

**Minutes of the meeting of Council held at The Council Chamber -
The Shire Hall, St. Peter's Square, Hereford, HR1 2HX on Friday
19 May 2017 at 10.30 am**

Present: Councillor DB Wilcox (Chairman)
Councillor (Vice-Chairman)

Councillors: PA Andrews, BA Baker, JM Bartlett, WLS Bowen, TL Bowes, H Bramer, CR Butler, ACR Chappell, MJK Cooper, PGH Cutter, BA Durkin, PJ Edwards, CA Gandy, DW Greenow, KS Guthrie, J Hardwick, DG Harlow, EPJ Harvey, JA Hyde, TM James, AW Johnson, JF Johnson, JLV Kenyon, JG Lester, MD Lloyd-Hayes, MN Mansell, Trish, RI Matthews, RL Mayo, MT McEvilly, SM Michael, PM Morgan, PD Newman OBE, FM Norman, CA North, RJ Phillips, AJW Powers, PD Price, P Rone, A Seldon, NE Shaw, J Stone, D Summers, EJ Swinglehurst, LC Tawn and SD Williams

Officers: Chris Baird, Ben Baugh, Annie Brookes, John Coleman, Geoff Hughes, Andrew Lovegrove, Caroline Marshall, Alistair Neill, Martin Samuels and Claire Ward

1. ELECTION OF CHAIRMAN

Councillor AW Johnson proposed and Councillor TM James seconded the nomination of Councillor DB Wilcox.

(Councillor DB Wilcox declared a pecuniary interest and left the meeting for the vote.)

RESOLVED: That Councillor DB Wilcox is elected Chairman of the Council for the forthcoming municipal year.

(Councillor DB Wilcox in the chair.)

Councillor Wilcox made the statutory declaration of acceptance of office.

2. APPOINTMENT OF VICE-CHAIRMAN

Councillor RI Matthews proposed and Councillor DW Greenow seconded the nomination of Councillor PJ Edwards.

(Councillor PJ Edwards declared a pecuniary interest and left the meeting for the vote.)

RESOLVED: That Councillor PJ Edwards is appointed Vice-Chairman of the Council for the forthcoming municipal year.

3. APOLOGIES FOR ABSENCE

Apologies were received from Councillors PE Crockett, EL Holton, MN Mansell, GJ Powell, AR Round, WC Skelton and A Warmington.

4. DECLARATIONS OF INTEREST

There were no declarations of interest at this stage of the meeting please see item 10 below.

The chairman advised that members had received a dispensation in relation to items 8 and 10 and that this would be explained by the solicitor to the council at those items.

5. MINUTES

RESOLVED: That the minutes of the meeting 3 March 2017 are confirmed as a correct record and signed by the Chairman.

6. ANNOUNCEMENTS FROM THE CHAIRMAN AND CHIEF EXECUTIVE

Council noted the chairman and chief executive's announcements as printed in the agenda papers.

The chairman went on to highlight the civic events that had taken place over the last year. These included:

- Visits by HRH the Duke of Kent, HRH the Duke of Gloucester, HRH the Countess of Wessex and HRH Princess Royal. Tribute was paid to the work of the Lord Lieutenant, Lady Darnley in her representation of the Queen and arrangement of royal visits to the county.
- The Queen's 90th birthday celebration and Cathedral service.
- The work of the Mayors of the Market Towns working together and in particular the Herefordshire Community Champions Award.
- Progress in the provision of a university in Herefordshire and positive economic regeneration developments including the Enterprise Business Park and broadband project.

The chief executive highlighted the following in his announcements to council:

- The new constitution which had taken effect from 19 May and the work undertaken on its introduction.
- The Children's Wellbeing directorate had received an award from the Management Journal and had secured funding for Colwall School
- The Economy Communities and Corporate Directorate had succeeded in a range of financial bids.

- Arrangements for the general election called for 8 June.

7. ELECTION OF LEADER OF THE COUNCIL

Councillor PM Morgan proposed and Councillor H Bramer seconded the nomination of Councillor A W Johnson.

(Councillor AW Johnson declared a pecuniary interest and left the meeting for the vote.)

RESOLVED: That Councillor AW Johnson is elected Leader of the Council for the forthcoming municipal year.

8. APPOINTMENTS TO COUNCIL COMMITTEES AND OUTSIDE BODIES

Council considered the report attached to the agenda relating to appointments to committees of the council and outside bodies in line with the rules of political proportionality. Councillor WLS Bowen's notified amendment to recommendation b relating to the number of seats on committees had been published prior to the meeting. The published amendment was not moved during the debate.

The solicitor to the council explained that any members who had been nominated for positions which attracted a special responsibility allowance under the councillors' allowances scheme had a pecuniary interest in that item. Following a written request she had granted a dispensation and therefore those members who were affected could participate in the discussion, remain in the room and vote on all of the recommendations in item 8. She advised, however, that members should refrain from voting in respect of recommendation (g) where they were nominated for an individual appointment.

The Chairman introduced the item and put recommendations a-f in turn to the vote. Recommendations a-e were carried by a simple majority of votes. Recommendation f was carried with no votes against. Council was advised that appointments to the positions of Chairmen and Vice-Chairmen would be determined by a vote where there was more than one nomination for the position. Nominations for the role of vice chairman of the planning and regulatory committee and the chairman of the licensing sub-committee would be invited separately. It was the decision of council to determine if the vice chairman of the planning and regulatory committee would act as the standing chairman of the licensing sub-committee.

The consideration of each appointment was as follows:

Chairman of the Adults and Wellbeing Scrutiny Committee

Councillor AW Johnson proposed and Councillor PD Price seconded the nomination of Councillor PA Andrews.

There were no other nominations.

Councillor Andrews was appointed.

Vice Chairman of the Adults and Wellbeing Scrutiny Committee

Councillor H Bramer proposed and Councillor PA Andrews seconded the nomination of Councillor J Stone.

There were no other nominations.

Councillor Stone was appointed.

Chairman of the Audit and Governance Committee

Councillor DG Harlow proposed and Councillor NE Shaw seconded the nomination of Councillor PD Newman OBE.

There were no other nominations.

Councillor Newman OBE was appointed.

Vice-Chairman of the Audit and Governance Committee

Councillor BA Durkin proposed and Councillor P Rone seconded the nomination of Councillor ACR Chappell.

There were no other nominations.

Councillor Chappell was appointed.

Chairman of the Children and Young People and Scrutiny Committee

Councillor EJ Swinglehurst proposed and Councillor NE Shaw seconded the nomination of Councillor CA Gandy.

There were no other nominations.

Councillor Gandy was appointed.

Vice-Chairman of the Children and Young People and Scrutiny Committee

Councillor DG Harlow proposed and Councillor TM James seconded the nomination of Councillor FM Norman.

There were no other nominations.

Councillor Norman was appointed.

Chairman of the Employment Panel

Councillor NE Shaw proposed and Councillor DG Harlow seconded the nomination of Councillor AW Johnson.

There were no other nominations.

Councillor Johnson was appointed.

Vice-Chairman of the Employment Panel

Councillor NE Shaw proposed and Councillor DG Harlow seconded the nomination of Councillor PM Morgan.

There were no other nominations

Councillor Morgan was appointed.

Chairman of the General Scrutiny Committee

Councillor AW Johnson proposed and Councillor BA Durkin seconded the nomination of Councillor WLS Bowen.

There were no other nominations

Councillor Bowen was appointed.

Vice-Chairman of the General Scrutiny Committee

Councillor PM Morgan proposed and Councillor JA Hyde seconded the nomination of Councillor EJ Swinglehurst.

There were no other nominations.

Councillor Swinglehurst was appointed.

Chairman of the Health and Wellbeing Board

Councillor JG Lester proposed and Councillor BA Durkin seconded the nomination of Councillor PM Morgan.

There were no other nominations.

Councillor Morgan was appointed.

Chairman of the Planning and Regulatory Committee

Councillor AW Johnson proposed and Councillor PM Morgan seconded the nomination of Councillor PGH Cutter.

There were no other nominations.

Councillor Cutter was appointed.

Vice-Chairman of the Planning and Regulatory Committee

Councillor RI Matthews proposed and Councillor PD Price seconded the nomination of Councillor J Hardwick.

There were no other nominations.

Councillor Hardwick was appointed.

Chairman of the Licensing Sub-Committee

Councillor BA Durkin proposed and Councillor PM Morgan seconded the nomination of Councillor DW Greenow.

There were no other nominations.

Councillor Greenow was appointed.

Resolved - that:

- (a) the list of ordinary committees listed at paragraph 8 is confirmed with their current terms of reference as set out in the council's constitution;**
- (b) the number of seats on each committee as set out at paragraph 8, and the allocation of those seats to political groups as set out at paragraph 9**

is approved;

- (c) the allocation of seats on outside bodies to political groups as set out at paragraph 10 is approved;
- (d) it is noted that all other representation on outside bodies be decided by the chief executive, following consultation with the group leaders, in accordance with the provisions of the constitution;
- (e) the appointment of five co-opted members of the children and young people scrutiny committee is approved as follows:
 - one representative as nominated by the diocese of Hereford
 - one representative as nominated by the archdiocese of Cardiff
 - one parent governor as elected from the primary school sector
 - one parent governor as elected by the secondary school sector
 - one parent governor as elected by the special school sector;
- (f) the suspension of the rules of proportionality in respect of the regulatory sub-committee, the River Lugg Internal Drainage Board, the Wye Valley AONB Joint Advisory Committee is approved; and
- (g) the appointment of committee chairmen and vice chairmen of the committees as set out below is approved

Committee	Position	
Adults and wellbeing scrutiny committee	Chairman	Councillor PA Andrews
	Vice-chairman	Councillor J Stone
Audit & governance committee	Chairman	Councillor PD Newman OBE
	Vice-chairman	Councillor ACR Chappell
Children and young people scrutiny committee	Chairman	Councillor CA Gandy
	Vice-chairman	Councillor FM Norman
Employment panel	Chairman	Councillor AW Johnson
	Vice-chairman	Councillor PM Morgan
General scrutiny committee	Chairman	Councillor WLS Bowen
	Vice-chairman	Councillor EJ Swinglehurst
Health & wellbeing board	Chairman	Councillor PM Morgan
Planning and regulatory committee	Chairman	Councillor PGH Cutter
	Vice-chairman	Councillor J Hardwick
Licensing sub-committee	Chairman	Councillor DW Greenow

9. COUNCIL CONSTITUTION

Council considered the report attached to the agenda which outlined the revisions and additions to the new constitution agreed by council at its meeting on 16 December 2016.

The report recommended the approval of minor amendments and the adoption of the outstanding rules and codes.

The chairman of the audit and governance committee presented the report and outlined a required alteration to recommendation (a) to clarify that council was being asked to adopt the outstanding rules and codes and minor amendments to the constitution approved in December 2016 only. Council was not required to adopt the constitution in its entirety therefore the recommendation (a) was revised as below:

the revised constitutional changes listed in appendix 2, and set out in full at appendix 1, be adopted and implemented with immediate effect.

A member raised a concern regarding the delegation for the writing-off of uncollectable debts by Hoople, this was a particular concern in the context of losses incurred by Hoople and the pensions deficit. The Leader was urged to consider the delegation in light of these issues and address the matter to the appropriate committee. The Leader confirmed he would raise the matter with the audit and governance committee and officers.

A member outlined the continuing relevance of the governance improvement working group and the standards working group to review the introduction of the new constitution and the effectiveness of the new committee sizes. The solicitor to the council confirmed that the audit and governance committee would review the introduction of the new constitution in January 2018 which would include an assessment of committee sizes. In addition, committee sizes and appointments were considered at the annual meeting of council.

Resolved that:

- (a) the revised constitutional changes listed in appendix 2, and set out in full at appendix 1, is adopted and implemented with immediate effect; and**
- (b) authority is delegated to the solicitor to the council to make technical amendments (grammatical, formatting and consistency) necessary to finalise the revised constitution for publication.**

10. COUNCILLORS' ALLOWANCES SCHEME

Council considered a report concerning the recommendations of the Independent Remuneration Panel (IRP) and potential options for the Herefordshire councillors' allowances scheme. Two supplements to the report had been published prior to the meeting: a correction to appendix 2 to the current special responsibility allowance (SRA) for chairmen of scrutiny committees which stood at £11,987; and a notified amendment from Councillor RI Matthews which introduced an additional option (E1) for an allowances scheme. The published amendment was not moved during the debate.

The solicitor to the council introduced the report and explained regard must be paid to the recommendations of the IRP during determination of a scheme of allowances. All members had a pecuniary interest in the item as all members were required to receive a basic allowance. Following a written request the solicitor to the council had granted a dispensation and therefore those members who were affected could participate in the discussion, remain in the room and vote on all of the recommendations in item 10.

Members made general comments regarding the discomfort caused by the need to debate and determine an allowances scheme. Although it was recognised that the exercise was a statutory requirement there was potential for adverse public perception of members agreeing the level of allowances. It was commented that the independent determination of allowances would be desirable.

Members thanked the IRP for the work it had undertaken and the recommendations made.

In respect of recommendation (a) in the report members were divided in their preferences for the options in appendix 2 of the report; options B and D were proposed for debate and determination.

Councillor NE Shaw proposed and Councillor AW Johnson seconded option B.

Councillor AJW Powers proposed and Councillor A Seldon seconded option D.

In support of option B the following points were made:

- The conclusions of the IRP were reasonable but it was recognised that they were based on national rates of pay which was a departure from accepted practice;
- In determination of the allowances it was more appropriate to apply the local rates in Herefordshire. Option B took account of local rates of pay and adjusted allowances in relation to the lower rates in the county;
- Option B was closest to the current scheme and had only a minor effect on a balanced budget and the medium term financial strategy.

In support of option D the following points were made:

- In comparison with other unitary authorities Herefordshire Council had a low basic allowance which had not been significantly upgraded in over a decade. Further comparison showed that the difference between basic and special responsibility allowances at the council was pronounced. Option D would reduce this gap;
- The basic allowance under option B was at a rate below the minimum wage, based on the hours members worked, as identified in the IRP report. As an authority that had adopted the living wage it was queried whether members would be content to adopt an allowance which fell below this threshold;
- The increase in the basic allowance would recognise the additional work required of members resulting from the new constitution and the reduced size of the committees;
- There would be no impact on the budget associated with the introduction of option D. Option B would result in a 2% budget increase;
- An increase in the basic allowance would encourage people from a broader range of backgrounds to consider becoming councillors. In particular young people needed to be offered incentives to become councillors;
- Option B represented a significant increase in SRAs for members of the Cabinet at a time when services were being cut and local residents' experienced the effects of inflation.

Councillor A Seldon requested that a recorded vote was conducted which was supported by over eight members of the council.

A recorded vote was held.

For Option B (26): Councillors BA Baker, H Bramer, CR Butler, MJK Cooper, PGH Cutter, BA Durkin, CA Gandy, DW Greenow, KS Guthrie, DG Harlow, JA Hyde, AW Johnson, JF Johnson, JG Lester, RL Mayo, MT McEvilly, PM Morgan, PD Newman, RJ Phillips, PD Price, P Rone, NE Shaw, J Stone, EJ Swinglehurst, DB Wilcox and SD Williams.

For Option D (18): Councillors JM Bartlett, TL Bowes, ACR Chappell, PJ Edwards, J Hardwick, EPJ Harvey, TM James, JLV Kenyon, MD Lloyd-Hayes, PP Marsh, RI Matthews, SM Michael, FM Norman, CA North, AJW Powers, A Seldon, D Summers, LC Tawn.

Abstentions (2): Councillors PA Andrews and WLS Bowen.

In respect of recommendation (a) Option B was approved as the scheme of basic and special responsibility allowances.

Councillor RJ Phillips declared a non-pecuniary interest in agenda item 10, recommendation (c) as vice chairman of the National Joint Council (Employers).

Councillor JG Lester proposed and Councillor PM Morgan seconded recommendations b, c and d in the report.

Members debated a motion to amend recommendation (b) to include qualification that training for members should be appropriate and meaningful.

Councillor PM Morgan proposed and Councillor BA Durkin seconded a motion to amend recommendation (b) to include the wording below:

...with a programme for continuing appropriate training as determined by the cabinet member.

The amendment and substantive recommendations were approved by a majority of votes.

Resolved that:

- (a) Having regard to the recommendations of the independent remuneration panel, council adopts option B as a scheme of basic and special responsibility allowances from the options set out in appendix 2;**
- (b) A two step mandatory training element is maintained in relation to the basic allowance with a programme for continuing appropriate training as determined by the cabinet member;**
- (c) Basic and special responsibility allowances is updated annually in line with the national joint council for local government services pay award for a period of not more than two years; and**
- (d) The current schemes of travel and subsistence, and child care and dependants' carers' allowances are retained with a requirement that expenses must be claimed within 12 months of being incurred.**

11. PROGRAMME OF ORDINARY MEETINGS

Council considered and agreed the programme of meetings set out on the agenda.

Concern was expressed at the premature cancellation of the meeting on 14 July. The Chairman confirmed that this meeting had been inadvertently cancelled and that the next council meeting would be held on 14 July, Concern was also expressed at the reduction of the number of ordinary council meetings and whether the new schedule was adequate to deal with council business in a timely and efficient manner.

The chairman confirmed that clarity regarding the amended schedule of council meetings would be provided following the annual meeting. Whilst it was always possible for an extraordinary meeting to be called if it became necessary, group leaders would be asked to consider the schedule and determine whether or not any additional ordinary meetings might be required.

The meeting ended at 12.13 pm

Chairman