL Bettington, AJM Blackshaw, WLS Bowen, H Bramer, AN Bridges, MJK Cooper, PGH Cutter, BA Durkin, PJ Edwards, DW Greenow, KS Guthrie, RB Hamilton, J Hardwick, EPJ Harvey, AJ Hempton-Smith, JW Hope MBE, MAF Hubbard, RC Hunt, JA Hyde, TM James, JG Jarvis, AW Johnson, Brig P Jones CBE, JLV Kenyon, JF Knipe, JG Lester, MD Lloyd-Hayes, RI Matthews, RL Mayo, PJ McCaull, SM Michael, JW Millar, PM Morgan, C Nicholls, FM Norman, RJ Phillips, AJW Powers, R Preece, PD Price, SJ Robertson, P Rone, A Seldon, P Sinclair-Knipe, GR Swinford, DC Taylor, GA Vaughan-Powell, PJ Watts and DB Wilcox

1. PRAYERS

The Very Reverend Michael Tavinor led the Council in prayers.

2. ELECTION OF CHAIRMAN OF THE COUNCIL

The Monitoring Officer called for nominations to the office of Chairman of the Council.

Councillor AW Johnson moved that Councillor LO Barnett be nominated as Chairman of the Council for the forthcoming municipal year. Councillor WLS Bowen seconded the proposal. Councillor LO Barnett was unanimously elected as Chairman of the Council.

RESOLVED: That Councillor LO Barnett, be elected Chairman of the Council for the forthcoming municipal year.

3. APPOINTMENT OF VICE CHAIRMAN OF THE COUNCIL

The Chairman called for nominations to the office of Vice-Chairman of the Council.

Councillor JG Jarvis moved that Councillor Chappell be appointed Vice-Chairman of the Council for the forthcoming municipal year. Councillor LO Barnett seconded the proposal. It was unanimously agreed that Councillor Chappell be appointed Vice-Chairman of the Council.

RESOLVED: That Councillor ACR Chappell be appointed Vice-Chairman of the Council for the forthcoming municipal year.

4. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors:

EMK Chave, NP Nenadich, GJ Powell, J Stone

5. DECLARATIONS OF INTEREST

Councillor AW Johnson declared a Non-Discloseable Pecuniary Interest in respect of item 9 regarding allowances.

6. MINUTES

RESOLVED: That the minutes of the meeting held on 8 March 2013 be confirmed as a correct record and signed by the Chairman, subject to the following amendment:

Appendix 2, in the supplementary question to question 6 the phrase “without a Member being present” to be amended to read “without an officer being present”.

7. CHAIRMAN'S ANNOUNCEMENTS

The Chairman passed on her good wishes to the outgoing Mayors, thanking them for their courtesy and kindness and looked forward to working with the newly elected Mayors for this year.

The Chairman in her announcements:

- Mentioned with regret the death of a former Councillor for Pontrilas Ward, Godfrey Davis.
- Encouraged members to support Councillor KS Guthrie in her sponsored run on behalf of Herefordshire Vision Links.
- Wished Councillor NP Nenadich a speedy recovery.
- Thanked the Deputy Chief Executive, Dean Taylor for all his hard work in this time in Herefordshire and wished him well for his new role in Swansea.

8. TERM OF OFFICE OF LEADER OF THE COUNCIL

Councillor JW Millar presented the report, amending recommendation (a) to read: “The Constitution be amended to state that the term of office of the Leader is one year, with an option that the Leader may serve consecutive one year terms.”

In the discussion that followed, the following points were raised:

- That the existing arrangements allow a Leader tenure of office and to look after the continuity and resolution of the Council without having to put themselves up for election every year.
- The act of seeking to replace a Leader mid-term is likely to be far more damaging in seeking a vote of no confidence
- That the knowledge that election would be annual will change the behaviour both inside and outside political groups as the Leader being the Leader of the whole Council will be reinforced.
- That now of all times the Council really has to work together

Council was content that the requirement for named vote be suspended.

RESOLVED: THAT

- (a) The Constitution be amended to state that the term of office of the Leader is one year with an option that the Leader may serve consecutive one year terms;**
- (b) The existing provisions in the Constitution in respect of the removal of**

the Leader remain in place;

- (c) **The Constitution be amended to state that the Leader may also be removed from office by simple resolution of a Motion Without Notice at a meeting of Council following a change in political control of the council, as signalled to the Head of Governance, a change in political control being a change in the composition of the various political groups such that a different group or combination of groups now comprise a majority of the membership of the Council; and**
- (d) **Any other associated references in the Constitution be amended accordingly.**

9. ELECT LEADER OF THE COUNCIL

The Chairman called for nominations to the office of Leader of the Council.

Councillor JG Jarvis proposed Councillor AW Johnson. Councillor AM Atkinson seconded the proposal.

In the discussion that followed, the following points were made:

- Councillor Johnson's background and skills fitted the role very well, especially in respect of financial management
- Assurances were sought of more inclusive leadership for the good of the community
- That there was no consultation on the appointment with other groups beforehand

RESOLVED: That Councillor AW Johnson be appointed Leader of the Council for the term of one year.

10. APPOINTMENTS TO COUNCIL COMMITTEES AND OUTSIDE BODIES

The Leader, Councillor AW Johnson presented the report and proposed the recommendations, seconded by Councillor James. In the discussion that followed, the following points were made:

- In respect of Appendix 2, there had previously been calls for a more concentrated group to deal with the development of the Livestock Market and an appraisal of the situation of Hereford Futures was asked for.
- It was confirmed that Hereford Futures was being wound down but that this would take some time.
- Herefordshire Association for the Blind is now called Herefordshire Vision Links
- Councillor JW Millar will no longer chair the Health and Social Care Overview and Scrutiny Committee as he is a Cabinet Member

Council was content that the requirement for named vote be suspended.

RESOLVED UNANIMOUSLY: That

- (a) **the list of ordinary committees be confirmed and the allocation of seats on those committees to political groups be made as indicated in Appendix 1;**
- (b) **the seats on other bodies to which the allocation of seats to groups falls to be made by this Council be as indicated in Appendix 2 and all other representation on outside bodies in accordance with the**

Appendix be decided by the Chief Executive in consultation with the Group Leaders;

- (c) the allocation of seats (if any) to the ungrouped member be agreed at the meeting;**
- (d) the wishes of the political groups as to nominees to fill their respective allocations of seats be noted;**
- (e) the appointments of Chairmen and Vice-Chairmen be confirmed in accordance with Appendix 1;**
- (f) the partial suspension of the rules of proportionality, in respect of the Regulatory Sub-Committee, the River Lugg Internal Drainage Board and the Wye Valley AONB Joint Advisory Committee, be approved.**
- (g) the respective terms of reference for each committee or board remain unchanged.**
- (h) any vacancies on committees or outside bodies arising during the year be filled by the decision of the Chief Executive following consultation with the Group Leaders and in accordance with the rules of proportionality and that the Constitution be amended accordingly.**

11. APPROVAL OF ORDINARY MEETINGS OF THE COUNCIL FOR THE YEAR

Council noted and approved the listed dates for Council, subject to the amendment that the meeting of 19 July being held at 2.00 p.m. and an Extraordinary Meeting of Council being held on 19 July at 10.00 a.m.

The meeting ended at 12.02 pm

CHAIRMAN

**MINUTES of the meeting of Council held at Shire Hall, Hereford
on Friday 24 May 2013 at 2.30 pm**

Present: Councillor LO Barnett (Chairman)
Councillor ACR Chappell (Vice Chairman)

Councillors: PA Andrews, AM Atkinson, CNH Attwood, CM Bartrum, PL Bettington, AJM Blackshaw, WLS Bowen, H Bramer, AN Bridges, EMK Chave, MJK Cooper, PGH Cutter, BA Durkin, PJ Edwards, DW Greenow, KS Guthrie, RB Hamilton, J Hardwick, EPJ Harvey, AJ Hempton-Smith, JW Hope MBE, MAF Hubbard, RC Hunt, JA Hyde, TM James, JG Jarvis, AW Johnson, Brig P Jones CBE, JLV Kenyon, JF Knipe, JG Lester, MD Lloyd-Hayes, RI Matthews, RL Mayo, PJ McCaull, SM Michael, JW Millar, PM Morgan, C Nicholls, FM Norman, RJ Phillips, GJ Powell, AJW Powers, R Preece, PD Price, SJ Robertson, P Rone, A Seldon, P Sinclair-Knipe, GR Swinford, DC Taylor, GA Vaughan-Powell, PJ Watts and DB Wilcox

In attendance: Councillors

Officers:

12. APOLOGIES FOR ABSENCE

Apologies were received from Councillors: NP Nenadich and J Stone.

13. DECLARATIONS OF INTEREST

Cllr R J Phillips declared a non-pecuniary interest in item 5 as he is involved with the NJC board.

14. CHAIRMAN'S ANNOUNCEMENTS

The Chairman of the Council welcomed all to the Extraordinary Meeting of Council and explained the order of speaking that was proposed in respect of item 4, which was agreed.

The Chairman also told Council that three petitions had been received, each concerning matters relating to agenda item 4, Service Budget Reductions and Future Financial Planning. The Chairman explained that under the normal rules of the petitions code, petitions would not be received at extraordinary meetings, however, in view of the fact that the subject matter related to agenda item 4, she proposed a motion that Council rules be suspended in that respect, which was accepted unanimously. Whilst the first petition from 38 Degrees in respect of potential library closures exceeded seven thousand signatures and thus entitled the petitioner a right to address Council, the two petitions from Unison did not. Taking into account the subject matter of the petitions and the right of 38 Degrees to speak, the Chairman proposed a motion that a representative from Unison be also allowed to speak, suspending Council rules to allow this. Council accepted this unanimously.

Mr Perkins, on behalf of 38 degrees addressed Council, stating:

- When peoples' hopes and dreams were reduced, then so was their wellbeing.
- The 'books on prescription' scheme won an award last year.
- People out of work often don't have broadband at home so need libraries to access the internet.
- Cuts to libraries have been quoted as indicative of a culture in decline.

- The petition covered museums too and the boost to tourism they represented.

Steve Akers, on behalf of Unison addressed Council stating:

- The union recognised that this situation was not entirely of the Council's making, suffering a 50% cut in Rate Support Grant.
- Sought clarification on recommendation (c) of item 4 as to the proposed speed of any cuts.
- The current proposal represented a quick fix.
- The union was seeking to work with the Council as to alternative ways forward including an element of preserving redundancy rights for those at risk.
- The Council should listen to its greatest asset, its staff for ideas for efficiency and doing things right.

15. SERVICE BUDGET REDUCTIONS AND FUTURE FINANCIAL PLANNING

Councillor AW Johnson, the Leader of the Council, presented the report. Councillor MAF Hubbard asked if Councillor Johnson was willing to remove recommendation (b) from the recommendations and he confirmed that he was. Council agreed the alteration to the recommendation. Accordingly, recommendation (c) became recommendation (b) and so on.

In presenting the report, Councillor Johnson made the following points:

- The Council is facing the worst financial challenge it has had in its fifteen year history.
- To manage this budget needs a change of pace, it can be viewed as 'Root and Branch II' it is just the pace that has picked up.
- Nothing upsets people more than a change of pace, but there is nothing suggested in this review that would not have to be looked at in any event. Though actually seeing this in practice is discomfoting.
- There are no real alternatives and this is why no alternative budget proposal has been put forward.
- The expectation of cuts in the comprehensive spending review from government will certainly be 10% if not more. By 2015 the Council will have had to find £54m in cuts over the previous 5 years.
- The correct net budget total set in February 2013 was correct, despite the £3.8m accounting error. This, together with the anticipated reductions in the comprehensive spending review means the Council has to set these savings for future years.
- Reference to the budget being 'flawed' was incorrect. The budget was agreed over some fifty stages and was examined by six Overview and Scrutiny task and finish groups.
- There is a common public misconception that Council Tax pays for all the Council's services where in reality only 24% comes from this source. The largest part comes from the central government grant. The Council will have lost one third of this grant over the last three years and 50% by 2015.
- No decision to close libraries or museums has been made and the report makes it clear that we are starting the process of consultation with stakeholders with the results to be presented in a report to Cabinet in September. It would be madness to set about damaging that which is held dear, but a decision to keep some services would be at the expense of

others. We need to discuss how we can use declining resources to protect services as these pressures are unavoidable.

Councillor AW Johnson proposed the recommendations, seconded by Councillor PGH Cutter.

Councillor RB Hamilton then proposed an amendment to the recommendations as follows:

To add:

- (d) As part of the budget setting process for 2014/15 that Cabinet engages fully with all Members, Overview & Scrutiny Committees, Parish Councils, Business, the Third Sector, Residents of Herefordshire and local media to ensure a good, consistent understanding of the Councils financial position and its priorities including its income and expenditure, revenue and capital position; to enable an effective dialogue that ensures that the Council has a good understanding of peoples priorities and those that are valued by the wider community.**

- (e) That the Cabinet as part of the process described in (d) considers holding a public referendum so that local residents have the opportunity to indicate their views regarding the level of Council Tax necessary to meet the cost of those services that meet statutory obligations, support vulnerable people and are of value to the wider community.**

The proposed amendment was seconded by Councillor MAF Hubbard.

Councillor RB Hamilton then spoke to the amendment stating:

- He originally raised these ideas some two years ago and since then, his views in this regard had strengthened, bearing in mind the unprecedented challenges faced.
- It was necessary to explain a complex situation to all constituents which would not be an easy task. Cllr Hamilton believed that the Council was not yet getting the message across with the clarity needed. An example of this was the difference in funding for the old market development and the 16,500 new homes proposed.
- 1000 new homes at band 'd', by way of example, would bring in £1.2m of new funding into the Council's baseline.
- Currently the Council did not have sufficient income to maintain the current level of services.
- In doing so the Council had already declared its commitment to meeting statutory obligations and supporting vulnerable people as a baseline.
- The proposed amendment was aimed at next year's budget setting exercise and Members should set aside party political differences to achieve a sound financial future.

In the discussion that followed the following points were made:

- That the report represented a consolidated piece of work that could form a sound basis for discussion. The proposals went a long way to engaging and taking peoples' views
- Not following the proposals was unthinkable, bearing in mind the scale of the cuts to meet the budget.
- Previous warnings about the budget being undeliverable had been ignored.

- The eyes of the parties not in power would be firmly fixed on what was best for the County.
- That a referendum would cost in excess of £100k which could translate into the loss of a particular service or job. Therefore, was it really necessary in order to agree a modest increase in Council Tax.
- The Council was currently only considering whether to hold a referendum and if it was held the Council must listen and take note.
- A referendum, if held, would potentially present a mandate to make the necessary reductions.
- Is there a need for a referendum if the Council can communicate more effectively with the public in future?
- The Council needs to be more progressive in how it communicates with its residents. Once it has engaged the public it can move on with them.
- Libraries represent a modest percentage of the Council's budget in proportion to benefit.
- The more vulnerable in society are less able to orchestrate and campaign than those seeking to safeguard arts and cultural services.
- That the third sector are under-appreciated and have a potentially important role to play in helping maintain services under threat.
- That the Council was not closing libraries in the Market Towns and the City. Consideration should be given to sharing a village library building with another service.
- By way of perspective a 1p Council Tax rise would give the Council an extra £80k. A twelve and a half pence rise would give just under £1m.
- Definition was needed on what is a mandatory service, what is a core or essential service, what should be considered areas of family responsibility and what is Council responsibility?
- Is commissioning the right way forward?
- Consider enhancing what we have such as the art college and the outstanding landscape.
- £90m investment in the old market equates to £90k per job as approximately 1000 jobs are expected to result from the development.
- In response to a question it was stated that investment in the Old Market had not come from the Council, but from outside.
- Tourism is earning the County as much in income as agriculture and this should be supported.
- A proper debate is needed to see what sort of county is wanted in the next 20 years.

Councillor RJ Phillips suggested that the proposed amended Motion be revised to include Council Staff among the list of consultees in recommendation (d). Councillor RB Hamilton agreed to this amendment.

A vote was held as to whether to agree the amendment to the recommendations in the report. The results of this vote are contained in Appendix 1 to the minutes.

RESOLVED: to allow the amendment, including "Council staff" among the consultees in recommendation (d).

Council then discussed the report and recommendations during which the following points were raised:

Regarding Libraries and culture

- Libraries do much more than lend books and their services include IT facilities, language services and provide accommodation for local groups and careful thought needs to be given as to the impact on these.
- For those libraries not in the market towns, individual consideration needs to be given as to their future and any solutions on a case by case basis.
- A lot of cultural services run by the Council are already supported by the voluntary sector.
- Arts and culture contribute to the health and wellbeing of the County.
- For every £1 invested in culture £4 is returned, in the case of the Courtyard for every £1 invested £37 is returned.
- A huge amount of visitors and money is generated from the County's ambience and countryside and this side of our culture should not be overlooked. Cutting cultural services flies in the face of economic development.
- 60% of the people surveyed said no cuts should be made to cultural services.

Regarding public amenities

- Closing of public amenities is turning the clock back and making unfavourable impact in the national press.
- Consideration is being given to others taking over the running of these facilities
- Only 4 out of 25 facilities are shut at present and to date there has been a good take up of the community toilet scheme. Such schemes are already in place in Merton, Surrey, Cardiff and elsewhere

Regarding council staff:

- It should be recognised that trained staff in posts often cannot be replaced.
- Volunteers should not be exploited who are often not able to replace qualified staff.
- A recent Department of Culture, Media and Sport report warns local Authorities to keep enough qualified staff to develop a service rather than just maintain it.
- A recent British Medical Association report confirms that where cuts are made this often increases stress in staff who remain.
- Council staff are on very short notice periods in comparison to other organisations.

In relation to social care:

- There will always be a risk of overspend in adult social care as it is in the nature of the County demographic with this risk only ceasing each time that budget concludes for the year.
- The choice is a difficult one but the Council must continue to look after vulnerable people.
- There are over 300 safeguarding calls per month and over 1600 children in the safeguarding system.

In general discussion:

- It was suggested that crucial decisions as to services need to be brought back to Council as consultations appear not to be heeded. However it was felt that nothing would get done if everything were brought back to Council.
- That overview and scrutiny must now play a vital role.
- The Council has sold assets and spent money to effectively create shop assistants.
- Projects such as the Yazor Brook scheme, the 'Connect2' bridge and the aborted IT project show a history of mismanagement in the County.

- The Council, unlike many other Local Authorities at present has no reserves.
- The report as presented does not permit traceability of changes to the lines of saving since the budget report in February.
- The 'risks' identified in paragraph 15 of the report do not include social risk. What is proposed is a risk to the County and its future. Without leisure, the environment and tourism young people born here will move away. A wider identification of risk is needed.
- MP's should be lobbied to make an effort on the County's behalf to secure better funding.
- A full day meeting should be held with the local MP's to help solve some of the issues faced.
- It was felt that opportunities to make money from waste and local energy production were being missed.

The Leader of the Council then spoke confirming that he considered the debate had been in the main constructive and noted how much was agreed upon. The Leader then addressed the points made in the discussion.

- It would take a 10% rise in Council Tax to make up the £8.3M deficit.
- There had been an erosion in public trust, but the current problems had not been created by the current administration.
- Bill Wiggin MP had already secured £ ¾ M funding to reflect Herefordshire's rurality.
- The contribution to the Council's budget through Council tax was virtually identical to the money spent annually on the vulnerable.
- A seminar has been arranged for Members to better understand the budget issues

Group Leaders then spoke, during which they stated:

- The Council should make representations to the relevant ministers.
- The Members must work together at this difficult time.
- Lack of reserves in the Council does not permit the flexibility of other councils.
- The report represents an overall set of figures with vague proposals only.

The motion was put to the vote and the vote was as shown in Appendix 1 to the minutes.

RESOLVED THAT:

- (a) Following the completion of the budget review the necessary steps are taken to deliver a balanced budget in 2013/14;**
- (b) Confirmation that any movement of budget to reflect these changes will be progressed in accordance with the constitution requirements as and when individual elements are approved following any necessary consultation;**
- (c) Equality Impact Assessments will be undertaken on proposals as necessary;**
- (d) As part of the budget setting process for 2014/15 that Cabinet engages fully with all Members, Overview & Scrutiny Committees, Council Staff, Parish Councils, Business, the Third Sector, Residents of Herefordshire and local media to ensure a good, consistent understanding of the Councils financial position and its priorities**

including its income and expenditure, revenue and capital position; to enable an effective dialogue that ensures that the Council has a good understanding of peoples' priorities and those that are valued by the wider community; and

- (e) The Cabinet as part of the process described in (d) considers holding a public referendum so that local residents have the opportunity to indicate their views regarding the level of Council Tax necessary to meet the cost of those services that meet statutory obligations, support vulnerable people and are of value to the wider community.

16. DETERMINATION OF TERMS AND CONDITIONS OF STAFF

The Leader of the Council presented the report and proposed the recommendations. Councillor RJ Phillips seconded the recommendation, subject to the deletion of recommendation (b), which Council accepted. Council confirmed that it was content to vote on this item on the voices.

RESOLVED UNANIMOUSLY THAT:

an additional power number 7 be inserted in the Constitution, in the specific delegations to the Chief Executive, to read "To determine the terms and conditions of employment of staff in accordance with the Employment Procedure Rules (part 4 paragraph 4.9.6)".

The meeting ended at 5.35 pm

CHAIRMAN



MEETING:	COUNCIL
MEETING DATE:	19 JULY 2013
TITLE OF REPORT:	QUESTIONS FROM MEMBERS OF THE PUBLIC
REPORT BY:	HEAD OF GOVERNANCE

1. Classification

Open

2. Purpose

To receive any questions from members of the public deposited more than eight clear working days before the meeting of Council.

3. Introduction and Background

- 3.1 Members of the public may ask a question of a Cabinet Member or Committee or other Chairmen. Written answers will be circulated to Members, the press and public prior to the start of the Council meeting. Questions subject to a Freedom of Information request will be dealt with under that separate process.
- 3.2 Standing Order 4.1.14.4 of the Constitution states that: a question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Monitoring Officer no later than midday eight clear working days before the day of the meeting (ie the Monday of the week preceding the Council meeting where that meeting is on a Friday). Each question must give the name and address of the questioner and must name the person to whom it is to be put.
- 3.3 A questioner who has submitted a written question may also put **one** brief supplementary question without notice to the person (if s/he is present at the meeting) who has replied to his or her original question. A supplementary question must arise directly out of the original request or reply. The Chairman may reject a supplementary question on any of the grounds for rejecting written questions set out in these Council rules or if the question is too lengthy, is in multiple parts or takes the form of a speech. In any event, any person asking a supplementary question will be permitted only **1 minute** to do so.
- 3.4 The Monitoring Officer may reject a question or a supplemental question if it:
- Is not about a matter for which the Council has a responsibility or which affects the County or a part of it;
 - Is illegal, scurrilous, defamatory, frivolous or offensive or otherwise out of order;

Further information on the subject of this Report is available from
Governance Services on Tel (01432) 260249

- Is substantially the same as or similar to a question which has been put at a meeting of the Council in the past six months or relates to the same subject matter or the answer to the question will be substantially the same as the previous answer;
- Requires the disclosure of confidential or exempt information;
- Relates to a planning or licensing application;
- Relates to an employment matter that should more properly be dealt with through the Council's Human Resources processes.

3.5 There will be a time limit of a maximum of 30 minutes for public questions and of 30 minutes for Members' questions. If either public or Member questions are concluded in less than 30 minutes, then the Chairman may allow more time for either public or Member questions within an overall time limit of one hour for all questions and supplementary questions. There will normally be no extension of time beyond one hour, unless the Chairman decides that there are reasonable grounds to allow such an extension, and questions not dealt with in this time will be dealt with by written response. The Chairman will decide the time allocated to each question. The register of questions put to the Council meeting, both questions allowed or rejected, is available at a Council meeting for members of the public to view.

4. Questions

4.1 Three questions have been received by the deadline and are attached at Appendix 1.

PUBLIC QUESTIONS TO COUNCIL – 19 JULY 2013
ORDINARY MEETING

Question from Mr P McKay, Herefordshire

Question 1

At present Council has its rights of way data viewable on one web page, with its roads data viewable on another web page overlaid with waste collection data, all viewable though when looking at road data have to keep switching from waste collection data to road data.

At Full Council meeting of March 2011 I was advised that it is Councils objective to have complete and correct highway records and when I asked Full Council meeting May 2012 if the objective of getting the Highway Records online could now be given priority, and the date this could be expected I was advised that positional accuracy checks are currently being undertaken before the information is converted for uploading to the website; I am pleased to advise that this should be completed by the autumn.

I am now advised via Freedom of Information that The Statutory Street Register, also known as the Local Street Gazetteer, is in a format that is ready to be published, but discrepancies between the Local Street Gazetteer and the highways extents have been found, with Herefordshire Council currently reviewing the two data sets to establish the full extent of the work required and have commenced corrective work.

So may I now ask when this information is now expected to be published online, and with a significant number of Definitive Map Modification Order Applications on the register if completing and correcting the highway records with them being published online could be covered by this years, and future years, annually published Authority Monitoring Reports ?

Question from Ms A Sheppard, Herefordshire

Question 2

Learners with learning difficulties and disabilities (LDD) aged 19-25 years have always had a right to further education, but the historical lack of relevant specialist provision in Herefordshire has prevented all but the most able of these young people from accessing further education locally. These rights have recently been strengthened by statute and the county's only OFSTED graded outstanding provision for learning disability (Barrs Court Specialist School and College) has offered to make specialist provision available to young people aged up to 25 years. Barrs Court is prepared to make this provision available either:

- *As a college of further education with funding secured via the Education Funding Agency;*

and/or

- *As a day care provider with funding secured via personalized budgets and Direct Payments.*

PUBLIC QUESTIONS TO COUNCIL – 19 JULY 2013
ORDINARY MEETING

Both of these examples have been successfully facilitated by special schools in other local authorities and could be implemented just as well by Barrs Court in Herefordshire.

Although some 5,000 Herefordshire citizens have signed a petition to indicate their support for this proposal, Herefordshire local authority (LA) has never been supportive.

In a press release released in November 2012, an elected member declared that the LA had commenced a review of LDD provision in October, but the terms of reference for such a review had never been shared. The performance indicators on the proposed timeline for this review have not been met either, suggesting that the LA might be struggling to shape a strategic plan that can facilitate LDD provision that will be of an equally outstanding quality as that which is already offered by Barrs Court. Barrs Court already operates a 16-19 years LDD provision at The Hub (formerly St Owens) and with a little re-structuring of the day care services on offer at The Hub, more, or all of the building, could be dedicated to delivering outstanding LDD provision at minimal cost. However, once again the LA has resisted such a proposal out of hand, despite the financial gains this would bring to Herefordshire Council.

My question today is to ask the elected members of Herefordshire Council how the local authority is planning to meet its statutory obligation to make LDD provision available locally that will be of the same outstanding quality as that which can be made so readily available by Barrs Court?

Question from Ms L Williams, Herefordshire

Question 3

Public Toilets

Do the council really believe that the withdrawal of the above services will not be detrimental to Hereford citizens and the tourist industry as a whole?



MEETING:	COUNCIL
MEETING DATE:	19 JULY 2013
TITLE OF REPORT:	LEADER'S REPORT
REPORT BY:	LEADER OF THE COUNCIL

1. Classification

Open.

2. Key Decision

This is not an executive decision.

3. Wards Affected

County-wide.

4. Purpose

To receive a report from the Leader on the activities of Cabinet since the meeting of Council in March.

5. Recommendation

THAT: the report be noted.

6. Alternative Options

6.1 There are no alternative options; it is a requirement of the council's constitution.

7. Reasons for Recommendations

7.1 To ensure members are aware of the activities of Cabinet.

8. Key Considerations

8.1 A list of the decisions taken by the executive since the meeting of Council on 8 March is provided at appendix A; none were dealt with under the urgency provisions within the constitution.

8.2 Colleagues across the council will of course be fully aware of the considerable financial challenges the council faces, having already made budget reductions of £21 million over the last two years, with a further £32 million required in the period to 2016/17 and this at a time when we know demand for services for older people will rise in line with the aging population. The spending review announcement made by the Chancellor in June has confirmed that the pressure to reduce revenue funding to local government will continue for the foreseeable future.

Further information on the subject of this report is available from
Councillor AW Johnson, Leader of the Council on Tel (01432) 260494

- 8.3 We cannot continue to support the range of services and activities that we have done to date at the same level and at the same time deliver the things Herefordshire residents tell us are most importance to them – keeping our children and vulnerable adults safe, and ensuring there is a successful economy so that people have good jobs and housing. The extraordinary meeting of Council in May saw the broad service areas where we expect there to be the most significant cost reductions. Where those cost reductions can be progressed by officers as part of day to day operational management that is being done; where executive decisions are required Cabinet is working through options for how those cost reductions can be achieved, and as far as is possible, how the impacts on those who use those services can be minimised. We are committed to engaging with service users and other stakeholders as part of this process to ensure that we reach fair, evidence based decisions.
- 8.4 It would be wrong to think that these services have been identified as areas where cost reductions should be made either because they are not valued or wanted by the community, or because reducing council funding will have no impact on those services. The simple truth is that councils across the country have to focus the resources that remain available to them on a smaller range of core community services. For those service areas where we will have to take the difficult decision to reduce or remove council funding, we will take every opportunity there is in the time available to us to work with local communities and partners to consider other ways in which those services can be delivered or supported. However it is an inescapable fact that the longer we take to make these decisions, the greater the amount of money to be found – putting at risk more services and jobs. We will therefore bring forward detailed proposals for delivering those necessary service reductions at the earliest opportunity during the coming months, and will keep the executive rolling programme updated regarding the anticipated timing of those decisions.
- 8.5 Alongside taking the actions needed to deliver a balanced budget this year, we have been reviewing the shape of the council and its core functions for the future. Cabinet Members, working with Group Leaders and the chairmen of our two Overview & Scrutiny Committees, will be using the strong evidence base provided by *Understanding Herefordshire* to begin to formulate proposals for a refreshed Corporate Plan which we expect to be proposing to Council in December, to inform the future budget strategy.

9. Community Impact

- 9.1 The community impact of any decisions of the executive have been set out within the relevant decision report and taken into consideration at the time the decision was taken.

10. Equality and Human Rights

- 10.1 Cabinet have paid due regard to the public sector equality duty in their decision-making as set out in the relevant decision reports.

11. Financial Implications

- 11.1 The financial implications of any decisions of the executive have been set out within the relevant decision report and taken into consideration at the time the decision was taken.

12. Legal Implications

- 12.1 The legal implications of any decisions of the executive have been set out within the relevant decision report and taken into consideration at the time the decision was taken.

13. Risk Management

- 13.1 The risks associated with any decisions of the executive have been set out within the relevant decision report and taken into consideration at the time the decision was taken.

14. Consultees

- 14.1 None

15. Appendices

- 15.1 Appendix A – Executive Decisions.

16. Background Papers

- 16.1 None identified.

Decision	Date	Taken By
<i>Corporate Delivery Plan</i> – the projects and measures within the 2013/14 delivery plan, demonstrating how the priorities within the Corporate Plan are to be met, were approved	14/03/13	Cabinet
<i>Herefordshire Council Workforce Strategy 2013/15</i> – the Workforce Strategy, providing the direction and framework to ensure that council resources are aligned and focussed on the workforce outcomes so that the Corporate Plan priorities are achieved, was approved.	14/03/13	Cabinet
<i>Children’s Safeguarding</i> - a report was made on the receipt of the Improvement Notice from the Department for Education (DfE) and progress to date on the Ofsted recommendations and next steps	14/03/13	Cabinet
<i>Director of Public Health Annual Report 2012</i> - Cabinet were advised of the changes to public health and the transition process as set out in the Annual Report of the Director of Public Health which reviewed 2012 and looked forward to changes in ways of working from 2013, including the Living and Wellbeing Review. Cabinet supported the recommended approach and actions highlighted in the report to inform service development and commissioning aimed at improving health and wellbeing of the population of Herefordshire.	14/03/13	Cabinet
<i>Budget Monitoring Reports</i> – Cabinet received monthly reports to monitor projected revenue and capital out-turn position for 2012/13 including Treasury Management activities.	14/03/13 18/04/13	Cabinet
<i>Commissioning & Commercial Strategy 2013/16</i> - approved the new strategy setting out the council’s approach to commissioning, procurement and contract management, and our future strategic commissioning and commercial objectives to support delivery of Corporate Plan priorities.	14/03/13	Cabinet
<i>Urban Village/Link Road</i> - In accordance with the agreed masterplan, cabinet approved the development of land within the City Regeneration area for the purposes of the provision of a link road, highway and other associated infrastructure and mixed uses including housing, employment uses, leisure, retail units, tourism, civic and community uses together with associated public access and public realm, car parking, other new highways and other associated infrastructure, drainage, flood alleviation and associated works; implementation arrangements were also established.	14/03/13	Cabinet

Decision	Date	Taken By
<i>Madley Traveller Transit Site</i> – agreed arrangements for relocation of an existing Traveller transit Site and subsequent disposal of the existing site.	11/04/13	Cabinet Members for Environment, Housing & Planning, and Financial Management
<i>Herefordshire Community Safety Strategy 2011/14</i> – endorsed the three year (213/14) refresh of the strategy.	18/04/13	Cabinet Member for Enterprise & Culture
<i>Rising to the Challenge and Root & Branch Review Programme</i> – Cabinet agreed to close the Rising to the Challenge Programme, noted progress on the implementation of the Root and Branch Reviews and agreed actions to progress outstanding elements from the Root and Branch Reviews and proposals for the Herefordshire 2020 Review.	18/04/13	Cabinet
<i>Digital Strategy 2013/18</i> – Cabinet approved a new strategy, encompassing information management, technology, communications and engagement, supported by a clear delivery plan, enabling the council to meet its current priorities in the most cost effective way.	18/04/13	Cabinet
<i>Tourist & Temporary Event Signage Review</i> - a new policy and associated guidance notes was approved to improve road safety, reduce clutter and support local businesses.	02/05/13	Cabinet Member for Environment, Housing & Planning
<i>The Oval Estate, Newton Farm</i> - the approach to land disposal and related provisions in support of the regeneration of the Oval Estate, Newton Farm was agreed	07/05/13	Cabinet Members for Environment, Housing & Planning, and Financial Management
<i>Review of Publicity for Planning Applications</i> – changes to the arrangements for publicity for planning applications specifically in respect of neighbour notification to improve business processes and enable financial savings to be achieved.	09/05/13	Cabinet Member for Environment, Housing & Planning
<i>Parent/Carer Financial Contribution to Discretionary Home to School/College Transport</i> - an increase in the parent/carers financial contribution to discretionary home to school/college transport for pupils/students with effect from 1st September 2013 was approved.	09/05/13	Cabinet Member for Education & Infrastructure
<i>Microsoft Enterprise Agreement Renewal</i> – arrangements for renegotiation and renewal of the agreement, which covers the licenses, support and maintenance of all corporate Microsoft software in use within the Authority for a period of three years	09/05/13	Cabinet Member for Corporate Services

Decision	Date	Taken By
(June 2013 to May 2016) were approved.		
<i>Halo Car Parks Capital Budget Allocation</i> – the allocation of Capital Expenditure, funded by prudential borrowing, for car parks at Hereford and Leominster Leisure Centres, to support the implementation of car parking charges by Halo Leisure was approved.	23/05/13	Cabinet Members for Financial Management and Major Contracts
<i>Dedicated Schools Grant Budget 2013/14</i> – the recommendations from Schools Forum for the Dedicated Schools Grant (DSG) budget including high needs top-up funding rates for 2013/14 were approved	30/05/13	Cabinet Member for Children’s Services
<i>Consultation on the future of Whitbourne Church of England Primary School</i> – approval was given to begin consultation on the future of the school and, subject to the outcome of that consultation, undertake the statutory processes associated with closure.	31/05/13	Cabinet Member for Children’s Services
<i>Streetscene: Major Procurements</i> – Cabinet approved arrangements to conclude the procurement processes, including authorisation of the awarding of contracts, to enable new contractual arrangements to be in place from 1 September 2013 when the current arrangements come to an end.	13/06/13	Cabinet
<i>Open Book Review</i> – Cabinet noted the Open Book Review methodology that had been followed and approved a proposed maximum usual price (MUP) for residential and nursing care for older people for further consultation with providers and engagement with Health & Social Care Overview & Scrutiny Committee; subject to the outcome of this further consultation, the MUP will be finalised by the Director for People’s Services and a formal procurement process will be commenced, based on an outcome-based contract and framework approach with a view to implement the MUP from 1 January 2014.	20/06/13	Cabinet
<i>Housing Allocation Policy for Herefordshire</i> – a revised policy was approved to ensure the council can make best use of the scarce affordable housing provision and meet local housing need where households are unable to access the open market. The policy will also help contribute to sustaining communities and confirm that local people have priority in the allocation of housing in the county.	20/06/13	Cabinet
<i>Corporate Planning & Performance</i> – Cabinet reviewed the evidence base available (including Understanding Herefordshire, the 2012/13 budget outturn and the end of year performance report) to inform future planning, commissioning	20/06/13	Cabinet

Decision	Date	Taken By
and decision-making; the annual review of the corporate plan was deferred to enable completion of ongoing work to determine the future role of the council; and in noting the 2012/13 budget outturn a number of movements to new reserves were approved, and the Treasury Management Outturn report was recommended to Council for approval.		
<i>Executive Rolling Programme</i> – the Executive Rolling Programme was reviewed, and scheduled for quarterly reviews in the future.	20/06/13	Cabinet
<i>Local Development Framework</i> – Cabinet recommended the Herefordshire Local Plan Core Strategy 2011-2031 to Council with a recommendation that, following the completion of the pre-submission publication period and consideration of duly made representations, it be submitted to the Secretary of State for independent testing; this appears elsewhere on Council's agenda today.	04/07/13	Cabinet



MEETING:	COUNCIL
MEETING DATE:	19 JULY 2013
TITLE OF REPORT:	APPOINTMENT OF INDEPENDENT PERSONS TO THE COUNCIL'S STANDARDS PANEL
REPORT BY:	HEAD OF GOVERNANCE

1. Classification

Open

2. Key Decision

This is not a key decision

3. Wards Affected

County-wide

4. Purpose

On the recommendation of the Audit and Governance Committee, to approve the appointment of two independent persons to the council's standards panel.

5. Recommendation(s)

THAT:

the appointment of John Sharman and David Williams as independent persons to the Standards Panel, be approved.

6. Alternative Options

- 6.1 The Localism Act 2011 states that the Council must appoint "at least one independent person" to deal with standards matters. Therefore, there is an option to retain the existing independent person, Mr Rob Cook, and make no further appointments. However, the monitoring officer's view is that it is essential to appoint more than one independent person to avoid any potential conflicts of interest in dealing with complaints, to allow flexibility during periods of holiday and sickness, to ensure good governance of the standards process, and to provide him with sufficient regular support.

7. Reasons for Recommendations

- 7.1 Herefordshire receives on average one new standards complaint about a county, town or parish councillor every week, and these need to be processed in a timely manner. The view is that at least three independent persons are required to ensure the efficient running of the system.

8. Key Considerations

- 8.1 Until recently, the council had three appointed independent persons, whose role is to give opinion to the monitoring officer on standards complaints, and to inform the decisions on all standards investigations and complaints where a resolution is not readily achieved. The council's independent persons were Jake Bharier, Rob Cook and David Stevens MBE. Mr Bharier and Mr Stevens are longstanding serving independent persons who were both members of the Standards Committee under the old standards system, which existed before the Localism Act introduced a new system in 2012. They have served voluntarily as independent persons since 2009 and 2003 respectively. Mr Cook was appointed in 2012 after the new system took effect.
- 8.2 The Act does not allow previously serving independent persons to serve in the new system for more than twelve months. As a result, the tenure of post for both Mr Bharier and Mr Stevens ended on 30 June 2013. Mr Cook remains as the Council's only serving independent person.
- 8.3 Following a recruitment period, interviews were held on 23rd and 24th April 2013. The interview panel comprised Councillors Barnett, Bowen and Stone, the Head of Governance and Mr Stevens. The interview panel has no hesitation in recommending that the council appoints 2 new independent persons, namely John Sharman and David Williams. Excellent references have been received for both candidates.
- 8.4 John Sharman has recently retired from an interim project manager post for the Wye Valley NHS Trust, having formerly enjoyed a career in Biomedical Science. He has worked at senior managerial level in various Health-related posts since 1992. Mr Sharman also has experience of local government through his service as a member of Surrey Heath Borough Council from 1995-1999.
- 8.5 David Williams is a retired chief fire officer, most recently serving as chief fire officer and chief executive of South Wales Fire Service. He has also served as an adviser to both local and national government. He is a fellow of the Institution of Fire Engineers, an instructor and trustee of Heartstart Herefordshire, chairman/trustee of Herefordshire Advanced Motorists, and a churchwarden and member of the PCC of St. Weonards.
- 8.6 Both Mr Sharman and Mr Williams will be introduced to members at Council on 19 June 2013.

9. Community Impact

- 9.1 The public expectation is rightly that the council has adequate, objective and transparent measures in place to deal with complaints against councillors. The appointment of Mr Sharman and Mr Williams will help to provide continued assurance of this.

10. Equality and Human Rights

There are no equality and human rights implications in this report.

11. Financial Implications

- 11.1 There are no financial implications in respect of the proposal.

12. Legal Implications

- 12.1 The appointments will ensure that the council is able to meet comprehensively the requirements of the Localism Act 2011.

13. Risk Management

- 13.1 There is a reputational risk to the council if it is unable to manage effectively its standards complaints process. There is also a risk to councillors if there are no independent mechanisms in place to support them in their responsibilities towards good governance and adhering to the members' code of conduct. Part of the independent person's role is to help councillors achieve these aims through giving objective opinion when councillors are the subject of complaints, and through the recommendations that they make for training and mediation.

14. Consultees

- 14.1 None.

15. Appendices

- 15.1 None.

16. Background Papers

- 16.1 None identified.

MEETING	COUNCIL
MEETING DATE:	19 July 2013
TITLE OF REPORT:	APPOINTMENT OF ELECTORAL REGISTRATION OFFICER AND RETURNING OFFICER
REPORT BY:	CHIEF EXECUTIVE

1. Classification

Open.

2. Key Decision

This is not a key decision.

3. Wards Affected

County-wide.

4. Purpose

To designate the post of Head of Governance as Electoral Registration Officer and Returning Officer, this is undertaken independently of the Council.

5. Recommendation(s)

THAT: The post of Head of Governance be designated Electoral Registration Officer and Returning Officer.

6. Alternative Options

- 6.1 Currently the scheme of delegation included in the Council's Constitution designates the post of Chief Executive as Electoral Registration Officer and Returning Officer. This could continue if felt appropriate. Alternatively another senior post within the staff structure could be to delegate these statutory functions.

7. Reasons for Recommendations

- 7.1 Currently the Chief Executive holds the statutory posts of Electoral Registration Officer and Returning Officer. Section 35(1) of the Representation of the People Act 1983, requires every Council to appoint an officer of the Council to be Returning Officer for elections and Section 8 of the same Act requires Councils to appoint an Electoral Registration Officer; they do not need to be the same person, but often are.
- 7.2 The responsibilities for both elections and the electoral register are personal to the post holder and not duties of the authority. The Council is however required by the above

mentioned Act to make available to both the Electoral Registration Officer and the Returning Officer the necessary resources for her/him to undertake the statutory duties.

- 7.3 Currently the Chief Executive, acting as Electoral Registration Officer and Returning Officer delegates full responsibility for the preparation and maintenance of the Elector Register and the organisation of all elections to the Head of Governance acting as his deputy with full powers. The proposals in this report simply recognise the actual working arrangements.

8. Key Considerations

- 8.1 The transfer of responsibility for elections and electoral registration to the Head of Governance allows the Chief Executive to concentrate on the strategic management of the Council.
- 8.2 The Head of Governance has over 30 years practical experience running elections and has 10 years' experience of acting as Returning Officer and Electoral Registration Officer.
- 8.3 The recommendation above reflects the current working practice.
- 8.4 There is no additional cost associated with this recommendation.

9. Community Impact

- 9.1 There is a statutory duty on the Electoral Registration Officer and Returning Officer to ensure the electorate of Herefordshire is included on the Register of Electors and are able to exercise their right to vote at elections.

10. Equality and Human Rights

- 10.1 Please see above.

11. Financial Implications

- 11.1 There are no additional financial implications associated with the recommendation set out above.

12. Legal Implications

- 12.1 The legal requirements are referred to in the body of the report.

13. Risk Management

- 13.1 None

14. Consultees

- 14.1 Group Leaders have been consulted.

15. Appendices

15.1 None.

16. Background Papers

16.1 None.



MEETING:	COUNCIL
MEETING DATE:	19 JULY 2013
TITLE OF REPORT:	ELECTORAL REVIEW OF HEREFORDSHIRE FINAL RECOMMENDATIONS
REPORT BY:	HEAD OF GOVERNANCE

1. Classification

Open

2. Key Decision

This is not an executive decision.

3. Wards Affected

County-wide

4. Purpose

To note the Local Government Boundary Commission for England's final recommendations for Council size and warding arrangements in Herefordshire.

5. Recommendation

THAT: the Local Government Boundary Commission for England's final recommendations for Council size and warding arrangements, and the timetable for implementation, be noted.

6. Alternative Options

- 6.1 There are no alternative options to the electoral review of Herefordshire, and the council is obliged to comply with the recommendations. The Local Government Boundary Commission for England (LGBCE) has powers to conduct electoral reviews in areas where electoral inequality has been identified, and Herefordshire is one such area. Although the review has included the council's views as one of many consultees, it is entirely independent and separate from the council. The process that has been followed is governed predominantly by the Local Democracy, Economic Development and Construction Act 2009.

7. Reasons for Recommendations

- 7.1 The LGBCE produced its final recommendations for Herefordshire on 25 March 2013, and every member received a paper copy of the report through the post at that time. It is important that the council formally notes the final recommendations, and that members are kept informed of progress made with the review.

Further information on the subject of this report is available from
John Jones, Head of Governance on (01432) 260222

8. Key Considerations

- 8.1 The Local Government Boundary Commission for England (LGBCE) began a formal electoral review of Herefordshire in March 2012. The review was necessary because 30% of wards in the county currently have an electoral variance in excess of 10% from the average figure of electors per councillor in the Authority. Particularly, Hollington ward has a variance of 34%.
- 8.2 The purpose of the LGBC review was to ensure electoral equality as far as possible. Achieving electoral equality means that there are an equal number of electorate per local ward councillor for every Council ward in Herefordshire.
- 8.3 Two working groups were set up to co-ordinate the council's response to the three consultation phases of the review: a politically proportionate members' working group chaired by the Leader, and a team of officers providing technical support. The full council considered each phase of the review and decided on its submissions. At its extraordinary meeting on 4 January 2013, the council agreed its response to the LGBCE's draft recommendations for Herefordshire's council size, warding arrangements and ward names. The LGBCE took this into consideration along with every consultation response that it received from Herefordshire individuals, groups and organisations, when deciding its final recommendations.
- 8.4 The LGBCE's final recommendations were published on 25 March 2013, and in summary, include the following:
- Herefordshire should be represented by 53 councillors instead of the current 58;
 - The 53 councillors should represent single-member wards only; therefore, there will no longer be any wards that are served by more than one councillor. Ward boundary changes will be made to accommodate this, and detailed maps area available on the LGBCE's website (a link is provided at the end of this report);
 - A list of wards names has been chosen. Some of the ward names are based on existing familiar wards, and some are entirely new (the list can be viewed. also via the link at the end of this report).
- 8.5 The LGBCE's final recommendations will be laid before Parliament in October 2013, after the parliamentary recess. The recommendations will be laid for a 40-day period, and will only be subject to a potential change if an MP "prays against" the recommendations during this time. If this does not happen during the period, then the recommendations will become a Final Order by default, after the fortieth day.
- 8.6 Once the recommendations become a Final Order, they will automatically come into force at the next local authority elections, which in Herefordshire's case, are currently scheduled for May 2015.

9. Community Impact

- 9.1 It should be noted that any new warding arrangements could have implications on the Council's current localities.

10. Equality and Human Rights

- 10.1 The LGBCE's proposals will create more electoral parity throughout the County which should make it easier for residents to know who their elected representatives are.

11. Financial Implications

- 11.1 Costs have been incurred in the preparation of the Council's submission, which were met from the existing budgetary provision, and there will be additional costs involved in carrying out any re-warding exercise that will follow the Commission's decision. This will also be met from existing budget provision, because no additional support is being made available. .

12. Legal Implications

- 12.1 The review was carried out in accordance with the Local Democracy, Economic Development and Construction Act 2009, the Local Government and Public Involvement in Health Act 2007, and the Secretary of State's statutory guidance. The Council has a duty to comply with the review.

13. Risk Management

- 13.1 The major risk associated with this review relates to the implementation of the proposed warding pattern, which will need to be done within existing resources and by experienced staff who already have a full workload. Careful project management will need to be introduced to deliver everything in the teams' work plans.

14. Consultees

- 14.1 The LGBCE carried out a detailed county-wide consultation exercise at all three phases of the review.

15. Appendices

- 15.1 None. However, if members wish to view the LGBCE's full report with interactive mapping, it can be found at:
<http://www.lgbce.org.uk/all-reviews/west-midlands/herefordshire/herefordshire-fer>

16. Background Papers

- 16.1 None identified.

HEREFORDSHIRE COUNCIL

JULY 2013

ANNUAL REPORT OF THE HEREFORD AND WORCESTERSHIRE FIRE AND RESCUE AUTHORITY TO HEREFORDSHIRE COUNCIL

Authority Appointments 2013/14

Councillor D W Prodger MBE, from Worcestershire County Council, was elected as Chairman of the Authority and Brigadier P Jones CBE, was elected as Vice-Chairman. In addition the following Members have been appointed to the following positions:

- – Appointments Committee Chairman – Councillor D W Prodger MBE
- – Audit and Standards Committee Chairman – Councillor L Duffy
- – Audit and Standards Committee Vice-Chairman – Councillor P Grove
- – Policy and Resources Committee Chairman – Councillor K Taylor
- – Policy and Resources Committee Vice-Chairman – Councillor R Adams
- – Equality and Diversity Committee – Councillors A Fry and F M Oborski
- – Health and Safety Committee – Councillor P Watts

Performance 2012/13

2012-13 saw a 15.5% reduction in incidents compared to the previous financial year although Special Service Incidents increased due in part to flooding in June – July 2012 and November 2012. The overall numbers of fires have reduced as the expected seasonal increase in secondary fires during the summer was negated by the predominantly wet weather conditions during the first two quarters of 2012-13. False alarms have remained consistent with the previous year's totals.

Financial Information

The Service receives a budget of £32.549 million. In common with other public services, the Fire Service is facing major cuts in funding over the next few years which will result in major changes in the way the Service is provided. It is likely, therefore, that the cost of the Service will reduce significantly over this period.

For the third year running the cost of the Fire and Rescue Service to the average household in Worcestershire and Herefordshire was £73.64 (Band D council tax).

Members' Allowances

At their Annual General Meeting Members voted not to increase their allowances and kept them pegged to those paid in 2010.

Authority Plan 2013/14

The Authority's Annual Plan for 2013/14 was approved for publication and will shortly be available on the Service's website at www.hwfire.org.uk

Fire Control Officially Opened

The new control room was officially opened at headquarters on Monday 25 March 2013 by Ltd Col Patrick Holcroft, LVO, OBE, the Lord-Lieutenant of Worcestershire. The previous control room operated from the fire station in Copenhagen Street in Worcester for the last 50 years.

The new system enables control room staff to quickly identify the location of the person placing the emergency calls and can identify the closest fire engine even if it is already on the move.

The next phase of the fire control project will involve linking our mobilising system to Shropshire Fire and Rescue Service. This will enable us to take emergency calls for each other during extreme busy periods which are often caused by significant weather events.

Vehicle Fleet Update

Rope Rescue Vehicle

The new rope rescue vehicle for carrying specialist equipment for incidents, such as rescues from height or from underground (adapted from a current vehicle already in our fleet and quicker to mobilise to incidents with the equipment already on board) went into service in 2012-13 along with a new Land Rover for Malvern which will be used for off road duties.

Rural Rescue Vehicles

Following an extensive review of our fire engines in our rural fire stations we made some significant progress on this project in 2012-13, agreeing design and user specifications with multi pump retained stations to be considered first. We are now looking to go out to tender to purchase five rural rescue vehicles in 2013-2014.

Property Update

Malvern Fire Station

Planning approval for a totally refurbished fire station was gained on 22 November 2012 and the proposal will renew the fire station at the existing location in Malvern Link. Whilst construction work is being undertaken, the fire station staff, equipment

and vehicles have been temporarily relocated to the Service's Operational Logistics site at Betony Road, in Malvern.

Strategic Training Facilities (STF's)

The Strategic Training Facilities (STF) project proposed two types of training facility which would provide realistic hot-fire training scenarios for fire fighters and support their essential training programme. The first type of facility burns wood within a steel structure, broadly resembling a residential property and one such facility for South Herefordshire at Peterchurch is nearing completion. Unfortunately the proposal to deliver a facility at Kingsland in North Herefordshire will not currently proceed due to planning and land purchase issues. The second type of training facility utilises liquefied petroleum gas to create fire situations housed within a brick built building which resembles a traditional residential property. This type of facility has been constructed at Evesham and another one is also under construction at Kidderminster. The Evesham STF was completed in March 2013 with Kidderminster due to be completed during the summer.

Hereford Fire Station

Officers of the Service have been in extensive discussion with Herefordshire Futures, an organisation leading on the regeneration of Hereford city. Two sites have been examined in detail as part of a major link-road development scheme, but unfortunately neither satisfied minimum requirements for a new fire station location. Officers are now examining other options including development of the existing site.

Factory Fire at Rotherwas

Fire crews were called just before 8 am on Wednesday 17 April 2013 to a serious fire at premises on the Rotherwas Industrial Estate in Hereford. The fire involved a warehouse at Bathgate Flooring Ltd in Fire Lane, where at the height of the incident 10 fire engines were in attendance along with water carriers, an aerial ladder platform, plus Command and Incident Support Units. While the fire was contained fairly rapidly, firefighters remained at the premises throughout the remainder of the week and through the weekend, working to damp down and fully extinguish the blaze.

Their attendance was scaled down gradually and crews left the premises at around 3.30 pm on Monday 22 April 2013, although further re-inspections were carried out later that evening and during the morning of Tuesday 23 April 2013.

The factory unit was severely damaged as a result of the fire and there was also extensive smoke damage in the office space but some machinery at the site was salvaged. The Fire Investigation, completed on Monday 22 April 2013, concluded

that the fire started accidentally and was believed to have been caused by an electrical fault.

New Fire Engines – Ultra Heavy Rescue Pumps

Earlier this year the service took delivery of two new fire engines with an enhanced 'Ultra' heavy rescue capability (termed UHRP's). These fire engines operate as a normal fire engine most of the time, but also have an enhanced capability to deal with road traffic collisions that involve heavy or large vehicles such as lorries, trains or coaches. This type of incident requires specialist equipment and training to safely deal with extremely large vehicles and structures, under emergency response conditions. The capability to deal with these incidents was previously not incorporated into a normal fire engine, but formed part of a separate specialist response vehicle based at Droitwich, which has now been decommissioned.

The new vehicles are now fully operational following an extensive period of training and familiarisation and are based at Droitwich and Hereford Fire Stations, offering an improved level of operational cover, equipment and response times across both counties. An additional benefit from the provision of these two new fire engines is that it has displaced the two previous fire engines based at Droitwich and Hereford and allowed them to be relocated to Ewyas Harold and Leintwardine in Herefordshire. This has led to an upgrade in the level of Road Traffic Collision equipment that is provided at these two locations at no additional cost.

Large Animal Rescue

The Service has now adopted the Chief Fire Officers' Association (CFOA) model for the management of incidents involving the rescue of large animals. This will mean that all operational staff will receive standard training across the summer on how to deal with these incidents as the first responding crew. This training will be augmented by the provision of two specialised teams in Bromyard and Pershore that will be trained to a higher level to resolve large animal rescue incidents by in-house instructors.

Excellence Awards

On Thursday 18 April 2013 the Service held its inaugural Excellence Awards evening at Eastnor Castle, near Ledbury. The entire event was sponsored by Telent Technology Services Ltd, who recently provided the Service with its new command and control mobilising system as part of the wider Fire Control project.

The evening recognised the achievements of staff and some of our partners. All nominees were winners in their own right. The event itself was inspiring and touching – so many achievements and so many dedicated individuals.

Winners from Herefordshire were:

Leadership Achievement Award – Watch Commander John Chance (Ewyas Harold)
Outstanding Contribution to Hereford and Worcester Fire and Rescue Service –
Watch Commander John Chance (Ewyas Harold)
Retained Duty System (RDS) Employer of the Year – 2017 Ltd. Hereford

Brigadier P Jones

Vice Chairman – Hereford & Worcester Fire and Rescue Authority

FURTHER INFORMATION

Any person wishing to seek further information on this report should contact Committee & Members' Services on 01905 368209/241. Further information on the Fire and Rescue Authority and the Fire and Rescue Service can also be found on the Internet at (www.hwfire.org.uk)

