

Agenda

Audit and governance committee

Date: **Tuesday 8 May 2018**

Time: **2.00 pm**

Place: **Committee Room 1, Shire Hall, St. Peter's Square,
Hereford, HR1 2HX**

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

For any further information please contact:

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Agenda for the meeting of the Audit and governance committee

Membership

Chairman **Councillor PD Newman OBE**
Vice-Chairman **Councillor ACR Chappell**

Councillor CR Butler
Councillor EPJ Harvey
Councillor RJ Phillips
Councillor AJW Powers
Councillor J Stone

Agenda

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THE PUBLIC RIGHTS TO INFORMATION AND ATTENDANCE AT MEETINGS		
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2.	NAMED SUBSTITUTES (IF ANY) To receive details any details of members nominated to attend the meeting in place of a member of the committee.	
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 meeting held on 21 March 2018.	9 - 16
5.	QUESTIONS FROM MEMBERS OF THE PUBLIC To receive questions from members of the public. <i>Deadline for receipt of questions is 5.00 pm on 2 May 2018 (2 clear working days from date of meeting).</i> <i>Accepted questions will be published as a supplement prior to the meeting.</i>	
6.	QUESTIONS FROM COUNCILLORS To receive any questions from councillors. <i>Deadline for receipt of questions is 5.00 pm on 2 May 2018 (2 clear working days from date of meeting).</i> <i>Accepted questions will be published as a supplement prior to the meeting.</i>	
7.	CAPITAL PROJECT MANAGEMENT AND CONTROL INTERNAL AUDIT PROGRESS REPORT To update the committee on progress in implementing the recommendations raised in the Internal Auditor's audit findings report regarding project management of the joint customer services hub (Blueschool House) capital project presented in September 2017.	17 - 34
8.	PROGRESS REPORT ON 2017/18 INTERNAL AUDIT PLAN To update members on the progress of internal audit work and to bring to their attention any key internal control issues arising from work recently completed.	35 - 66
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| 10. UPDATE FROM EXTERNAL AUDITOR | To provide the committee with a progress update of the work being undertaken by the external auditor. | 75 - 96 |
| 11. ANNUAL GOVERNANCE STATEMENT 2017/18 | To seek the views of the committee as to whether the draft annual governance statement properly reflects the risk environment the council is operating in and the appropriateness of any actions required to improve it. | 97 - 122 |
| 12. 2018 CONSTITUTION REVIEW | To consider the suggested amendments to the council's constitution proposed by the constitution review working group for recommendation to Council. | 123 - 224 |
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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.
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The chairman or an attendee at the meeting must take the signing in sheet so it can be checked when everyone is at the assembly point.

Guide to Audit and Governance Committee

The Audit and Governance Committee is a non executive committee of the council. The committee consists of 7 non executive councillors and may include an independent person who is not a councillor.

Councillor PD Newman OBE (Chairman)	Conservative
Councillor ACR Chappell (Vice Chairman)	Herefordshire Independents
Councillor CR Butler	Conservative
Councillor EJP Harvey	It's Our County
Councillor RJ Phillips	Conservative
Councillor AJW Powers	It's Our County
Councillor J Stone	Conservative

The purpose of the audit and governance committee is to provide independent assurance on the adequacy of the risk management framework together with the internal control of the financial reporting and annual governance processes. The committee do this by:

- (a) ensuring the effective and fully compliant governance of the council and in particular to ensure that all aspects of the financial affairs of the council are properly and efficiently conducted;
- (b) reviewing and approve the council's annual governance statement, annual statements of account, the contract procedure rules and financial procedure rules;
- (c) scrutinise the effectiveness of, and management compliance with, the systems identified in the annual governance statement framework;
- (d) monitor the progress made by management in implementing improvements to elements of that framework identified by external or internal audit review; and.
- (e) reviewing the constitution and recommending any necessary amendments to Council as appropriate.
- (f) reviewing the corporate risk register.

Who attends audit and governance committee meetings?

Coloured nameplates are used which indicate their role at the committee:

Pale pink	Members of the committee, including the chairman and vice chairman.
Orange	Officers of the council – attend to present reports and give technical advice to the committee
Green	External advisors - attend to present reports and give technical advice to the committee
White	Other councillors may also attend as observers but are not only entitled to speak at the discretion of the chairman.

Minutes of the meeting of audit and governance committee held at Committee Room 1, Shire Hall, St. Peter's Square, Hereford, HR1 2HX on Wednesday 21 March 2018 at 2.00 pm

Present: Councillor PD Newman OBE (Chairman)
Councillor ACR Chappell (Vice-Chairman)

Councillors: CR Butler, EPJ Harvey, RJ Phillips, AJW Powers and J Stone

Officers: Andrew Lovegrove, Alistair Neill, Laura Tyler, Stephen Vickers and Claire Ward

269. APOLOGIES FOR ABSENCE

There were no apologies for absence.

270. NAMED SUBSTITUTES (IF ANY)

None.

271. DECLARATIONS OF INTEREST

There were no declarations of interest.

272. MINUTES

RESOLVED:

THAT the minutes of the meeting held on 24 January 2018 be confirmed as a correct record and signed by the chairman.

273. QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no questions from members of the public.

274. QUESTIONS FROM COUNCILLORS

There were no questions from councillors.

275. CAPITAL PROJECT MANAGEMENT AND CONTROL INTERNAL AUDIT PROGRESS UPDATE

It was noted that the committee would be meeting the chief finance officer in private session once the committee meeting had been formally closed.

The chief finance officer presented the report and highlighted the following:

- All invoices now have to have a purchase order number otherwise they are sent back to the organisation.

- The internal control working group were thanked for their input which had been helpful.
- As from the new financial year, the system would require that all orders have a pre-loaded budget otherwise they will not proceed.
- The work on the Blueschool House recommendations had concluded but the internal control improvement board would continue as a continuous improvement board.

During the discussion, the following points were raised:

- Concern over the length of time that it would take to change the culture, especially as some of the recommendations were matters which should be a matter of course. The chief executive explained that it would take time to train approx. 1,200 employees on the new systems and for the culture to change. There were changes to how projects were monitored which included gateways which had to be met otherwise the project would not proceed.
- Blueschool House had exposed governance issues which should not have occurred. It was felt that the timescales needed to be tightened up and should be within 12 months.
- That if there was a culture that says you can work round any procedures, then this is separate to the roll out of training. A robust system would not be able to be by-passed as there would be checks and balances in place.

A member of the committee noted that there had been a recommendation at the committee meeting on 20 September 2017 that the corporate peer challenge have a focus on the economy, communities and corporate (ECC) directorate. The recent corporate peer challenge had not had a sole ECC focus and an assurance was sought that the recommendation had been discharged in its fullest sense. The chief executive explained that he had indicated at the committee meeting on 28 November 2017 that the peer challenge would not be solely focused on ECC. It was anticipated that the full final letter would be received within the next 2-3 weeks and the recommendations would be accepted and prioritised. However, the chief executive had contacted the lead chief executive reviewer and had provided a briefing on Blueschool House. As part of the information which had been sent to the peer challenge team, a position statement had been prepared which had also included Blueschool House. The chief executive agreed to circulate a copy of the position statement to the committee.

The chief executive further explained that the SWAP report into Blueschool House had concluded that the procedures and systems were in place but that individuals did not follow them. The report did not conclude that there was a broader culture issue. A further full and detailed investigation had been commissioned which looked into the detail of why the individuals had not followed the systems which related to ECC and the responsible service areas and appropriate HR action had been taken. The contents of the detailed investigation had been shared on a confidential basis with group leaders and members of the cabinet. A decision was taken that as these two pieces of work were more substantial than a peer review, the review would cover understanding of the local place and priority setting, leadership of place, organisational leadership and governance, financial planning and viability and capacity to delivery. The issue of governance directly relates to ECC as they are responsible for corporate services.

Given the recent S20 critical court judgement and the presence of the chief executive, the chairman exercised his discretion to allow questions on the S20 finding as they related to the functions of the committee.

It was noted that though the regular performance challenge meetings had been positively commented upon by both the corporate peer review team and the children's peer review team, the S20 judgement was an example of issues slipping through the net and procedures not being followed.

The chief executive stated that the judgement was fully accepted and apologised for the behaviour. It was explained that the actions went back to 2008 but that the council needed to ensure that proper practice will be followed and that appropriate action had been or will be taken. It was noted that it was professionally important that where the staff involved were no longer employed by Herefordshire Council that they and their employees are aware of the judgement. The chief executive set out the process which had been established for S20 cases:

1. All requests for admission to the looked after system must be presented to a legal gateway meeting or a threshold of care panel.
2. Every agreement to voluntary care must be reviewed by a member of legal team within 28 days.
3. Social workers must consider the capacity of those persons with parental responsibility when seeking informed consent for an action.
4. Independent Reviewing Officers must be satisfied that parents of children looked after under S20 of The Children Act 1989 understand what they have agreed to and continue to agree. They must be reminded of their ability to withdraw consent.
5. Independent Reviewing Officers must use the escalation process to challenge any instances of case drift.
6. All decisions made within legal gateway meetings should be followed up within a month by the relevant head of service.
7. The Placement Panel should review all looked after children who have been in Herefordshire Council's care for more than six months. This will take place until permanence is secured.

The chief executive explained that the approach to S20 had changed over a period of years and there will be other local authorities who will not have used this legislation appropriately. The care of the two young people mentioned in this case had been praised by the judge and this had been provided by Herefordshire foster carers.

A member of the committee commented that they were surprised that the above actions were not a matter of course.

Following a query from a committee member, it was confirmed that the matter does appear on the ECC directorate risk register. A discussion had taken place at management board and the matter would now be considered for inclusion on the corporate risk register.

It was noted that this matter had not been discussed at a performance challenge meeting. Whilst members could request to discuss any matters, it was difficult for them to find out issues, for example whilst information on S20 may have been presented to meetings, the data had not indicated the duration a child or young person remained S20, this meant that members do not know to ask questions if it is not flagged to them that there is an issue. The chief executive confirmed that members could request an update on any children or young people who are S20 and the length of time they have been S20.

RESOLVED

THAT the report be noted

276. UPDATE FROM EXTERNAL AUDITOR

Grant Thornton presented the report.

It was explained that appendix 2 to the report (Informing the risk assessment) was conducted at the start of the audit process. Management have populated responses to a framework provided by Grant Thornton and the committee is asked to confirm that they are happy with the responses.

A member of the committee stated that they were unsure how they gained assurance based on the answers which had been given. The S20 judgement was used as an example as this matter would have been going through the court system but had not been brought to the committee's attention. The solicitor to the council explained that case law in this area started to develop in 2015 in connection with S20. Once this happened, there was a theoretical risk that similar cases may result and it did appear on the corporate risk register but is currently on the ECC directorate risk register. As indicated by the chief executive, it may now appear on the corporate risk register. It was noted that this document related to the financial statement and value for money audit. As some members were not assured of the answers in the document, a vote was taken:

Five (5) in favour of confirming that the report had been reviewed and members assured of its content

Two (2) against confirming that the report had been reviewed and members assured of its content

RESOLVED

- THAT (a) the progress report and sector update be noted
(b) the informing the risk assessment had been reviewed and members were assured of the content**

277. INTERNAL AUDIT CHARTER

Members were presented with the annual internal audit charter for approval.

RESOLVED

THAT the internal audit charter be approved.

278. INTERNAL AUDIT PLAN 2018/19

SWAP presented the 2018/19 internal audit plan.

It was confirmed that the role of audit and governance committee was to oversee the work of internal audit.

Following a query from a member of the committee, it was confirmed that the audit of the process for the disposal of the smallholdings estate was being undertaken under the current audit plan.

It was further confirmed that the operational audit for troubled families would be the annual grant certification audit in connection with the troubled families grants and not include S20.

RESOLVED

THAT the 2018/19 internal audit plan be approved.

279. PROGRESS REPORT ON 2017/18 INTERNAL AUDIT PLAN

SWAP presented the report and highlighted:

- 22 audits had been completed;
- There had been 6 partial audits; 3 related to schools and the others were in relation to market intelligence, serious and organised crime and public health / emergency planning
- The annual internal audit opinion will be presented at the July committee meeting.

Following a query from a member of the committee in relation to the pie chart on page 118 of the committee pack, it was confirmed that internal audit do not give an opinion on all audits or follow up audits. The important factor was that all audit actions were actioned and the committee receives a 6 monthly update on outstanding audit actions.

It was noted that the delay in completing the small holdings audits were due to the long term sickness absence of a member of staff.

Market intelligence

The adult social care commissioning manager updated the committee on the progress to date in relation to the priority 4 audit findings. It was confirmed that the process is now more robust and there was confidence in the information and data being pulled into the dashboards with a clear reference to the data source to ensure consistency and accuracy of the data sets.

Serious and organised crime

The chief finance officer confirmed that the actions would be delivered by August 2018 and would focus on front line staff, e.g. revenues and benefits, and would include all types of crime including cyber.

Public health emergency planning

The Corporate Customer Information and Equality Manager updated the committee on the progress of the priority 4 findings.

It was explained that the emergency accommodation was that used in the event of a major or critical event. The accommodation list was now up to date and the housing solutions team have a robust approach.

It was noted that there were over 30 emergency plans and guidance. Ten plans had been identified as being out of date. Of these 10, 3 were multi-agency plans and there were plans for them to be reviewed; 2 were in progress and there had been 5 quick reviews to check if there had been any legislative changes. These 5 would be built into the work programme. It was noted that there was a resource issue for the team and it was suggested by the committee that they may wish to consider sharing resources with other local authorities.

RESOLVED

THAT the progress update be noted.

The meeting adjourned at 16:09 and re-convened at 16:17

280. CORPORATE RISK REGISTER

The directorate services team leader presented the Q3 corporate risk register which had been presented to Cabinet in February.

It was highlighted that one risk had been added and one removed since the committee had last received the register.

In response to a query from a committee member in relation to the transfer of money from the severe weather reserve to the Hereford transport package project, the chief finance officer confirmed that there was sufficient funding held in reserves for severe weather events. The severe weather reserves would have been run down due to the recent snow events and there were also general reserves which could be used. The peer challenge had recommended that the reserves be looked at.

The remit of the committee was to satisfy itself that an appropriate system was in place and operated to ensure that risks were appropriately assessed and reported. In order for the committee to assure itself that the escalation / de escalation of risk was being appropriately assessed in line with the performance, risk, opportunities (PROM) framework, it was agreed that the committee would receive a one-off report which would attach the directorate risk registers.

The directorate services team leader reported that changes to the PROM would be presented to cabinet for approval shortly. Changes included making the escalation process clearer and stronger and reviewing the scores and entries in the corporate risk register on a monthly basis. It was agreed that details of the changes to the PROM would be included in next report.

RESOLVED

THAT the report be noted

281. CONSTITUTION REVIEW WORKING UPDATE PROGRESS UPDATE

The solicitor to the council presented the report.

It was noted that the working group would be making recommendations to the committee at the May meeting.

RESOLVED:

THAT the report be noted.

282. FUTURE WORK PROGRAMME FOR 2018/19

The 2018/19 work programme was discussed. It was agreed that:

- The University assurance report be added to the July agenda
- SWAP's re-audit of the Blueschool House recommendations be added for September 2018
- There would be a Blueschool House report in May but not July. A closure report would be presented in September 2018.

RESOLVED

THAT subject to the above, the 2018/19 work programme be agreed.

283. MEETING DATES FOR 2018/19

The meeting dates for 2018/19 were noted.

The meeting ended at 4.53 pm

Chairman



Meeting:	Audit and governance committee
Meeting date:	Tuesday 8 May 2018
Title of report:	Capital project management and control internal audit progress report
Report by:	Chief finance officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose and summary

To update the committee on progress in implementing the recommendations raised in the Internal Auditor's audit findings report regarding project management of the joint customer services hub (Blueschool House) capital project presented in September 2017.

Recommendation(s)

That:

- (a) **The committee reviews progress of the plans to implement the recommendations raised by SWAP in their audit findings report regarding project management of the joint customer services hub (Blueschool House) capital project.**

Alternative options

1. There are no alternative options; this report ensures the committee is fully briefed on progress on the recommendations raised by the internal auditors.

Key considerations

2. The changes in the financial system have been implemented from the start of the new financial year, the no purchase order no payment process changes were implemented from the start of the new financial year, all orders raised in the system need the appropriate budget to be loaded into the financial system. Invoices submitted by suppliers that do not quote an official order number are being automatically returned to suppliers.
3. The Capital Strategy Working Group is reviewing a number of amendments to the suite of templates for the following:
 - Overarching project reports;
 - Feasibility phase business case;
 - full business case;
 - financial modelling templates to support the above;
4. Attached at appendix 1 is the Corporate Peer Challenge feedback, this has been published on the Council's website and cabinet is scheduled to consider the findings and agree how those findings will be used to inform improvement plans at its meeting of 28 June 2018.
5. SWAP have scheduled in their work program appropriate work to be carried out to enable them to review the changes made report to the committee in September

Community impact

6. To ensure clear and transparent processes are in place to govern how resources of the council are effectively managed supports the council's corporate plan objective to manage finances effectively and to demonstrate one of the council's values, namely to be open, transparent and accountable.

Equality duty

7. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
8. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this is a decision on back office functions we do not believe that it will have an impact on our equality duty.

Resource implications

9. There are no resource implications arising directly as a result of the recommendations in the SWAP report. However the recommendations reflect best practice for governance and project management of major projects. Adopting these measures and ensuring best practice is adhered to at all times will ensure that the council achieves best value for its projects.

Legal implications

10. There are no legal implications arising directly as a result of this update.

Risk management

11. The report does not result in new additional risks.

Consultees

12. None

Appendices

Appendix 1 - Corporate Peer Challenge feedback

Background papers

None.

Corporate Peer Challenge **Herefordshire Council**

6th – 9th February 2018

Feedback Report

1. Executive Summary

The Council has a good understanding of the county and strong ambitions for Herefordshire. Some of this knowledge and vision is clearly documented, including within the Council's Integrated Needs Assessment and Corporate Plan. In addition, we were impressed by the comprehensive understanding of the county, and its challenges, demonstrated by both members and officers during the peer challenge. There is a clear identity with, and commitment to, Herefordshire across the Council and key partner organisations.

The Council is a well-respected player at the sub-regional level with a track-record of success. For example, the Council has secured significant benefits through the Marches Local Economic Partnership (LEP) and close working with Gloucestershire has improved broadband provision. We would encourage the Council to continue to look outwards to secure investment and other benefits for the county, including through its ongoing engagement with a range of regional and sub-regional partners.

There is a willingness within the Council to proactively work with local partners to deliver change. This includes initial activity under the heading of 'One Herefordshire' to support the closer integration of health and social care, and activity with schools to improve attainment levels.

The Council should further evolve its relationships with communities, including through parish and town councils. While the Corporate Plan includes an explicit aim to enhance community resilience, we could not identify a coordinated approach. Given the importance of enhancing resilience, both in terms of managing demand and supporting a thriving county, there needs to be a strategic approach and potentially further investment.

The Council has successfully delivered financial savings in recent years, while at the same time increasing general and earmarked reserves. As a result, the Council is in a relatively secure financial position over the medium term which provides a platform to realise the county's ambitions.

Within the Council there is an appetite to learn, a desire to improve, and an awareness of key areas for change. A range of externally supported arrangements have been put in place to assist its improvement journey. This includes a peer review of children's safeguarding, and sub-regional work to support adult and children's social care. Internally, there are directorate performance challenge sessions and a continuous performance improvement programme. Significantly, the importance of supporting future economic growth has been recognised.

The organisation should be more corporate (i.e. whole organisation rather than directorate focused), and take a joined-up approach to engagement, partnerships and delivery. The Council's default way of working is service and directorate based. As a result, the Council's approach can be fragmented and sometimes may appear so to residents. Performance challenges are typically addressed at a directorate level, rather than corporately, which means the benefits of improved coordination and reduced duplication

can be lost. There may be value in reviewing whether existing governance structures and the allocation of resources supports a 'One Council' approach.

The Council should be confident in its political and community leadership role. This report identifies a number of significant successes for which the Council should be proud. In order to realise its future ambitions – whether it be in terms of delivering growth, driving performance improvement or supporting community resilience – the Council will need to demonstrate strong leadership. This is likely to include a clearer narrative of how both the place and organisation will change, and a renewed focus on organisational delivery.

The Council benefits from an engaged workforce that is proud to work for Herefordshire. The Council has recently taken positive steps to focus more on organisational development. In recognising the need to support staff to have the right mix of skills and behaviours for changing service demands, the Council should seek to support a workforce that is resilient, creative, collaborative and empowered.

External communications should be more proactive and coordinated to better promote the Council's achievements and increase awareness of its vision. We found that the Council's communications were typically reactive and service-led. This means that the organisation is often not effective at communicating its key messages or engaging with residents.

2. Key recommendations

There are a range of suggestions and observations within the main section of the report that will inform some 'quick wins' and practical actions. In addition, many of the conversations onsite provided ideas and examples of practice from other organisations. The following are the peer team's key recommendations to the Council:

- 1. Articulate a longer term vision for Herefordshire including the development of a compelling narrative with your strategic partners under the banner of One Herefordshire. This will help clarify your ambition and establish your 'USP'.** The existing focus on bringing some key partners together, 'One Herefordshire', is encouraging and should be developed further. A strong, clearly communicated narrative – agreed by stakeholders across the county – will help sharpen the focus on local priorities and assist when seeking to secure benefits at a national, regional and sub-regional level.
- 2. Ensure consistent delivery and follow through to turn the positive rhetoric into reality – including relationships with communities and engagement with strategic partners.** The Council can point to a number of achievements and good intentions in relation to community engagement and partnership working. However, in order to fully realise its ambitions, the Council should focus more on how it supports communities at a local level and ensure that partnership working is embedded across all parts of the organisation.
- 3. Undertake a strategic review of your finances so that the potential to resource your ambition and priorities over the medium term is maximised.** 2018/19 is an opportune time for the Council to undertake a review of its resources and financial

planning. This review should ensure that resources are explicitly linked to priority outcomes and consider further the Council's existing allocation of general and earmarked reserves.

4. **Consider expanding your presence, profile and influence on the regional stage (and beyond) using your narrative and USP.** The Council has been active in the Marches LEP, as well as engaging with the Midlands Engine, Midlands Connect and the West Midlands Combined Authority. Given the importance of economic growth to the county's future ambitions, the Council must seek to expand its influence, and continue to develop strong relationships at a national, regional and sub-regional level.
5. **Develop a more strategic, collaborative and corporate approach to building more resilient communities.** While supporting resilience is an explicit corporate aim, we found that this priority was often pursued without a coherent approach and with limited corporate commitment.
6. **Further cultivate 'One Herefordshire' by developing a 'One Council' approach, specifically:**
 - Create more space for the political and officer leadership to work together strategically
 - Give your managers the space to think and do
 - Build a 'top table' (Strategic Management Team)
 - Continue to strengthen your governance
 - Shift the strategic and operational focus from Directorates to One CouncilThe Council would benefit from greater central coordination – with more emphasis on cross-council rather than directorate-led approaches. Officers and members need to find sufficient time to come together to plan strategically.
7. **Build on your success and have the confidence to work with your top team to drive and deliver your political priorities.** The Council's political leadership should work closely with senior officers to ensure that political priorities are translated into plans, programmes and delivery. This includes a clear narrative of how the place and organisation will need to change.
8. **Within the context of a corporate transformation programme, develop a more strategic approach to your workforce to ensure alignment with ambition and priorities.** The Council does not currently have a corporate transformation programme; service change projects are currently planned and delivered within directorates. There is benefit to a cross-council approach to organisational change which explicitly aligns the Council's workforce activities to its priorities. This would include planning for and developing a workforce with the right skills and behaviours necessary to deliver on your ambitions.
9. **Use your communications more proactively to build support and understanding of your vision, ambition and direction of travel.** The Council acknowledges that a more proactive and coordinated approach to external communications would improve the organisation's ability to share its key messages.

3. Summary of the Peer Challenge approach

The peer team

Peer challenges are delivered by experienced elected member and officer peers. The make-up of the peer team reflected your requirements and the focus of the peer challenge. Peers were selected on the basis of their relevant experience and expertise and agreed with you. The peers who delivered the peer challenge at Herefordshire Council were:

- Nick Carter, Chief Executive, West Berkshire Council
- Glen Sanderson, (Con) Cabinet member (Local Services and Environment), Northumberland Council
- Helen Isaacs, Director of Governance and Democracy, North East Lincolnshire Council
- Kevin Jones, Strategic Director, Local Partnerships
- Sarah Messenger, LGA Workforce Consultant
- Paul Clarke, Programme Manager, LGA
- Kevin Kewin, Programme Manager, LGA

Scope and focus

The peer team considered the following five questions which form the core components looked at by all Corporate Peer Challenges (CPCs). These are the areas we believe are critical to councils' performance and improvement:

1. Understanding of the local place and priority setting: Does the council understand its local context and place and use that to inform a clear vision and set of priorities?
2. Leadership of Place: Does the council provide effective leadership of place through its elected members, officers and constructive relationships and partnerships with external stakeholders?
3. Organisational leadership and governance: Is there effective political and managerial leadership supported by good governance and decision-making arrangements that respond to key challenges and enable change and transformation to be implemented?
4. Financial planning and viability: Does the council have a financial plan in place to ensure long term viability and is there evidence that it is being implemented successfully?
5. Capacity to deliver: Is organisational capacity aligned with priorities and does the council influence, enable and leverage external capacity to focus on agreed outcomes?

In addressing these questions, the Council asked the peer team to consider some particular issues, including in relation to scrutiny, organisational culture, policy

development and decision making. We have included observations on these elements, where relevant, within the appropriate section of the report.

The peer challenge process

It is important to stress that this was not an inspection. Peer challenges are improvement focused and tailored to meet an individual council's needs. They are designed to complement and add value to a council's own performance and improvement arrangements. The process is not designed to provide an in-depth or technical assessment of plans and proposals. The peer team used their experience and knowledge of local government to reflect on the information presented to them by people they met, things they saw and material that they read.

The peer team prepared for the peer challenge by reviewing a range of documents and information in order to ensure they were familiar with the Council and the challenges it is facing. The team then spent four days onsite at Herefordshire Council, during which they:

- Spoke to more than 100 people including a range of council staff together with councillors and external partners and stakeholders.
- Gathered information and views from more than 40 meetings, visits to key sites in the area and additional research and reading.
- Collectively spent more than 250 hours to determine their findings – the equivalent of one person spending more than seven weeks in Herefordshire.

This report provides a summary of the peer team's findings. It builds on the feedback presentation provided by the peer team at the end of their on-site visit (6th – 9th February 2018). In presenting feedback to you, they have done so as fellow local government officers and members, not professional consultants or inspectors. By its nature, the peer challenge is a snapshot in time. We appreciate that some of the feedback may be about things you are already addressing and progressing.

4. Feedback

4.1 Understanding of the local place and priority setting

Members and officers have a good understanding of the county, including the strengths and challenges related to its rurality and demography. The Council's Corporate Plan was informed by local engagement and a strategic needs assessment, and reflects key local issues. Positively, the Council has acknowledged the importance of economic growth to the organisation and Herefordshire, and has taken a number of steps to progress this. However, despite the strong local understanding and commitment, the Council has not undertaken a representative survey of residents for more than five years. We would suggest undertaking a robust survey to test alignment between residents' priorities and those of the Council.

There is potential to develop a more coherent and compelling narrative, with strategic partners, about your ambition for Herefordshire. The Corporate Plan sets out a local authority narrative, the Economic Vision sets out the broad investment picture and there are a number of other key council and partnership strategies. However, the overall narrative – for the Council and place - could be refined and better communicated. It is notable, for example, that the recent staff survey found that many employees did not think the Council had a clear sense of direction.

Strategic priority setting and planning appears to typically take place at a directorate rather than corporate level. This is evident from financial planning processes as well as performance management arrangements. We would advocate a more joined up approach that supports greater coordination of key issues, such as community resilience and how diversity is recognised and valued. It would also encourage services to consider fully council or county-wide benefits, such as broader social value gains from procurement.

The Council recognises that it needs to take a more coordinated approach to engagement and locality working. While there is evidence of effective work at a local level – including more than thirty neighbourhood development plans – there is limited corporate oversight of engagement activity. Engagement work is led by the relevant service area which can risk duplication and consultation fatigue. The level of close locality working with parish and town councils appears to be an area for further development and there is learning in the sector to bring to this issue. This provides a significant opportunity for the Council which it could explore further with ward members and wider stakeholders

4.2 Leadership of Place

The Council is a well-respected player at a sub-regional level. For example, Herefordshire has secured significant benefits for the county through its close working with the Marches Local Enterprise Partnership. The Council has also recently been awarded national funding, including investment from the Department of Transport to improve local road connections.

There is strong evidence of the Council proactively working with others to respond to and realise opportunities. For example, the Council has helped achieve funding for a new university, secured a private development on the old livestock market site and supported

the Hereford Enterprise Zone. The Council has also maintained an active role in assisting schools, despite limited resources, including positive work with head teachers and governors.

However, there is not currently a consistent articulation of Herefordshire's 'unique selling point', which potentially constrains the Council's impact at a regional level and beyond. Although the Council has a good understanding of the area's current and potential future economic specialisms, it would benefit from a stronger articulation of the county's proposition, to fully capitalise on the county's geographical links, including to the Midlands, the South West and Wales. This will involve further consideration of the Council's enabling role and a clear explanation of investment opportunities that will contribute to local growth.

The Council is seeking to develop a 'One Herefordshire' approach to public service reform and economic development. This is a sensible direction of travel as the Council will increasingly need to work beyond the boundaries of its direct authority. There are examples of strong place-based working, using a systems approach, including recent progress in relation to health and social care integration. It is not unusual that system-wide leadership is reliant on a small number of individuals, but the Council will want to consider further how it can embed such approaches. There is potential for the Council to foster a more system leadership focus, including through its forthcoming management development programme. This could include support for managers to work through networks and with stakeholders, including residents.

4.3 Organisational leadership and governance

We found officer and member relationships to be professional and sound, although recent incidents – including difficulties surrounding the refurbishment of Blueschool House – have caused tensions. Positively, there has also been a cross-party review of the constitution, with the Audit and Governance Committee overseeing that it remains fit for purpose.

The Council has a good understanding of the importance of scrutiny and challenge, and an appetite to make the new arrangements work. Feedback on the new scrutiny structure, including the additional new committee, was favourable. External partners were also positive of their experience of scrutiny. Non-executive members set the scrutiny agenda and it was felt scrutiny has informed and influenced decision making.

The Council's directorate performance challenge sessions are an example of innovative practice. While many councils operate performance groups, the active participation of cabinet members, relevant scrutiny chairs and political group leaders within them is a very positive style of working. It is an interesting approach that shows a commitment to engaging members on a cross-party basis. This was welcomed, and appreciated, by members, and can be further developed to ensure non-executive councillors are informed of key announcements more generally, including those that relate to activity in their wards.

There is a need to move from directorate leadership to corporate leadership and ensure that organisational capacity is clearly linked to corporate priorities. The Council's current organisational structure does not foster a coordinated approach to key challenges. Key

corporate functions – such as finance, legal, policy and communications – currently sit within Economy, Communities and Corporate (ECC) – one of the Council’s three Directorates. Although we found evidence of effective cross-council working, a different structure would support more systematic and embedded co-ordination. Budget, performance and risk management are currently directorate-led activities; greater corporate oversight will support a more joined-up approach and sight of the emerging strategic issues.

The organisation’s culture appears to have evolved rather than been defined. Although the Council has articulated a set of core values, the existing directorate-led approach may not foster a corporate culture. The recently revised Personal Performance Development Plan (PPDP) process, which includes a specific section on values and culture, provides an opportunity for managers and all staff to consider these issues further. The recent staff survey findings also provide insight into the culture of the organisation as experienced by staff. We would recommend that the Council analyse and address key differences between directorates. In considering potential actions, the Council should consider the importance of defining and embedding the right values and behaviours as well as structural changes.

It is not completely clear where strategic thinking and strategic decision making happens. The membership of the existing Management Board is large – including heads of service. The Board’s primary focus appears to be facilitating reports through the decision making process rather than providing a forum for leadership. Similarly, the informal executive meeting (Leader’s briefing) often responds to officer reports rather than instigating horizon scanning and longer-term thinking. We would recommend that these structures are reviewed to place more focus on providing senior officers and members with greater opportunities to lead collaboratively, including by setting the agenda for what is discussed and shaping the Council’s strategic thinking.

There were some comments from external stakeholders of slow decision-making or delivery within the Council. It was not possible – within the time available – to investigate the particular examples to ascertain whether the concerns were legitimate or reflected necessary Council processes, including due diligence. It may be worth the Council testing this perception further with partners, including as it develops its One Herefordshire approach.

4.4 Financial planning and viability

Financial statements suggest that the Council should be financially sustainable over the medium term; this view has also been supported by the external auditor. While the Council has delivered significant financial savings, we found that financial planning could be more explicitly linked to the Corporate Plan. The budget setting arrangements, and identification of savings proposals, appears to be a directorate-led process. As a result, there is a potential to test whether resources are fully aligned with priority outcomes.

In addition to successfully delivering financial savings in recent years, the Council’s general fund balance and earmarked reserves have increased. Council reserves are held for a range of purposes including to cover the costs of unforeseen events, fund transformation activity, smooth the late delivery of savings plans and, in the case of

earmarked reserves, meet future identified spending commitments. 2018/19 would be an opportune time to undertake a strategic financial review of Council finances. This work would allow the Council to assess whether it has the appropriate balance within its reserves, including the respective allocations to general and earmarked reserves, and whether there is the potential for the Council to further resource its priorities over the medium term.

There is evidence of improving revenue budget management supported by regular reporting. The Council also recognises that there is further work to do on the management of the Council's capital programme, and that capital monitoring has been less systematised. The Council's financial reporting indicates that there was a capital underspend of £21.2 million in 2016/17; this was 28 per cent of the £77 million programme. At the same time, there has been high-profile issues relating to capital projects, including the refurbishment of Blueschool House which included a significant unauthorised overspend.

The peer team were made aware of the issues relating to the management of Blueschool House as a key part of the context of the Corporate Peer Challenge. We did not seek to investigate the background to this particular issue as it has been subject to a special investigation by internal audit as well as an independently-led HR investigation. Rather, the peer team's work included a focus on understanding whether processes are effective and whether there is a culture to address problems when they arise. The peer team did not find evidence that the issues in relation to Blueschool House were a manifestation of systemic cultural issues with the Economy, Communities and Corporate Directorate. We note the Council's improvement actions planned, and undertaken, which seek to strengthen capital management and mitigate against any further incidents of this type. We emphasise the importance of maintaining this focus.

The Council has been generally successful in the delivery of its savings targets – approximately £70 million between 2010 and 2017. However, there is limited evidence of robust scrutiny of the development of savings plans, their implementation and their impact. This may become a greater issue in the future as further savings are made, including those that are likely to be more difficult to realise. The Council is planning to make savings of £12.9 million in 2018/19 and £4.8 million in 2019/20. Many of the proposals relate to adult and children's services where there is evidence of existing overspending. Under current arrangements, savings plans are primarily managed at a directorate-level. There is potential for a more corporate approach to identifying, scrutinising, delivering and monitoring savings. As well as providing central visibility and challenge, it would also help identify interdependencies and synergies across council services.

The Council has acknowledged the difficulties highlighted in the findings of the 2016/17 external audit. These included weaknesses in the quality and accuracy of the accounts presented but also in how the audit was supported by the Council. We were pleased to note that plans were in place to improve the situation for 2017/18, particularly in light of the new 31 July deadline for issuing opinion on the accounts; there needs to be a continued focus on addressing external audit findings.

4.5 Capacity to deliver

Employees we met appeared happy, engaged and passionate about working for the Council. The Peer Challenge considered the recent staff survey results which are broadly in-line with those of similar councils. In addition, in the discussions with staff, we found employees to be positive and committed to the organisation and Herefordshire as a place. The Council has also reported greater stability, with a 50 per cent reduction in agency staffing over the last year. These elements provide a good platform for the Council's improvement journey.

The Council's leadership structures could be developed further. As highlighted above, there is benefit from creating more space for the Council's most senior officers, and cabinet members, to think strategically. Constrained budgets have meant a scaling back of strategic workforce activity in recent years, which raises questions about succession planning, talent management and skills. The Council has acknowledged this with investment in a new lead role for organisational development and the creation of a corporate training budget. We would advocate a cross-council approach to workforce planning, which recognises particular specialisms and is explicitly linked to an overarching council transformation plan.

In recent years, as part of the Council's budget reductions, staff training opportunities were significantly reduced and focused particularly on e-learning. Given the requirement for staff to work differently to meet council priorities, there is a need for a greater focus on personal development. The Council has begun to recognise this with a new induction and management programme due to launch in April 2018. We would recommend that this programme uses a range of methods (beyond online training) and includes a focus on the particular issues identified during the peer challenge process, including community engagement and programme management. The revised Personal Performance Development Plan (PPDP) which has been rolled out should provide further insight into the training needs of staff across the Council.

There are also potential benefits from more support for members to assist them to carry out their roles. Current member development activity is focused particularly on mandatory training, alongside some LGA development opportunities. We would recommend that the Council invests further, including supporting members to seek development opportunities beyond their portfolios and committee positions, such as community leadership and partnership working.

The Council recognises the need to lever external resources to deliver its ambitions for Herefordshire. For example, the Council worked with external partners to produce a business case which secured £23 million of government funding to establish a new university in Hereford. This work will need to continue sub-regionally, regionally and nationally in order for the Council to support better local outcomes. Positively, the Council has recognised the importance of developing effective working relationships with key partners beyond Herefordshire.

The Council has a stated intent to build community resilience but needs to further articulate what this means and how it will be supported in a strategic and coordinated way. The relationships with parish and town councils will have an important role to play. Alongside

this, the Council should consider other options for connecting and assisting residents and communities to support each other, including the role of ward councillors, digital technology and the voluntary and community sector. We recognise that different areas of Herefordshire will not suit a 'one size fits all' approach; nevertheless, the Council's engagement and resilience activity needs to be part of a coherent framework that is developed and delivered in partnership with others.

The Council has a mixed track-record relating to project and programme management. Alongside a range of successfully delivered projects, such as the new Herefordshire Archive and Record Centre, there have been a number of delayed or less successful examples. The Council has recognised this and taken steps to improve project management arrangements, including a new, more rigorous, project management system to support capital projects. This work needs to continue, complemented with corporate learning and development activity.

While there are many examples of successful service-based change projects and efficiencies, there does not appear to be strategic, cross-council approach to transformation. There are clear advantages of the Council taking a more consistent approach. Residents do not differentiate between different parts of the Council when accessing services and there needs to be a coordinated response to understanding, and mitigating, the impacts of budget reductions across services. A cross-council approach to transformation would also help maximise the benefits of particular approaches across services, for example, when seeking to manage demand or optimise income.

Staff were generally positive about the Council's Better Ways of Working (BWOW) programme. The rationale underpinning the programme is sound and it may help deliver cost savings, and greater flexibility for staff, at the same time as supporting better services. Similarly, the Continuous Performance Improvement Programme (CPIP) has a welcome focus on supporting better outcomes, and we were made aware of activity seeking to make the Council more digital. While all of these initiatives are welcome, there would be greater value from them if they were linked under a broader transformation approach. To maximise benefits, these activities should be aligned and underpinned by a coherent view of the role and shape of the organisation now and in the future. Successful implementation will require appropriate support for managers alongside effective coordination and relevant resources.

The Council's approach to external communications is often reactive and uncoordinated. This is evidenced by the absence of a council-wide communications plan, the existence of more than 40 social media channels and a fragmented approach which makes it more difficult for the Council to evaluate its communications impact. Disappointingly, an LGA Communications Healthcheck, undertaken in 2015, identified a number of similar issues. However, there have been a number of recent steps towards improvement, including a published communication strategy and a redesign of the communications service. A greater dialogue between the communications function and the services it works with, alongside a more targeted approach, would enable the Council to be better share its key messages, celebrate its achievements and engage local people.

5. Next steps

Immediate next steps

We appreciate the senior managerial and political leadership will want to reflect on these findings and suggestions in order to determine how the organisation wishes to take issues forward.

As part of the peer challenge process, there is an offer of further activity to support this. The LGA is well placed to provide additional support, advice and guidance on a number of the areas for development and improvement and we would be happy to discuss this. Helen Murray, Principal Adviser, is the main contact between your authority and the Local Government Association (LGA). Her contact details are: helen.murray@local.gov.uk, 07884312235.

In the meantime we are keen to continue the relationship we have formed with the Council during the peer challenge. We will endeavour to provide signposting to examples of practice and further information about the issues we have raised in this report to help inform your ongoing consideration.

Follow up visit

The LGA Corporate Peer Challenge process includes a follow up visit. The purpose of the visit is to help the Council assess the impact of the peer challenge and demonstrate the progress it has made against the areas of improvement and development identified by the peer team. It is a lighter-touch version of the original visit and does not necessarily involve all members of the peer team. The timing of the visit is determined by the Council. Our expectation is that it will occur within the next 2 years.

Next Corporate Peer Challenge

The current LGA sector-led improvement support offer includes an expectation that all councils will have a Corporate Peer Challenge or Finance Peer Review every 4 to 5 years. It is therefore anticipated that the Council will commission their next Peer Challenge before February 2023.



Meeting:	Audit and governance committee
Meeting date:	Tuesday 8 May 2018
Title of report:	Progress report on 2017/18 internal audit plan
Report by:	Chief finance officer / internal audit

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards)

Purpose and summary

To update members on the progress of internal audit work and to bring to their attention any key internal control issues arising from work recently completed. To enable the committee to monitor performance of the internal audit team against the approved plan.

To assure the committee that action is being taken on risk related issues identified by internal audit. This is monitored by acceptance by management of audit recommendations and progress updates in implementing the agreed action plans. In addition, audit recommendations not accepted by management are reviewed and progress to an appropriate recommendation to cabinet if it is considered that the course of action proposed by management presents a risk in terms of the effectiveness of or compliance with the council's control environment.

Recommendation(s)

That:

- (a) **performance against the approved plan be reviewed and any areas for improvement identified; and**
- (b) **the robustness of the management response to recommendations be reviewed and any recommendations for strengthening the response to further mitigate risk be identified.**

Further information on the subject of this report is available from
Jacqui Gooding, email: Jacqui.Gooding@southwestaudit.co.uk

Alternative options

1. There are no alternative recommendations; it is a function of the committee to consider these matters in fulfilling its assurance role.

Key considerations

2. The internal audit progress report is attached at appendix A. In the period covered by the report, ten priority 4 recommendations were made. A summary of the significant findings are provided within the appendix.
3. The annual plan summary and a glossary of terms is also provided within the appendix.

Community impact

4. The council's code of corporate governance commits the council to managing risks and performance through robust internal control and strong public financial management and to implementing good practices in transparency, reporting, and audit to deliver effective accountability. By ensuring robust management responses to identified risks, the council will be better able to meet its corporate plan priority to secure better services, quality of life and value for money.

Equality duty

5. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
6. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this is a decision on back office functions, we do not believe that it will have an impact on our equality duty.

Resource implications

7. None arising from the recommendations; any additional recommendations made by the committee will be considered by the relevant manager or cabinet member and the financial implications of accepting those recommendations will be considered then.

Legal implications

8. None.

Risk management

9. There is a risk that the level of work required to give an opinion on the council's systems of internal control is not achieved. This is mitigated by the regular active management and monitoring of progress against the agreed internal audit plan.
10. Risks identified by internal audit are mitigated by actions proposed by management in response. Progress on implementation of agreed actions is reported to this committee every six months.

Consultees

11. None.

Appendices

Appendix A – SWAP plan progress report 2017-18

Background papers

12. None identified.

Herefordshire Council

Report of Internal Audit Activity

Plan Progress 2017/18 Quarter 4

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Contents

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Our audit activity is split between:

- **Operational Audit**
- **School Themes**
- **Governance Audit**
- **Key Control Audit**
- **IT Audit**
- **Grants**
- **Other Reviews**

Role of Internal Audit

The Internal Audit service for Herefordshire Council is provided by South West Audit Partnership Limited (SWAP). SWAP is a Local Authority controlled Company. SWAP has adopted and works to the Standards of the Institute of Internal Auditors, further guided by interpretation provided by the Public Sector Internal Audit Standards (PSIAS), and the CIPFA Local Government Application Note. The Partnership is also guided by the Internal Audit Charter approved by the Audit and Governance Committee at its meeting on 21 March 2018.

Internal Audit provides an independent and objective opinion on the Authority's control environment by evaluating its effectiveness. Primarily the work includes:

- Operational Audit Reviews
- Cross Cutting Governance Audits
- Annual Review of Key Financial System Controls
- IT Audits
- Grants
- Other Special or Unplanned Review

Internal Audit Plan Progress 2017/2018

Outturn to Date:

We rank our recommendations on a scale of 1 to 5, with 1 being minor or administrative concerns to 5 being areas of major concern requiring immediate corrective action

Internal Audit Work Programme

The schedule provided at Appendix C contains a list of all audits as agreed in the Annual Audit Plan 2017/18. It is important that Members are aware of the status of all audits and that this information helps them place reliance on the work of Internal Audit and its ability to complete the plan as agreed.

Each completed assignment includes its respective “assurance opinion” rating together with the number and relative ranking of recommendations that have been raised with management. In such cases, the Committee can take assurance that improvement actions have been agreed with management to address these. The assurance opinion ratings have been determined in accordance with the Internal Audit “Audit Framework Definitions” as detailed on pages 12 and 13 of this document.

To assist the Committee in its important monitoring and scrutiny role, in those cases where weaknesses have been identified in service/function reviews that are considered to represent significant service risks, a summary of the key audit findings (Priority 4 and 5) that have resulted in them receiving a ‘Partial Assurance Opinion’ have been summarised in Appendix D.

Internal Audit Plan Progress 2017/2018

Outturn to Date:

We rank our recommendations on a scale of 1 to 5, with 1 being minor or administrative concerns to 5 being areas of major concern requiring immediate corrective action

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Internal Audit Work Programme

This is the quarter 4 update for 2017-18. Eight audits have been completed since my last update and there are four audits at Draft report waiting for management response. Three audits were assessed as Partial assurance and ten priority 4 findings were identified across the three audits.

The following audits have been completed since the last update:

Audit	Assurance
Project assurance - (Q1 to Q4) - Mosaic Board Governance	Advisory
Annual Care Assessment Process – Adults Wellbeing	Partial
Safeguarding – Adults Wellbeing	Reasonable
Children, young people and families - Part time timetables	Partial
EziTracker – Adults Wellbeing	Advisory
Capital Accounting	Follow Up
School	Special investigation
Data Quality - Decision Making Reports and Corporate Budget Performance Reports	Partial

All significant findings (priority 4 and 5) are detailed in Appendix D.

Outturn to Date:

We rank our recommendations on a scale of 1 to 5, with 1 being minor or administrative concerns to 5 being areas of major concern requiring immediate corrective action

Internal Audit Work Programme

Annual Care Assessment Process – Social Care Workforce Performance - Partial

The objective of the audit was to review the front-line staff performance for a substantial care assessment plan and how effectively is performance managed.

Overall performance is monitored via a team scorecard which covers key measures including sickness, personal development plans, mandatory training, reviews, timeliness of work completed and staff productivity. Performance monitoring is included as a standard agenda item at the monthly Head of Operations Business & Performance meeting attended by locality managers where discussion of the key issues takes place. Some areas of underperformance have been identified and work is ongoing to address this.

It was evident that the locality managers and senior practitioners were providing good support in the form of guidance, training and shadowing in respect of quality consistency or improvement in the preparation of assessments or reviews. However, locality managers were at different stages of understanding in the expectations in respect of throughput of cases, despite having this information populated in their individual team plans.

To reinforce expectations the Head of Operations and Safeguarding Services plans for the locality managers to use the team plans to report into the monthly performance meeting.

Inconsistencies and inaccuracies in management information have been recognised and this is being addressed.

The audit identified that progress is being made but there is still work required. There was one priority 4 finding and six priority 3 findings.

Outturn to Date:

We rank our recommendations on a scale of 1 to 5, with 1 being minor or administrative concerns to 5 being areas of major concern requiring immediate corrective action

Internal Audit Work Programme

Data Quality – Decision Making Reports and Corporate Budget Performance Reports – Partial

The objective of the audit was to provide assurance that transparent and accurate data is included in key decision reports to enable effective informed decision making by Members and assurance that accurate data is included in quarterly performance reports. Errors have previously been identified by staff and members in Corporate Budget Performance Reports and Key Decision reports when presented to Cabinet and Management Board. The errors identified point to control weaknesses regarding the verification processes for both types of reports, which require attention to ensure that decision making processes are based on accurate, complete and transparent information.

The review of Key Decision reports focused on the controls within the Modern.gov software, as all key decision reports have to be circulated and reviewed via this medium. Any shortfall in level of control attached to the use of this software can increase the risk of errors in reports not being highlighted prior to publication. However, a well-controlled system should minimise the risk of these occurrences.

A lack of awareness of “Understanding Herefordshire” was identified. Although the Council’s Report Writing Guide on the intranet does reference the use of data, the Council needs to ensure that staff understand what data can be included, how this should be structured, the importance of its transparency; and if necessary checked by the Strategic Intelligence team for accuracy.

Issues were found around the level of information that can be recorded by reviewers in respect of their requested changes to reports, in that versions of amended reports with tracked changes are not retained past version approval points on Modern.gov. This can lead to reviewers not recognising that their requested changes have not being actioned when they receive the next report version.

Management Board and Directorate Management Board meetings require improvements to controls to ensure a consistent, open and transparent review of financial data takes place across the organisation including:

- implementation of terms of references for meetings;
- a more consistent approach to minute and action plan recording; and
- ensuring regular meetings take place.

Outturn to Date:

We rank our recommendations on a scale of 1 to 5, with 1 being minor or administrative concerns to 5 being areas of major concern requiring immediate corrective action

Internal Audit Work Programme

Changes are being implemented by Directorate Finance Teams, and while there are still improvements to be made to the controls around the production of monthly and quarterly figures, progress made by some of the Finance Teams in recent months is encouraging.

There were three priority 4 findings and six priority 3 findings.

Children, Young People and Families – Part time timetables – Partial

As a result of the Children Missing Education Audit 2016/17 it was identified that two schools were not using part-time timetables appropriately and issues were identified as to how such absences were being coded.

As part of the management response to recommendations made from the above audit, the Local Authority (LA) committed to send a communication to all Headteachers and Chairs of the Governing Bodies reminding them of the statutory and non-statutory guidance in relation to part-time timetables and their use, including a copy of the SWAP Children Missing Education Audit Report 2016/17. Further to this, additional communication was sent to every school in Herefordshire requesting details of their current use of part-time timetables.

This audit reviewed the use of part time timetables across ten schools. There were six priority 4 findings and one priority 3 finding.

Gaps in evidence relating to monitoring arrangements both at schools and the Local Authority to ensure pupils were returned to full-time education without delay were identified. Weaknesses were reported in the coding of absences at the Home and Hospital Teaching Team and the mainstream schools at which the pupil was on roll, but coding issues were also identified across all schools sampled which meant not only was inaccurate data being submitted to the DfE but monitoring attendance more difficult as a result.

It was also identified that safeguarding risk assessments are not being routinely completed across nine of the ten schools sampled.

A review of the guidance available from the local Authority is recommended to ensure that schools understand DfE regulations and how to comply with them in relation to implementing part time timetables but also ensure this is centrally accessible and contains all relevant information.

All part-time timetables had satisfactory reasoning for being in place and all schools were able to demonstrate that part-time timetables were used as a last resort with other measures being implemented before the use of the part-time timetable.

Follow Up Audits

Follow Up audits are completed where the auditor could only provide partial assurance. The follow-up audit is to provide assurance to the Director, Senior Management and the Audit and Governance Committee that the key risks have been mitigated to an acceptable level of risk. Evidence is obtained to demonstrate implementation and progress made in relation to all priority 4 and 5 recommendations. For the priority 3 recommendations progress reported is based on self-assessment by relevant officers. The following table demonstrates progress against agreed actions at the time of the one follow up audit.

Priority of recommendation	Complete	Overdue	Not yet due	Superseded
3	2	2	0	0
4	1	0	0	0

Internal Audit Plan Progress 2017/2018

Added Value

Extra feature(s) of an item of interest (product, service, person etc.) that go beyond the standard expectations and provide something more while adding little or nothing to its cost.

Added Value

Primarily, Internal Audit is an assurance function and will remain as such. However, as we complete our audit reviews and through our governance audit programmes across SWAP we seek to bring information and best practice to managers to help support their systems of risk management and control. The SWAP definition of “added value” is “it refers to extra feature(s) of an item of interest (product, service, person etc.) that go beyond the standard expectations and provide something "more" while adding little or nothing to its cost”.

The followings audits have provided a cross comparison survey for the SWAP Partners.

Part-time timetables - SWAP Partner comparison was carried out to collate information relating to the partner Council’s educational provision for students who cannot attend school due to medical reasons and how attendance is recorded at such establishments.

Special Reviews

Unplanned work, special reviews or projects carried out on a responsive basis are requested through the Chief Finance Officer (Section 151 Officer).

There has been no request for additional work since my last update.

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Internal Audit Plan Progress 2017/2018

SWAP Performance - Summary of Audit Opinions

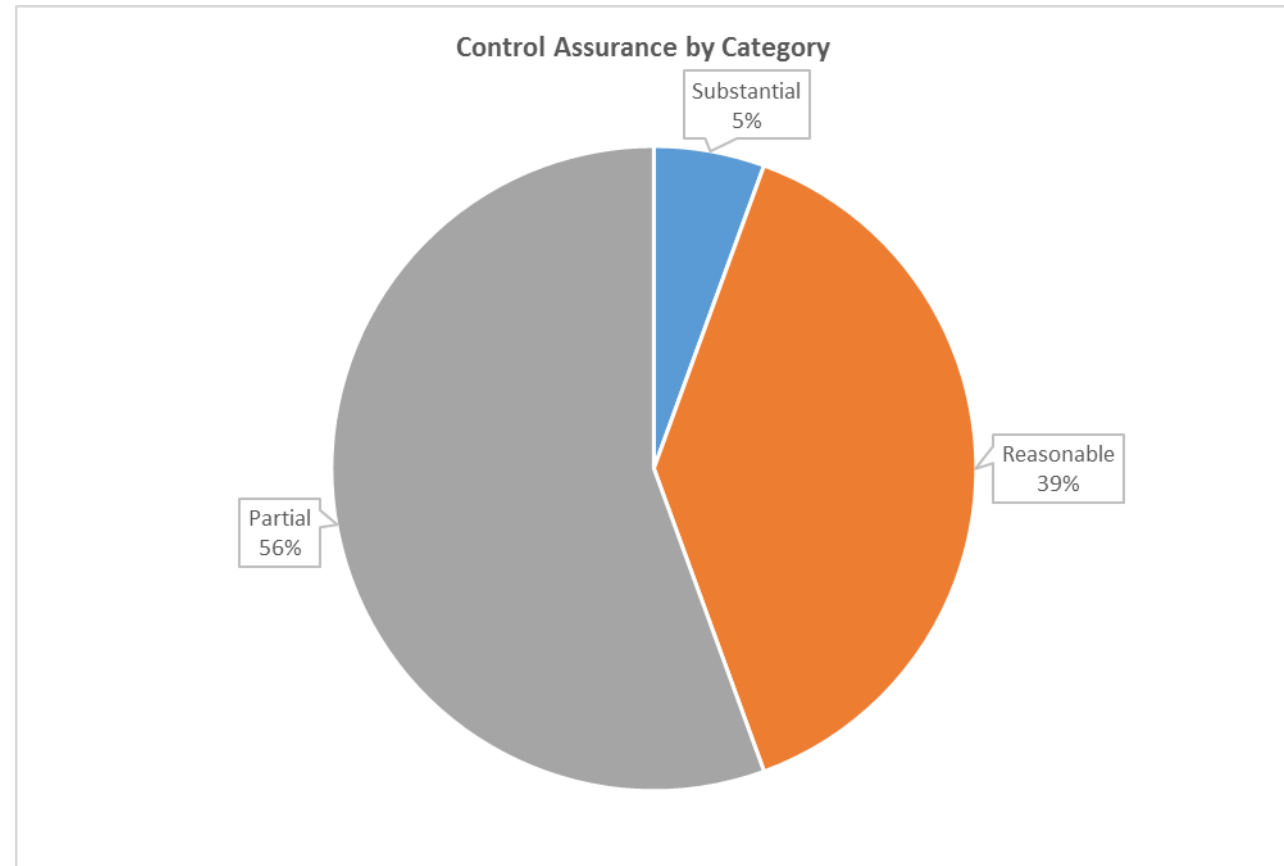
At the conclusion of audit assignment work each review is awarded a “Control Assurance Definition”;

- Substantial
- Reasonable
- Partial
- None

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Summary of Control Assurance

Of the reviews with an audit opinion that have a final report, the opinions offered are summarised below.



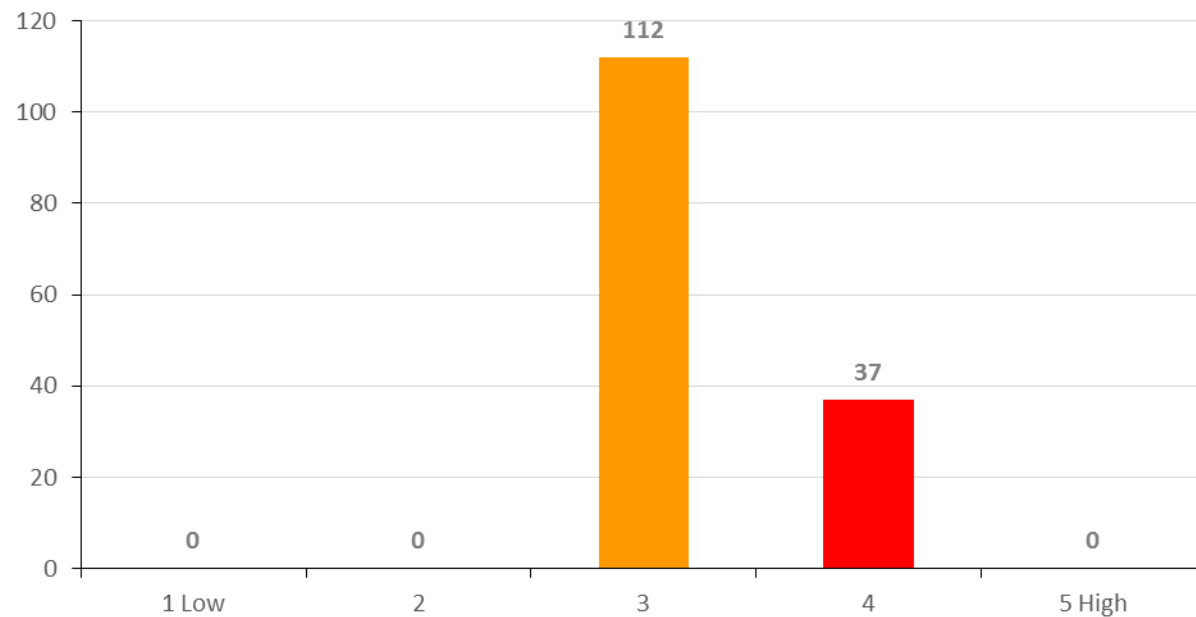
Internal Audit Plan Progress 2017/2018

Summary of Audit Recommendations by Priority

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Summary of Recommendations

Audit Recommendations by Priority



Internal Audit Plan Progress 2017/2018

We keep our audit plans under regular review so as to ensure that we are auditing the right things at the right time.

The Director of Quality is required to provide an opinion to support the Annual Governance Statement.

Approved Changes to the Audit Plan

As new and emerging risks are identified, any changes to the plan will be subject to the agreement of the Chief Finance Officer (Section 151 Officer) and reported to this Committee.

No additional reviews have been requested since my last update.

Conclusion

Good progress has been made on delivery of the plan with all but four audits at report stage.

Forty- four audits have been completed and four audits are at report waiting for management responses.

Of the forty-four audits completed one has been assessed as substantial, seven as reasonable and eleven as partial assurance; fifteen are follow up audits, two Grant Certification, five are Advisory reviews and three Special Reviews.

Overall, based on the work completed to date this financial year, we can report that there is generally a sound system of control designed to meet the organisations objectives. However, some weaknesses have been identified in the inconsistent application of controls that put the achievement of a particular objective at risk in some areas reviewed. This has resulted in thirty-seven priority 4 findings. Where these findings have been identified Management respond positively to Internal Audit recommendations for improvements and corrective action is often taken quickly, wherever this is possible or practical.

At the conclusion of audit assignment work each review is awarded a “Control Assurance Definition”;

- Substantial
- Reasonable
- Partial
- None

Audit Framework Definitions

Control Assurance Definitions

Substantial	▲ ★ ★ ★	I am able to offer substantial assurance as the areas reviewed were found to be adequately controlled. Internal controls are in place and operating effectively and risks against the achievement of objectives are well managed.
Reasonable	▲ ★ ★ ★	I am able to offer reasonable assurance as most of the areas reviewed were found to be adequately controlled. Generally risks are well managed but some systems require the introduction or improvement of internal controls to ensure the achievement of objectives.
Partial	▲ ★ ★ ★	I am able to offer Partial assurance in relation to the areas reviewed and the controls found to be in place. Some key risks are not well managed and systems require the introduction or improvement of internal controls to ensure the achievement of objectives.
None	▲ ★ ★ ★	I am not able to offer any assurance. The areas reviewed were found to be inadequately controlled. Risks are not well managed and systems require the introduction or improvement of internal controls to ensure the achievement of objectives.

Categorisation of Recommendations

When making recommendations to Management it is important that they know how important the recommendation is to their service. There should be a clear distinction between how we evaluate the risks identified for the service but scored at a corporate level and the priority assigned to the recommendation. No timeframes have been applied to each Priority as implementation will depend on several factors; however, the definitions imply the importance.

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We keep our audit plans under regular review, so as to ensure we are auditing the right things at the right time.

Audit Framework Definitions

- Priority 5: Findings that are fundamental to the integrity of the unit’s business processes and require the immediate attention of management.
- Priority 4: Important findings that need to be resolved by management.
- Priority 3: The accuracy of records is at risk and requires attention.
- Priority 2: Minor control issues have been identified which nevertheless need to be addressed.
- Priority 1: Administrative errors identified that should be corrected. Simple, no-cost measures would serve to enhance an existing control.

Definitions of Risk


Risk	Reporting Implications
Low	Issues of a minor nature or best practice where some improvement can be made.
Medium	Issues which should be addressed by management in their areas of responsibility.
High	Issues that we consider need to be brought to the attention of senior management.
Very High	Issues that we consider need to be brought to the attention of both senior management and the Audit Committee.

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Audit Type	Audit Area	Quarter	Status	Opinion	No of Rec	1 = Minor ← → 5 = M				
						Recommendation				
						1	2	3	4	5
Governance, Fraud & Corruption	Small Holdings Phase 1	1	Draft Report	Escalated for responses						
Governance, Fraud & Corruption	Small Holdings Phase 2	1	In Progress							
Governance, Fraud & Corruption	Project assurance - (Q1 to Q4) Procurement of a Wide Area Network contract	1	Completed	Advisory	-	-	-	-	-	-
Governance, Fraud & Corruption	Project assurance - (Q1 to Q4) - Mosaic Board Governance	1	Completed	Advisory	-	-	-	-	-	-
ICT	Firewall Security management	1	Completed	Reasonable	4	0	0	4	0	0
Operational	Annual Care Assessment Process – Social Care Workforce Performance	1	Completed	Partial	7	0	0	6	1	0
Operational	Areas - Business Support Function – Adults Wellbeing	1	Completed	Advisory	3	0	0	3	0	0
Operational	Market Intelligence	1	Completed	Partial	16	0	0	10	6	0
Operational	Safeguarding – Adults Wellbeing	1	Completed	Reasonable		0	0	5	0	0
Operational	Data Sharing Protocols	1	Completed	Partial	8	0	0	5	3	0
Operational	Land in public ownership	1	Completed	Advisory	2	0	0	2	0	0
Schools	Schools - prevention of fraud	1	Completed	Themed Report	-	-	-	-	-	-
Schools	School 1 – prevention of fraud	1	Completed	Partial	10	0	0	7	3	0
Schools	School 2 - prevention of fraud	1	Completed	Partial	6	0	0	5	1	0
Schools	School 3 – prevention of fraud	1	Completed	Partial	10	0	0	8	2	0

Audit Type	Audit Area	Quarter	Status	Opinion	No of Rec	1 = Minor ← → 5 = M				
						Recommendation				
						1	2	3	4	5
Special Investigation	Blueschool Refurbishment	1	Completed	Special Investigation	13	-	-	-	-	-
Special Review	Data Sharing Breach	1	Completed	Special Review	2	0	0	1	1	0
ICT	Protection from Malicious Code	2	Completed	Follow Up	-	-	-	-	-	-
Governance, Fraud & Corruption	Serious and Organised Crime Audit Checklist	2	Completed	Partial	7	0	0	6	1	0
Grant Certification	Local Transport Block Funding	2	Completed	Grant Certification	1	0	0	1	0	0
ICT	Domain Management	2	Completed	Reasonable	3	0	0	3	0	0
Operational	Integrated Short Term Support and Care Pathway - review of each pathway and advisory	2	Moved to quarter 4	Discussion Document						
Operational	Integration – Clinical Commissioning Group (Adults and Children's)	2	Moved to quarter 4	In Progress						
Schools	Children, young people and families - Part time timetables	2	Completed	Partial	7	0	0	1	6	0
Operational	On-line choice based letting scheme - Homepoint (Home Hunt)	2	Completed	Partial	12	0	0	7	5	0
Operational	New Communications Strategy	2	Dropped							
Operational	Emergency Planning - Public Health	2	Completed	Partial	8	0	0	6	2	0
Operational	Public Health Contracts	2	Draft Report							
Operational	Electronic Signatures	2	Completed	Reasonable	4	0	0	4	0	0
Grant Certification	Bus Subsidy Grant	2	Completed	Grant Certification	0	0	0	0	0	0
Follow up	SVFS – Schools Follow Up	3	Completed	Follow Up	-	-	-	-	-	-

Audit Type	Audit Area	Quarter	Status	Opinion	No of Rec	1 = Minor  5 = M				
						Recommendation				
						1	2	3	4	5
Follow up	Brokerage Follow up	3	Completed	Follow Up	–	–	–	–	–	–
Follow up	Client Finances Follow up	3	Completed	Follow Up	–	–	–	–	–	–
Follow up	Car parking Income and Enforcement Follow up	3	Completed	Follow Up	–	–	–	–	–	–
Grant Certification	Troubled Families	3	Discussion Document							
ICT	PSN Submission	3	Completed	Substantial	0	0	0	0	0	0
Operational	EziTracker – Adults Wellbeing	3	Completed	Advisory	0	0	0	2	0	0
Key Control	Accounts Payable	3	Completed	Follow Up	–	–	–	–	–	–
Key Control	Accounts Receivable	3	Completed	Follow Up	–	–	–	–	–	–
Key Control	Capital Accounting	3	Completed	Follow Up	-	-	-	-	-	-
Key Control	Main Accounting	3	Completed	Follow Up	–	–	–	–	–	–
Key Control	Council Tax	3	Completed	Follow Up	–	–	–	–	–	–
Key Control	NNDR - Business Rates Avoidance	3	Completed	Reasonable	5	0	0	5	0	0
Key Control	Payroll - Review of IR35	3	Completed	Reasonable	1	0	0	1	0	0
Operational	Short breaks – Children’s Wellbeing	3	Draft Report							
Operational	Disabled Facilities Grants	3	In Progress							
Governance, Fraud & Corruption	EU General Data Protection Regulation readiness	3	Draft Report							

Audit Type	Audit Area	Quarter	Status	Opinion	No of Rec	1 = Minor ← → 5 = M				
						Recommendation				
						1	2	3	4	5
Governance, Fraud & Corruption	Healthy Organisation	3	In Progress							
Follow Up	Property Services - Accounts Payable Follow Up	4	Completed	Follow Up	–	–	–	–	–	–
Follow Up	Hardware & Software Asset Management	4	Completed	Follow Up	–	–	–	–	–	–
Follow Up	Catering Contract Follow up	4	Completed	Follow Up	–	–	–	–	–	–
Follow Up	Recruitment Contracts Follow up	4	Completed	Follow Up	–	–	–	–	–	–
Follow up	Housing and Council Tax Benefits	4	Completed	Follow up	–	–	–	–	–	–
Operational	Carers (Support for) inc WISH – Adults Wellbeing	4	Removed							
Operational	Maintenance of property	4	In Progress							
Operational	Mandatory Training – days for School Special Investigation	4	Removed							
Special Investigation	School	4	Completed	Special Investigation	10	0	0	7	3	0
Operational	Fastershire BDUK	4	Removed							
ICT	ICT client management	4	Completed	Reasonable	7	0	0	7	0	0
Governance, Fraud & Corruption	Data Quality - Decision Making Reports and Corporate Budget Performance Reports	4	Completed	Partial	9	0	0	6	3	0

Summary of Partial Opinions

APPENDIX D

Name of Audit	Weaknesses Found	Risk Identified	Recommendation Action	Managers Agreed Action	Agreed Date of Action and Responsible Officer
Social Care Workforce Performance	<p>Locality team plans show that throughout of expectations was not always achieved. When challenged the locality managers advised that they were working towards the output benchmarks set with some locations more successful than others.</p> <p>For the Assistant Director, Operation and Support (AWB) to supply the social care services to Herefordshire residents, the locality teams need to be completing an agreed level of output in respect of the defined substantial piece of work on quality and timeliness required.</p>	<p>Failure of front line staff to achieve the required caseload, residents are at risk of not receiving the social care they are legally entitled to, resulting in both legal and reputational consequences for the Council.</p>	<p>The Assistant Director, Operations and Support has agreed to implement the following:</p> <p>a) Locality managers and senior practitioners should be accountable for the front- line staff output benchmarking identified by senior managers and address shortfall in performance,</p> <p>b) Senior managers should scrutinise lower than expected output results with the locality managers to determine the action plan to resolve any shortfalls in throughput.</p>	<p>1. The Head of Operations has addressed with the senior team through the monthly performance and budget sessions.</p> <p>2. The Head of Operations will address individual performance delivery issues as required.</p>	<p>Assistant Director, Operations and Support (AWB)</p> <p>Completed</p>
Data Quality - Decision Making Reports and	<p>There are deficiencies in controls within the</p>	<p>There is a risk that reports are not</p>	<p>The Democratic Services Manager has</p>	<p>(i) The supplier has confirmed this is not possible.</p>	<p>Democratic Services</p>

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Name of Audit	Weaknesses Found	Risk Identified	Recommendation Action	Managers Agreed Action	Agreed Date of Action and Responsible Officer
Corporate Budget Performance Reports	Modern.gov software, which can allow for requested changes to be ignored or overlooked. The Council should aim to address through further discussions with the software provider as to whether controls can be improved / introduced.	checked by all reviewers and that change requests are ignored, leading to the publication of incorrect or misleading information.	agreed to submit a request for changes to the Modern.gov software. Changes requested should include: (i) the reviewers' 'Comments' box being made a mandatory field; (ii) an update of the drop-down menu for standard reviewer instructions as to whether the report author can proceed; (iii) the request for reviewers to retain a copy of their comments / version of the report to be made more prominent, or even for this to be facilitated via a system prompt; (iv) the requirement for circulation of an	However revised guidance has been given to all reviewers emphasising the need to complete the comments box, and this guidance will be included in all future guidance and training. The governance team will undertake spot-checks of reviews to ensure that reviewers are completing all necessary fields. (ii) The drop-down menu for reviewers will be revised to only four options (No changes required; changes required; alternative reviewer identified; or cannot review please see comments) and a change requested from the supplier (iii) Reviewers have been reminded of the need to retain a copy of their comments where appropriate, a supplier request for a prompt to this effect to be added to the system will be made	Manager 31 May 2018

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Name of Audit	Weaknesses Found	Risk Identified	Recommendation Action	Managers Agreed Action	Agreed Date of Action and Responsible Officer
			<p>updated report where changes have been requested and the reviewer has not stipulated that they don't wish to see the revised version;</p> <p>(v) Sign off via the drop-down menus on report versions to only be actionable by the officer themselves or a nominated member of their team, and not a team member of the report author</p>	<p>(iv) The 'recirculate for final review' field should be completed in all cases other than where all reviewers have confirmed no changes are required; it isn't proposed to include an option for reviewers to request a change but not have an opportunity to see the revised report. This is felt to be important because whilst a reviewer may be satisfied they may not have seen changes brought about by other reviewers' requests which could impact their own advice/review.</p> <p>(v) Reviewers will be issued with guidance on appropriate sharing of their work to ensure that only appropriately authorised officers are able to sign-off reviews.</p>	
Data Quality - Decision Making Reports and	Manual process controls are currently not routinely	There is a risk that reports are not	The Democratic Services Manager has	Accepted. Training and guidance will include this	Democratic Services

Summary of Partial Opinions

APPENDIX D

Name of Audit	Weaknesses Found	Risk Identified	Recommendation Action	Managers Agreed Action	Agreed Date of Action and Responsible Officer
Corporate Budget Performance Reports	implemented in the absence of software controls.	checked by all reviewers and that change requests are ignored, leading to the publication of incorrect or misleading information.	agreed to instruct all reviewers to retain copies of reports with their tracked changes, through training sessions and system guidance notes. Report authors should also be notified of the importance of clearing all comments and updating reports as requested. Identification of any failure to do this should be reported by a reviewer to their Director at the earliest opportunity	advice on a proportionate basis (i.e. if changes requested are more than typographical/stylistic). In addition, discussions are ongoing with the supplier to establish the potential and costs for purchasing early implementation of a change to the system to include an audit trail capability. In the longer term, should the work around controls proposed in 1.1.a and 1.1.b prove overly bureaucratic and a system change not feasible, consideration will be given to utilising alternative systems for this element of report management	Manager 30 April 2018
Data Quality - Decision Making Reports and Corporate Budget Performance Reports	There is no Terms of Reference in place for any of the Directorate Management Teams or Management Board.	There is a risk of inconsistencies in levels of governance across the	The Head of Corporate Governance has agreed to ensure that Terms of Reference is	It is agreed that terms of reference for Management Board and directorate management/leadership	Head of Corporate Governance 1 May 2018

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Name of Audit	Weaknesses Found	Risk Identified	Recommendation Action	Managers Agreed Action	Agreed Date of Action and Responsible Officer
		<p>directorates, and that areas of responsibility may be overlooked if staff are not fully aware of the standard procedures and purpose of DMTs and Management Boards.</p>	<p>drawn up and approved for each of the Directorate Management Teams and Management Board, to promote and support a consistent approach to the reporting and decision-making processes across the Council</p>	<p>teams would be helpful to set out roles and accountabilities transparently. Not all directorates have the same management structures in place so there may be differences but where these differences are appropriate, terms of reference will reflect that.</p> <p>Following consultation with the chief executive and directors and having regard to the recommendations of the recent LGA corporate peer challenge, draft terms of reference will be developed for approval by management board and published the intranet.</p>	
Part-time Timetables	Mainstream schools are not recording attendance for children on part-time timetables in line with DfE guidance, part-time	There is reduced assurance that the census data submitted to the DfE is accurate.	The Assistant Headteacher for the HHTT has agreed to ensure that the attendance of children	SIMS is now in place and the attendance of pupils has been inputted and backdated to the 1st September 2017. Attendance codes are now	Chief Executive Officer HIBOS 28 February 2018

Name of Audit	Weaknesses Found	Risk Identified	Recommendation Action	Managers Agreed Action	Agreed Date of Action and Responsible Officer
	attendance at H3 (part of the Home & Hospital Teaching Team) is not being reflected in the attendance records of the mainstream school.		who attend H3 is recorded accurately in line with the Department of Education guidance and is regularly provided to their mainstream school to accurately record attendance in their records	<p>being used in line with DfE expectations. Attendance is now being recorded as a percentage of the total possible sessions as per your recommendation.</p> <p>We are seeking to appoint an admin clerk who will provide attendance data to each school. We expect this appointment to be made within the next month.</p> <p>It has been agreed with the Head of Additional Needs that monthly returns are sufficiently regular, as long as schools can obtain live attendance data from H3.</p>	
Part-time Timetables	H3 (part of the Home & Hospital Teaching Team) are not recording attendance in line with DfE guidance. Attendance is recorded in an Excel spreadsheet where issues and errors in data and formulae have been identified.	There is reduced assurance that attendance can be monitored accurately and in line with DfE guidance.	The Director of Children’s Wellbeing has agreed to ensure that all schools are informed of their requirement to record attendance data for those who attend H3	Agreed	Head of Additional Needs 31 March 2018

Summary of Partial Opinions

APPENDIX D

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Name of Audit	Weaknesses Found	Risk Identified	Recommendation Action	Managers Agreed Action	Agreed Date of Action and Responsible Officer
			but remain on roll from the records supplied by H3		
Part-time Timetables	Schools were identified as having a lack of full Pastoral Support Plan documentation to support the implementation of part-time timetables, reviews were not always carried out regularly and, in some occasions, there was a lack of signed parental agreement.	There is a risk that without regular review and parental agreement, attendance will be lower than expected and the part-time timetable may continue when there is no longer a valid reason.	The Director of Children’s Wellbeing has agreed to ensure that all schools are aware of the importance to ensure pastoral support plans are in place to support the use of part-time timetables with evidence of regular reviews. Pastoral support plans must be fully completed, signed by parents, dated to provide a clear audit trail of the part-time timetable and should not be used as a long-term solution	Agreed. Communication will be sent out to all schools to remind them of expected practice and will be followed up in 6 months.	Head of Additional Needs 31 March 2018
Part-time Timetables	Nine schools did not formally complete and document a risk assessment in relation to a child’s whereabouts when not	There is reduced assurance of the safety of a child if assessments are not	The Director of Children’s Wellbeing has agreed to ensure that all schools are	Agreed. Communication will go out to all schools recommending this.	Head of Additional Needs

Summary of Partial Opinions

APPENDIX D

Name of Audit	Weaknesses Found	Risk Identified	Recommendation Action	Managers Agreed Action	Agreed Date of Action and Responsible Officer
	in school during school hours i.e. to assess the safeguarding risk.	fully carried out, recorded and monitored.	made aware that a risk assessment of the child's whereabouts during school hours whilst on a part-time timetable should be completed before a part-time table is agreed and implemented		31 March 2018
Part-time Timetables	The guidance provided to Schools from the Local Authority in relation to the use of part-time timetables is not easily and centrally accessible and does not contain all aspects of appropriate implementation.	There is reduced assurance that consistent and suitable use of part-time timetables is taking place.	The Director of Children's Wellbeing has agreed to review all existing guidance documentation available to school in relation to Part-time timetables, to ensure it covers all relevant information. The Director of Children's Wellbeing may wish to consider whether it would be beneficial to ensure this information is centrally accessible to schools	Agreed. A specific web page will be established to set out the existing guidance and sign post to the latest national guidance so that schools always have a source of information in one place.	Head of Additional Needs 31 August 2018

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Name of Audit	Weaknesses Found	Risk Identified	Recommendation Action	Managers Agreed Action	Agreed Date of Action and Responsible Officer
Part-time Timetables	Central monitoring of part-time timetables is not completed by the Local Authority.	There is reduced assurance that consistent and suitable use of part-time timetables is taking place.	The Director of Children’s Wellbeing has agreed to ensure all schools provide regular informative data in relation to the number of part-time timetables in place, their duration and future arrangements/plans. The Director of Children’s Wellbeing can inform schools that centrally monitoring the part-time timetables they have in place would be beneficial and would be able to inform the data provided to the Local Authority	Agreed – Schools have been asked to send this information, however a further reminder communication will be sent to schools.	Head of Additional Needs 31 March 2018



Meeting:	Audit and governance committee
Meeting date:	Tuesday 8 May 2018
Title of report:	2018/19 external audit plan and fee
Report by:	Chief Finance Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose and summary

To approve the external audit plan and fee, as detailed in appendix 1, for 2018/19, to ensure that the council has effective statutory external audit arrangements in place as required in the council's constitution.

Public Sector Audit Appointments Ltd (PSAA) is responsible for appointing auditors, setting audit fees, overseeing the delivery of consistent, high quality and effective audit services to local public bodies, and ensuring effective management of the contracts with the audit firms.

Recommendation(s)

That:

- (a) **subject to any changes the committee wish to recommend, the external audit plan for 2018/19 at appendix 1 be approved; and**
- (b) **the external main audit fee of £95, 792 for 2018/19 be agreed.**

Alternative options

1. There are no alternatives to approving a plan and fee, external audit is a statutory requirement, the auditor appointment has been confirmed and the associated fee is set by the regulatory body, Public Sector Audit Appointments Ltd (PSAA).
2. The committee may request changes to the timetable and additions to the workplan, if it were to do so these changes would need to be agreed with Grant Thornton and follow the relevant council's contract, financial and governance processes.

Key considerations

3. There are no changes to the overall external audit work programme for audits of local government audited bodies for 2018/19. Progress against the plan will be reported to the committee as stated in the committee's work plan.
4. Under the provisions of the Local Audit and Accountability Act 2014, the National Audit Office is responsible for publishing the statutory Code of Audit Practice and guidance for auditors. Audits for 2018/19 will be undertaken in accordance with this code.
5. The external audit fee as detailed in appendix a covers:
 - a. The audit of the financial statements
 - b. The value for money conclusion
 - c. The whole of government accounts return.
6. Previously the external audit plan included the audit of the housing benefit return, from 2018/19 all grant work falls outside the PSAA contract arrangement, therefore assurance engagements will be subject to separate procurements.
7. Progress against the plan will be reported to future committee meetings as detailed in the committee's published work programme.

Community impact

8. In accordance with its adopted code of corporate governance, Herefordshire Council must ensure that those making decisions and delivering services are accountable for them. To support effective accountability the council is committed to reporting on actions completed and outcomes achieved, and ensuring stakeholders are able to understand and respond as the council plans and carries out its activities in a transparent manner. External audit contributes to effective accountability
9. An efficient and effective audit service supports the council in demonstrating progress towards achievement of our corporate plan priority to secure better services, quality of life and value for money.

Equality duty

10. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

Further information on the subject of this report is available from
Josie Rushgrove, Tel: 01432 261867, email: jrushgrove@herefordshire.gov.uk

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
11. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this is a decision on back office functions, we do not believe that it will have an impact on our equality duty.

Resource implications

12. Public Sector Audit Appointments Ltd (PSAA) published the external audit scale fees for opted in bodies (Herefordshire Council is an opted in body) for 2018/19 in March 2018.
13. Individual scale fees have reduced by 23 percent from the fees applicable in 2017/18. Herefordshire Council's fee has been set at £96k, this was set at £124k for 2017/18. This is funded in the 2018/19 base budget and the finance team is adequately resourced to support the audit plan.
14. Any additional work, including the housing benefit certification audit for 2018/19, will be subject to separate governance.

Legal implications

15. The Local Audit and Accountability Act 2014 states that the accounts of a relevant authority for a financial year must be audited:
- (a) in accordance with the Act and provision made under it, and
 - (b) by an auditor (a "local auditor") appointed in accordance with the Act or provision made under it.
16. A local auditor must, in carrying out the auditor's functions in relation to the accounts comply with the code of audit practice applicable to the council that is for the time being in force. The current code of practice for UK Local Government is the Code of Audit Practice issued by the National Audit Office in April 2015.
17. The code requires under section 1.17 that the auditor should share and discuss their audit plan at an early stage with the audited body.

Risk management

18. The proposed fee is set independently. There is a risk that the actual external audit cost may increase if the planned audit work is not adequately supported through the provision of materially correct financial statements and working papers within the agreed timeframes. The audit plan and progress reports will provide the committee with updates on this risk, currently this risk is assessed as low.

Consultees

19. None. Before publishing the external audit scale fees, PSAA consulted with opted-in bodies, their representative organisations, PSAAs contracted audit firms, bodies of accountants and other relevant national stakeholders.

Appendices

Appendix 1 External audit plan and fee for 2018/19

Background papers

None identified

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27 March 2018

Dear Andrew

Herefordshire Council: Planned audit fee for 2018/19

The Local Audit and Accountability Act 2014 (the Act) provides the framework for local public audit. Public Sector Audit Appointments Ltd (PSAA) has been specified as an appointing person under the Act and the Local Authority (Appointing Person) Regulations 2015 and has the power to make auditor appointments for audits of opted- in local government bodies from 2018/19.

For opted- in bodies PSAA's responsibilities include setting fees, appointing auditors and monitoring the quality of auditors' work. Further information on PSAA and its responsibilities are available on the [PSAA website](#).

From 2018/19 all grant work, including housing benefit certification, now falls outside the PSAA contract, as PSAA no longer has the power to make appointments for assurance on grant claims and returns. Any assurance engagements will therefore be subject to separate engagements agreed between the grant-paying body, the Council and ourselves and separate fees agreed with the Council.

Scale fee

PSAA published the 2018/19 scale fees for opted-in bodies in March 2018, following a consultation process. Individual scale fees have been reduced by 23 percent from the fees applicable for 2017/18. Further details are set out on the [PSAA website](#). The Council's scale fee for 2018/19 has been set by PSAA at £95,792.

PSAA prescribes that 'scale fees are based on the expectation that audited bodies are able to provide the auditor with complete and materially accurate financial statements, with supporting working papers, within agreed timeframes'.

The audit planning process for 2018/19, including the risk assessment, will continue as the year progresses and fees will be reviewed and updated as necessary as our work progresses.

Scope of the audit fee

There are no changes to the overall work programme for audits of local government audited bodies for 2018/19. Under the provisions of the Local Audit and Accountability Act 2014, the National Audit Office (NAO) is responsible for publishing the statutory Code of Audit Practice and guidance for auditors. Audits of the accounts for 2018/19 will be undertaken

under this Code. Further information on the NAO Code and guidance is available on the [NAO website](#).

The scale fee covers:

- our audit of your financial statements;
- our work to reach a conclusion on the economy, efficiency and effectiveness in your use of resources (the value for money conclusion); and
- our work on your whole of government accounts return (if applicable).

PSAA will agree fees for considering objections from the point at which auditors accept an objection as valid, or any special investigations, as a variation to the scale fee.

Value for Money conclusion

The Code requires us to consider whether the Council has put in place proper arrangements for securing economy, efficiency and effectiveness in its use of resources. This is known as the Value for Money (VfM) conclusion.

The NAO issued its latest guidance for auditors on value for money work in November 2017. The guidance states that for local government bodies, auditors are required to give a conclusion on whether the Council has put proper arrangements in place.

The NAO guidance identifies one single criterion for auditors to evaluate:

In all significant respects, the audited body had proper arrangements to ensure it took properly informed decisions and deployed resources to achieve planned and sustainable outcomes for taxpayers and local people.

Billing schedule

Fees will be billed as follows:

Main Audit fee	£
September 2018	23,948
December 2018	23,948
March 2019	23,948
June 2019	23,948
Total	95,792

Outline audit timetable

We will undertake our audit planning and interim audit procedures in October to March 2019. Upon completion of this phase of our work we will issue a detailed audit plan setting out our findings and details of our audit approach. Our final accounts audit and work on the VfM conclusion will be completed in March and work on the whole of government accounts return in July 2019.

Phase of work	Timing	Outputs	Comments
Audit planning and interim audit	October to January- January to March - interim	Audit plan Update report	The plan summarises the findings of our audit planning and our approach to the audit of the Council's accounts and VfM. We will provide an update on our interim work and early substantive testing in our progress report.
Final accounts audit	June to July	Audit Findings (Report to those charged with governance)	This report sets out the findings of our accounts audit and VfM work for the consideration of those charged with governance.
VfM conclusion	January to March	Audit Findings (Report to those charged with governance)	As above
Whole of government accounts	July	Opinion on the WGA return	This work will be completed alongside the accounts audit.
Annual audit letter	September	Annual audit letter to the Council	The letter will summarise the findings of all aspects of our work.

Our team

The key members of the audit team for 2018/19 are:

	Name	Phone Number	E-mail
Engagement Lead	Jon Roberts	0117 305 7699	jon.roberts@uk.gt.com
Engagement Manager	Zoe Thomas	0121 232 5277	zoe.thoas@uk.gt.com
In Charge Auditor	Zak Francis	0121 232 5164	zak.francis@uk.gt.com

Additional work

The scale fee excludes any work requested by the Council that we may agree to undertake outside of our Code audit. Each additional piece of work will be separately agreed and a detailed project specification and fee agreed with the Council.

Quality assurance

We are committed to providing you with a high quality service. If you are in any way dissatisfied, or would like to discuss how we can improve our service, please contact me in the first instance. Alternatively you may wish to contact Mark Stocks, our Public Sector Assurance regional lead partner, via mark.c.stocks@uk.gt.com.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jon Roberts', written over the 'Yours sincerely' text.

Jon Roberts

Partner

For Grant Thornton UK LLP



Meeting:	Audit and governance committee
Meeting date:	Tuesday 8 May 2018
Title of report:	Update from external auditor
Report by:	Chief Finance Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose and summary

To provide the committee with a progress update of the work being undertaken by the external auditor, Grant Thornton. The progress update also includes a sector update for the committee.

Overall Grant Thornton have made good progress against their audit plan however, there are some matters that remaining outstanding for conclusion during the final audit visit and an action plan has been drafted to ensure these matters are resolved.

Recommendation(s)

That:

- (a) the progress report and sector update attached at appendix 1 be reviewed and the committee determine any recommendations it wishes to make to ensure the value of the audit work is maximised.**

Alternative options

1. There are no alternative recommendations. The report provides a factual update on progress against the agreed external audit annual plan, together with briefings on a range of matters of local government interest.

Key considerations

2. The external auditor's report at appendix 1 provides a progress report the 2017/18 annual external audit plan. It also includes wider sector issues for consideration by the committee.
3. Overall Grant Thornton have made good progress against their audit plan and of the work concluded no items have been identified that require highlighting to the committee.
4. There are some matters that remaining outstanding for conclusion during the final audit visit and an action plan is included in appendix 1 to ensure these matters are resolved. The council can confirm that these matters are considered to be able to be concluded within the stated timeframe.

Community impact

5. One of the principles in the council's code of corporate governance is to implement good practices in transparency, reporting, and audit to deliver effective accountability. To support effective accountability the council is committed to reporting on actions completed and outcomes achieved, and ensuring stakeholders are able to understand and respond as the council plans and carries out its activities in a transparent manner. External audit contributes to effective accountability.

Equality duty

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
6. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this is a decision on back office functions, we do not believe that it will have an impact on our equality duty.

Resource implications

7. The update has no direct resource implications however the consideration of sector wide issues may lead to further work streams being identified.

8. As approved by the committee in May 2017 the 2017/18 annual audit fee totals £124k.

Legal implications

9. The update has no direct legal implications.

Risk management

10. The potential risks of being unaware of the update include not producing compliant statement of accounts; this is being mitigated by ensuring the corporate finance team maintain up to date financial knowledge and awareness and maintain open dialogue with the council's external auditors with whom there is an established, defined and detailed working paper requirements being complied for the next audit visit.
11. The attached action plan details how the risks identified will be addressed.

Consultees

12. None

Appendices

Appendix 1 – Progress Update from Grant Thornton 31 March 2018

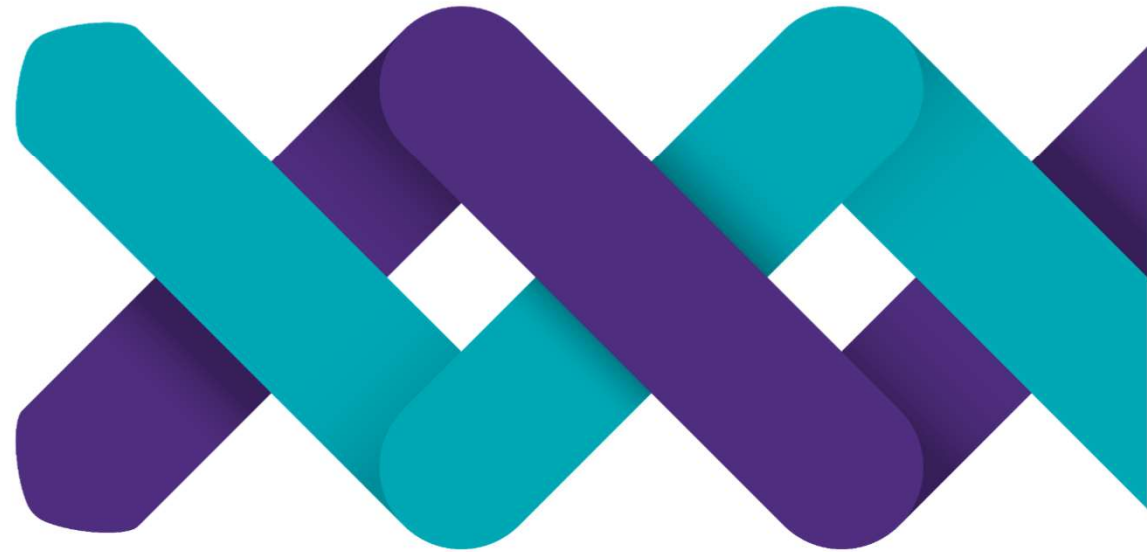
Background papers

None

Audit Progress Report and Sector Update

Herefordshire Council
79 Year ending 31 March 2018

31 March 2018



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Introduction



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This paper provides the Audit Committee with a report on progress in delivering our responsibilities as your external auditors.

The paper also includes:

- a summary of emerging national issues and developments that may be relevant to you as a local authority; and
- includes a number of challenge questions in respect of these emerging issues which the Committee may wish to consider (these are a tool to use, if helpful, rather than formal questions requiring responses for audit purposes)

Members of the Audit and Governance Committee can find further useful material on our website, where we have a section dedicated to our work in the public sector. Here you can download copies of our publications. Click on the Grant Thornton logo to be directed to the website www.grant-thornton.co.uk.

If you would like further information on any items in this briefing, or would like to register with Grant Thornton to receive regular email updates on issues that are of interest to you, please contact either your Engagement Lead or Engagement Manager.

Progress at 31 March 2018

Financial Statements Audit

We have completed our interim visit for the 2017/18 financial statements audit and this paper sets out the position at closure of this visit.

The findings from our interim audit are summarised at page 6 to 10. Recommendations are included in the action plan at Appendix 1. Overall good progress was made at our interim against our plan. However, we highlight in this report that there are some matters that are outstanding at the completion of our interim visit. Clearly considering new technical matters or undertaking outstanding testing from the interim, at final, could provide some risk to the completion of our work by the deadline.

The final accounts audit is due to begin on the 11 June with findings reported to you in the Audit Findings Report by the earlier deadline of 31 July 2018. The Audit and Governance Committee is timetabled for 30 July. The Council requires, in order that papers are issued to the committee under its normal publication requirements, a draft Audit Findings Report by 20 July 2018. There are some procedures that are ongoing up to the issue of the opinion such as post balance sheet events. Consistent with arrangements at all councils in this exceptional year, we will provide the committee with a verbal update or addendum of work completed and matters cleared between 20 and 30 July, so that members are fully appraised of the position on the audit prior to their approval of the accounts.

Value for Money

The scope of our work is set out in the guidance issued by the National Audit Office. The Code requires auditors to satisfy themselves that; "the Council has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources".

The guidance confirmed the overall criterion as: "in all significant respects, the audited body had proper arrangements to ensure it took properly informed decisions and deployed resources to achieve planned and sustainable outcomes for taxpayers and local people".

We made our initial risk assessment to determine our approach in December 2017 and reported this to you in our Audit Plan. We are required to keep this assessment under review. There are two new matters that have come to our attention:

- the recent legal judgment in relation to compliance with the provisions of Section 20 of the Children Act 1989. We will consider whether this poses a risk to our value for money conclusion.
- feedback from the Peer Review has now been received. We will need to consider whether there are any findings that pose a risk for our value for money conclusion.

We will report our work in the Audit Findings Report and give our Value For Money Conclusion by the deadline in July 2018.

Other areas

Finalisation of the 2016/17 audit.

As highlighted in the 2016/17 Audit Findings Report we are requesting a fee variation in relation to the additional work undertaken in respect of the 2016/17 accounts. We are proposing a fee variation of £15,500. The fee has been agreed as reasonable by the Head of Corporate Finance and we are awaiting final approval from Public Sector Audit Appointments Ltd.

Certification of claims and returns

We are required to certify the Council's annual Housing Benefit Subsidy claim in accordance with procedures agreed with the Department for Work and Pensions. This certification work for the 2017/18 claim will be concluded by November 2018. The results of the certification work are reported to you in our certification letter.

Meetings

Six weekly meetings are scheduled with the Head of Corporate Finance and the Corporate Finance Manager, as the lead officers for the accounts, where progress and technical matters are discussed and actions agreed.

Other matters discussed

Officers have shared with us the proposed change to the capitalisation policy. We have fed back our views and have sought clarification on some areas.

The Council is proposing to adopt agency accounting in relation to the funding of the university. We have asked that officers formally demonstrate the accounting justification for adopting this approach.

Audit Deliverables

2017/18 Deliverables

	Planned Date	Status
Fee Letter Confirming audit fee for 2017/18.	April 2017	Complete
Accounts Audit Plan We are required to issue a detailed accounts audit plan to the Audit Committee setting out our proposed approach in order to give an opinion on the Council's 2017-18 financial statements.	January 2018	Complete
Informing the risk assessment This is a key document that demonstrates the communication between auditors, management and 'Those Charged with Governance on risk.	March 2018	Complete
Interim Audit Findings – within Progress Report We will report to you the findings from our interim audit and value for money work to date within our Progress Report in May.	May 2018.	Complete
Audit Findings Report The Audit Findings Report is planned to be reported to the July Audit Committee.	July 2018	Not yet due
Auditors Report This is the opinion on your financial statement, annual governance statement and value for money conclusion.	July 2018	Not yet due
Annual Audit Letter This letter communicates the key issues arising from our work.	September 2018	Not yet due
Annual Certification Letter This letter reports any matters arising from our certification work carried out under the PSAA contract.	January 2019	Not yet due

Results of Interim Audit Work

The findings of our interim audit work, and the impact of our findings on the accounts audit approach, are summarised in the table below:

	Work performed	Conclusions and recommendations
Internal audit	<p>We have completed a high level review of internal audit's overall arrangements. Our work has not identified any issues which we wish to bring to your attention.</p> <p>We have also reviewed internal audit's work on the Council's key financial systems to date. We have not identified any significant weaknesses impacting on our responsibilities. The remaining internal audit reports will be considered at our final visit.</p>	<p>Overall, we have concluded that the internal audit service provides an independent and satisfactory service to the Council and that internal audit work contributes to an effective internal control environment.</p> <p>Our review of internal audit work has not identified any weaknesses which impact on our audit approach.</p>
Entity level controls	<p>We have obtained an understanding of the overall control environment relevant to the preparation of the financial statements including:</p> <ul style="list-style-type: none"> • Communication and enforcement of integrity and ethical values • Commitment to competence • Participation by those charged with governance • Management's philosophy and operating style • Organisational structure • Assignment of authority and responsibility • Human resource policies and practices 	<p>Our work has identified no material weaknesses which are likely to adversely impact on the Council's financial statements</p>

	Work performed	Conclusions and recommendations
Review of information technology controls	<p>Our information systems specialist performed a high level review of the general IT control environment, as part of the overall review of the internal controls system.</p> <p>IT (information technology) controls were observed to have been implemented in accordance with our documented understanding.</p>	<p>Our work has identified no material weakness which is likely to adversely impact on the Council's financial statements. Some minor weaknesses have been reported to management who have responded appropriately.</p>
Walkthrough testing	<p>We have completed walkthrough tests of the Council's controls operating in areas where we consider that there is a risk of material misstatement to the financial statements.</p> <p>Our work has not identified any issues which we wish to bring to your attention. Internal controls have been implemented by the Council in accordance with our documented understanding</p>	<p>Our work has not identified any weaknesses which impact on our audit approach.</p>

	Work performed	Conclusions and recommendations
Journal entry controls	<p>We have reviewed the Council's journal entry policies and procedures as part of determining our journal entry testing strategy and have not identified any material weaknesses which are likely to adversely impact on the Council's control environment or financial statements.</p> <p>To date we have undertaken detailed testing on journal transactions recorded for the first nine months of the financial year, by extracting 'unusual' entries for further review. No issues have been identified that we wish to highlight for your attention.</p>	<p>We have noted that journals clearing payroll suspense codes have been regularly posted to the ledger without accompanying journal descriptions. Journals should be posted with a description which explains the purpose of the transaction to ensure transparency; enable management review; and provide an audit trail.</p>
Early substantive testing	<p>Income</p> <p>We have obtained primary evidence of significant grants receivable by the Council in 2017/18.</p> <p>We have commenced testing of a sample of fees and charges revenue transactions for months 1-9.</p> <p>We have obtained primary evidence to support our review of collection fund amounts receivable in 2017/18 for Council tax and NNDR.</p>	<p>No issues have been identified at this stage that we wish to highlight for your attention.</p> <p>The sample request was issued on day 2 of the 3 week visit. Initial evidence provided by Council officers to support our transaction testing was not sufficient in all areas to complete all audit tests by the end of our interim visit. Officers feel that supply of the sample on day 2 of the visit was a factor in officers ability to provide the sample within the onsite visit.</p> <p>We will complete this outstanding testing and testing of months 10-12 at our final visit.</p>
	<p>Expenditure</p> <p>We have compared actual pay costs for months 1 - 9 to an expectation we have formed in reference to staffing levels throughout the year.</p> <p>We have commenced testing of a sample of non-pay operating expenses transactions for months 1-9.</p> <p>We have commenced testing of a sample of capital expenditure transactions for months 1-9.</p> <p>We have commenced testing of a sample of housing benefit payments for months 1-11.</p>	<p>The initial evidence provided by Council officers to support our transaction testing was not sufficient in all areas to complete all audit tests by the end of our interim visit. Officers are continuing to provide further evidence to support the incomplete items and matters are being resolved as far as possible prior to the final visit. This relates to our operating expenses testing, capital expenditure testing, payroll (month 10 pensions submission to administrator) and welfare benefits. Due to the incomplete responses to the sample testing and matters not being resolved by 23 March, the Audit Manager escalated matters to the Head of Corporate Services. As a consequence many of the outstanding responses were subsequently provided. There are still some incomplete areas as at the date of the report in particular responses to the capital expenditure testing.</p> <p>Testing in incomplete areas and testing of the remaining months will be undertaken at our final accounts visit.</p>

	Work performed	Conclusions and recommendations
Early substantive testing- continued	<p>Property, Plant & Equipment</p> <p>We have inquired about the Council's plans to engage valuation specialists for 2017/18. We have assessed the qualifications of the valuation specialists engaged and reviewed the instructions and terms of engagement issued. This has been done for 2 of the 4 valuers used by the Council. Appointment of valuers for the PFI scheme is being led by Worcestershire County Council. We understand that the internal valuers are being used for an immaterial proportion of the asset holding.</p>	<p>We note that the engagement of a valuation specialist for the Waste PFI asset has not yet been agreed, and we have therefore been unable to perform work in this area at this stage.</p> <p>The Council has relatively recently appointed new valuers and valuations are not yet complete for the majority of the asset holdings and consequently the asset register has yet to be updated. We did not plan nor have we been able to test valuations or accounting entries in relation to property, plant and equipment at this stage.</p> <p>In 2016/17 there were particular issues around:</p> <ol style="list-style-type: none"> 1) Assets not valued in year- approach and evidence to demonstrate that these were not materially miss-stated (reviewed at interim in 16/17 year) 2) reclassification of assets and critical judgments in relation to the classification and valuation of some assets 3) PFI valuations – valuers have recently been appointed by Worcestershire County Council to undertake this work <p>We would also expect that the new valuer provides evidence to support an impairment review.</p> <p>It is vital that proper attention is given to these areas as part of the preparation of the 2017/18 accounts to minimise the risk to completion of the audit by the deadline.</p>
Group Accounts Assessment	<p>We have reviewed the Council's assessment of whether the requirement to produce consolidated accounts has been triggered in 2017/18.</p>	<p>We requested further evidence to support the Council's assessment that consolidated accounts are not required in respect of Hoople Limited and Connexus Group Limited (formerly Herefordshire Housing). This evidence is outstanding at this stage. The Council have not previously consolidated Hoople's accounts on the basis of materiality, however there is a risk that the Hoople pensions liability could be a material amount in 2017/18 therefore we have asked for assurance this will not be the case.</p> <p>We have inquired whether Connexus Group Limited represents an Associate of the Council's for accounting purposes. We are awaiting assurance that no investment was made in the company by the Council to be satisfied the accounting for associates rules do not apply.</p> <p>We reviewed the skeleton version of the draft 2017/18 accounts and fed back to officers that increased disclosure of the Council's group accounts assessment is required.</p> <p>Management should ensure there is appropriate disclosure within critical judgments in the year-end accounts.</p>
Minimum Revenue Provision (MRP) policy and calculation	<p>We have reviewed the Council's revised MRP policy against the latest relevant guidance.</p> <p>We have tested the calculation of MRP for 2017/18.</p>	<p>We are satisfied that the policy applied is prudent and meets requirements set out in current guidance. We are satisfied that the calculation presented to us appears to be in line with the agreed policy.</p> <p>Appropriate disclosure should be made in the accounts in accordance with code requirements of methodology, the financial impact and significant assumption. Reference should be made within accounting policies of the 2017/18 accounts including the financial impact of the change in policy.</p>

	Work performed	Conclusions and recommendations
Pension Guarantees and Hoople Pensions accounting treatment	We have discussed with officers the need to formally document the position and proposed accounting treatment of any pension guarantees. This review was to be made available at interim.	<p>Pension guarantee is a matter that has been highlighted by the National Audit Office as a risk area for 2017/18.</p> <p>We agreed that officers would undertake a review of all historic TUPE transfers and consider whether there are any on-going pension guarantees in relation to these. For any ongoing pension guarantees, the Council needs to set out its accounting treatment of these guarantees and disclose appropriately in the 2017/18 accounts. We already know that a pension guarantee exists for Hoople and a properly documented assessment of the accounting treatment has yet to be prepared.</p> <p>A review as described above, was not available at interim. This review should be prepared and provided for the final accounts audit. Clearly there would have been a benefit for us reviewing the assessment at interim so that any queries could be resolved well in advance of the opinion visit.</p> <p>In 2016/17 the draft accounts included Hoople pensions on Herefordshire Council's balance sheet. We highlighted that there was insufficient evidence to support this treatment and the position was reversed in the final version of the accounts. This took some time to resolve. We understand that this continues to be an area being progressed by officers. No information on this has been provided at interim and our working assumption is that there would be no change for the 2017/18 accounts. This is a relatively technical and complex area and such a change could pose a risk to completion of our audit by the deadline.</p>
PFI liability	We have held discussions with Council officers to update our knowledge of the PFI schemes and officers' proposed accounting treatment for 2017/18.	We have been unable to review updates to the PFI accounting models at this stage, as they require updates post- year end.
Review of draft accounting policies and draft narrative report	We obtained and reviewed the accounting policies and narrative report which were issued to us at a draft stage.	<p>Comments were shared with officers around compliance with the CIPFA Code which should be addressed in subsequent drafts. The final accounts working papers should include a paper cross referencing code requirements to where this is covered in the narrative foreword. All financial cross references should be supported by a working paper or the note in the accounts</p> <p>The foreword should reflect the key features of the 2017/18 accounts and thus the final version of the foreword will need to be updated to reflect this. We would expect to see explanation for key features in the accounts including variance from budget at a service level and in capital programme. Other references we would expect to see would include as a minimum, the MRP policy change including the reasoning and impact, accountable body status for the new university and implications and a critical accounting judgement regarding the agency arrangement, reference to the development partner and the position on major commitments such as the new bypass.</p> <p>The proposed critical judgments statement should adequately reflect matters discussed above including accounting for groups, classification of property assets, treatment of pension guarantees and the introduction of agency accounting for the Council's role as accountable body for the university.</p>

Sector Update

Local government finances are at a tipping point. Councils are tackling a continuing drive to achieve greater efficiency in the delivery of public services, whilst facing the challenges to address rising demand, ongoing budget pressures and social inequality.

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Our sector update provides you with an up to date summary of emerging national issues and developments to support you. We cover areas which may have an impact on your organisation, the wider NHS and the public sector as a whole. Links are provided to the detailed report/briefing to allow you to delve further and find out more.

Our public sector team at Grant Thornton also undertake research on service and technical issues. We will bring you the latest research publications in this update. We also include areas of potential interest to start conversations within the organisation and with audit committee members, as well as any accounting and regulatory updates.

- **Grant Thornton Publications**
- **Insights from local government sector specialists**
- **Reports of interest**
- **Accounting and regulatory updates**

More information can be found on our dedicated public sector and local government sections on the Grant Thornton website

Financial sustainability of local authorities 2018

This National Audit Office report reviews financial sustainability across Local Government and examines whether the MHCLG, along with other departments with responsibility for local services, understands the impact of funding reductions on the financial and service sustainability of local authorities.

The report concludes that current pattern of growing overspends on services and dwindling reserves exhibited by an increasing number of authorities is not sustainable over the medium term. The financial future for many authorities is less certain than in 2014, when the NAO last looked at financial sustainability. It also notes that the financial uncertainty created by delayed reform to the local government financial system risks longer-term value for money.

06 The NAO's view is that the sector has done well to manage substantial funding reductions since 2010-11, but financial pressure has increased markedly since the 2014 review. Services other than adult social care are continuing to face reducing funding despite anticipated increases in council tax. Local authorities face a range of new demand and cost pressures while their statutory obligations have not been reduced. Non-social-care budgets have already been reduced substantially, so many authorities have less room for manoeuvre in finding further savings. The scope for local discretion in service provision is also eroding even as local authorities strive to generate alternative income streams.

Key findings include:

Financial resilience varies between authorities, with some having substantially lower reserves levels than others. Levels of total reserves in social care authorities as a whole are higher now than in 2010-11. However, there is variation in individual authorities' ability to build up their reserves and differences in the rate at which they have begun to draw them down. Some 10.6% of single-tier and county councils would have the equivalent of less than three years' worth of total reserves (earmarked and unallocated combined) left if they continued to use their reserves at the rate they did in 2016-17.

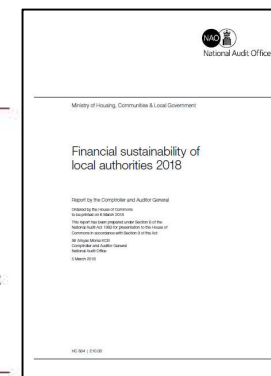
A section 114 notice has been issued at one authority, which indicates that it is at risk of failing to balance its books in this financial year. In February 2018, the statutory financial officer for Northamptonshire County Council issued a section 114 notice, indicating that it was at risk of spending more in the financial year than the resources it has available, which would be unlawful.

MHCLG's work to assess the sector's funding requirements as part of the 2015 Spending Review was better than the work it undertook for the 2013 Spending Review. The Department's advice to ministers in 2015 drew on a more comprehensive evidence base, including data returns from 12 departments.

The government has announced multiple short-term funding initiatives in recent years and does not have a long-term funding plan for local authorities. In 2016-17, the Department offered a four-year settlement to all authorities to enable better financial planning. However, there have been many changes to funding streams outside this core offer. The funding landscape following the 2015 Spending Review has been characterised by one-off and short-term funding initiatives.

There is also uncertainty over the long-term financial plan for the sector. The absolute scale of future funding is unknown until the completion of the next Spending Review. The government has confirmed its intention to implement the results of the Fair Funding Review in 2020-21 and to allow local authorities to retain 75% of business rates. However, the implications of these changes are not yet clear.

There is a lack of ongoing coordinated monitoring of the impact of funding reductions across the full range of local authority services.



Links

Grant Thornton website links

<https://www.grantthornton.co.uk/>

<http://www.grantthornton.co.uk/industries/publicsector>

<http://www.grantthornton.co.uk/en/insights/commercial-healthcheck-in-local-authorities/>

<http://www.cfoinsights.co.uk/>

<http://supplychaininsights.grantthornton.co.uk/>

PSAA website links

<https://www.psaa.co.uk/audit-quality/reports-on-the-results-of-auditors-work/>

MHCLG website links

<https://www.gov.uk/government/consultations/proposed-changes-to-the-prudential-framework-of-capital-finance>

<https://www.gov.uk/government/publications/capital-finance-guidance-on-local-government-investments-second-edition>

<https://www.gov.uk/government/publications/capital-finance-guidance-on-minimum-revenue-provision-third-edition>

CIPFA website link

<http://www.cipfa.org/policy-and-guidance/publications/t/the-prudential-code-for-capital-finance-in-local-authorities-2017-edition-book>

National Audit Office link

<https://www.nao.org.uk/report/financial-sustainability-of-local-authorities-2018/>

<https://www.nao.org.uk/report/the-adult-social-care-workforce-in-england/>

Appendix 1 – Action plan

Priority

High - Significant effect on control system

Medium - Effect on control system

Low - Best practice

Rec No.	Recommendation	Priority	Management response	Implementation date & responsibility
1	We have noted that journals clearing payroll suspense codes have been regularly posted to the ledger without accompanying journal descriptions. All journals should be posted with a description which explains the purpose of the transaction to ensure transparency; enable management review; and provide an audit trail.	medium	Agreed, this is the process to be followed, a reminder has been issued.	Implemented, Head of Corporate Finance.
2	<p>Substantive (sample) testing: as trailed with the Audit and Governance Committee previously, this year represents a significant challenge for all councils' finance teams and their external auditors. Whilst we have now made good progress regarding our sample testing and have also reengineered our audit strategy to 'front load' the work required, our experience at the interim audit suggests that we need to improve the efficiency of our combined approach. To that end, we will ensure that we work through the Council's designated officer in coordinating our requests for information and in return will require a prompt response to any further samples, with supporting evidence for every item of the sample meeting the quality standards of external invoices or other primary evidence to support the basis of the amount and the year to which the activity relates. Screen shots of ledger entries do not suffice in this case.</p> <p>We have agreed with the Chief Finance Officer the importance of a flexible, responsive and pragmatic approach that builds on the good relationships between our respective front-line teams. We will both be paying particular attention to this in the early stages of the final audit to ensure we stay on course to meet the July opinion deadline.</p>	high	Agreed, We look forward to working with the audit team to build upon the good progress made during the interim audit to enable the necessary checks and reviews to be carried out as efficiently as possible.	June, Chief Finance Officer, Corporate finance manager

Appendix 1 – Action plan

Priority

High - Significant effect on control system

Medium - Effect on control system

Low - Best practice

Rec No.	Recommendation	Priority	Management response	Implementation date & responsibility
3	Waste plant PFI: officers continue to liaise with Worcestershire County Council to obtain assurance that the PFI valuations will be completed and undertaken by appropriately qualified professionals in time. Evidence should be provided that Herefordshire Council has appropriately considered the basis and challenged all information provided by Worcestershire County Council for material transactions in Herefordshire Council financial statements,	high	Agreed, this process has started	April, Head of Corporate Finance
4	Group accounts: information as requested is made available in relation to the group assessment, for Hoople and Connexus. Further disclosure on group accounting should be made in the 2017/18 accounts as a critical accounting judgement	high	To be as transparent as possible group accounts will be prepared	May, Head of Corporate Finance
5	MRP: appropriate disclosure should be made in the accounts in relation to the change in policy implemented in 2017/18. Reference would be made within the accounts to the reasoning and the financial impact.	high	Agreed	May, Head of Corporate Finance
6	Pension guarantees: Officers complete the work on identifying pension guarantees and prepare a paper setting out the basis of accounting in the financial statements.	high	Agreed, this work has started	May, Head of Corporate Finance
7	Narrative foreword: The working papers should include a paper providing a clear cross reference between the code and where the area is addressed in the foreword. Working papers or a clear cross reference to the note in the accounts should be provided for all financial references The foreword should include a relatively detailed and specific explanation of the financial events of the year and matters, financial commitments and risks in the coming year. Narrative should support the table on budget variances for both revenue and capital and how the risks are being managed going forward.	High	Agreed	May, Head of Corporate Finance

Appendix 1 – Action plan

Priority

High - Significant effect on control system

Medium - Effect on control system

Low - Best practice

Rec No.	Recommendation	Priority	Management response	Implementation date & responsibility
8	Critical judgements should include reference to agency accounting for the university, group accounts and other matters significant to the application of accounting policies.	high	Agreed	May, Head of Corporate Finance
9	An audit fee variation was agreed with the Head of Corporate Finance in October 2017 of £15,500 to reflect the additional work involved in completing the audit of the 2016/17 accounts.. We had previously highlighted in the Audit Findings Report that there would be an additional fee and in October we were able to make an accurate assessment of the additional days put in by the audit team. A summary of this was shared with the Head of Corporate Finance prior to her confirming the fee.	high	The Chief Finance Officer has asked us to formally request approval from the Audit and Governance committee	

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Meeting:	Audit and governance committee
Meeting date:	Tuesday 8 May 2018
Title of report:	Annual Governance Statement 2017/18
Report by:	Chief Finance Officer

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose and summary

To seek the views of the committee as to whether the draft annual governance statement properly reflects the risk environment the council is operating in and the appropriateness of any actions required to improve it.

The council is required to publish a statement annually which explains to the community, service users, tax payers and other stakeholders our governance arrangements and how the controls we have in place manage risks of failure in delivering our outcomes and reflecting our particular features and challenges. The draft statement is attached at appendix 1 and sets out the arrangements we have in place, the outcome of a review of their effectiveness and actions we are taking to make improvements.

The draft will be published with our draft statement of accounts and a final draft will be presented to the committee for approval in July once the internal and external auditors' opinions in respect of 2017/18 are available.

Recommendation(s)

That:

- (a) **the committee determine whether the draft annual governance statement at appendix 1 properly reflects the risk environment the council is operating in and that actions identified are an appropriate response.**

Alternative options

1. There are no alternatives to publishing an annual governance statement which is a requirement of the Accounts and Audit Regulations 2015.
2. It is open to the committee to propose amendments to the draft statement to ensure it accurately reflects the council's governance arrangements and their effectiveness, and to ensure that proposed actions are appropriate.

Key considerations

3. The council is required to publish a statement annually which explains to the community, service users, tax payers and other stakeholders our governance arrangements and how the controls we have in place manage risks of failure in delivering our outcomes and reflecting our particular features and challenges.
4. At its meeting on 26 January the committee agreed a timetable for the production of the annual governance statement as follows:
 - 8 May 2018 - the committee receives a draft statement in order to provide assurance that the statement accurately reflects the strength of the council's governance and internal control processes, on the basis of the knowledge available to the committee at that time
 - End May 2018 – the draft statement is published with the draft accounts
 - 30 July 2018 – external and internal auditors' opinions are presented to enable the committee to confirm whether or not those opinions raise any new issues which should be reflected in the final annual governance statement
 - End July 2018 – having regard to any recommendations made by the committee the final statement is signed by the Leader and Chief Executive for publication with the statement of accounts
 - 23 January 2019 – the committee receives a progress report on implementation of the action plan
5. The preparation and publication of the annual governance statement has been carried out in accordance with the guidance produced by the Chartered Institute of Public Finance and Accountancy: 'Delivering Good Governance in Local Government'.
6. The guidance suggests that statements should be meaningful but brief, high level, strategic and written in an open and readable style, and should include:
 - an acknowledgement of responsibility for ensuring that there is a sound system of governance (incorporating the system of internal control) and reference to the authority's code of governance
 - reference to and assessment of the effectiveness of key elements of the governance framework (set out in the code of corporate governance) and the role of those responsible for the development and maintenance of the governance environment,

such as the council, the executive, the audit committee, internal audit and others as appropriate

- an opinion on the level of assurance that the governance arrangements can provide and that the arrangements continue to be regarded as fit for purpose in accordance with the governance framework
 - an agreed action plan showing actions taken, or proposed, to deal with significant governance issues
 - reference to how issues raised in the previous year's annual governance statement have been resolved
 - a commitment to monitoring implementation as part of the next annual review
7. Since the last statement and action plan was produced Council has adopted a revised code of corporate governance as part of its new constitution. The current refresh of the constitution has not identified any proposed changes for this code.
8. The process for the review of effectiveness has been strengthened this year through the introduction of manager and statutory officer assurance statements. Whilst the annual governance statement is by nature a high level and strategic summary, the statement process has enabled areas for improvement at a team or service level to be identified and included in relevant service plans as necessary.

Community impact

9. Corporate governance is the term used to describe the systems, processes, culture and values the council has established to ensure we provide the right services, to the right people in a timely, open, and accountable way. Good corporate governance encourages better informed longer-term decision making using resources efficiently, and being open to scrutiny with a view to improving performance and managing risk.
10. The annual review ensures that our arrangements are effective in supporting achievement of the council's vision and corporate plan priorities.

Equality duty

11. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:
- A public authority must, in the exercise of its functions, have due regard to the need to -
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
12. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. Compliance with our code of conduct ensures that we demonstrate how we are fulfilling this duty.

Resource implications

13. None associated with the recommendations. If the committee proposes further actions the resource implications of implementing those actions will need to be considered.

Legal implications

14. The Accounts and Audit Regulations 2015 include a requirement for all councils to produce an annual governance statement, and set out the timescales by which they must be published. The draft statement ensures that the council will comply with these requirements.

Risk management

15. The statement itself identifies any high level or strategic governance risks and the action plan provides mitigation to those risks.

Consultees

16. The views of the council's appointed Independent Person, Mr R Stow, were sought in the drafting of the statement. Mr Stow expressed concerns about the degree to which the principles of openness and transparency were upheld in relation to the naming of parish councils in the annual report on code of conduct matters and suggesting ways in which the standards procedure for member code of conduct complaints could be improved to strengthen adherence to the principle of behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law. The annual governance statement reflects these views and notes that they are being addressed through the current review of the constitution (including the code of conduct and associated procedures).

Appendices

Appendix 1: Draft Annual Governance Statement 2017/18

Background papers

Statutory Officer and Director Assurance Statements

Annual governance statement 2017/18

What is governance?

1. Governance determines who has authority, who makes the decisions and how the council is kept accountable. It is how the council ensures we provide the right services, to the right people in a timely, open, and accountable way. Good corporate governance encourages better informed longer-term decision making using resources efficiently, and being open to scrutiny with a view to improving performance and managing risk.

What is the annual governance statement?

2. The council is required by the Accounts and Audit Regulations 2015 to prepare and publish an annual governance statement, in order to report publicly on the extent to which we comply with our own [code of corporate governance](#), including how we have monitored the effectiveness of our arrangements in year and on any planned changes to our governance arrangements in the coming year.
3. In this document the council:
 - acknowledges its responsibility for ensuring that there is a sound system of governance;
 - summarises the key elements of the governance framework and the roles of those responsible for the development and maintenance of the governance environment;
 - describes how the council has monitored and evaluated the effectiveness of its governance arrangements in the year, and on any planned changes in the coming period;
 - provides details of how the council has responded to any issue(s) identified in last year's governance statement; and
 - reports on any key governance matters identified from this review and provides a commitment to addressing them.
4. The annual governance statement reports on the governance framework that has been in place for the year ended 31st March 2018.
5. It should be noted however, that any system of internal control is designed to manage risk to a reasonable level rather than to eliminate all risk of failure to achieve policies, aims and objectives; it can therefore only provide reasonable and not absolute assurance of effectiveness.

Scope of responsibility

6. Herefordshire Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards and that public money is safeguarded, properly accounted for and used economically, efficiently and effectively. The council also has a duty under the Local Government Act 1999 to continually review and improve the way we work, while at the same time offering value for money and efficient and effective services.
7. To meet these responsibilities the council has put in place proper arrangements for overseeing what we do. These arrangements are intended to make sure that we have the right people, doing the right things, at the right time, for the right reasons, and in the right way, in an open, inclusive and accountable manner.
8. The council has adopted a code of corporate governance that is consistent with the principles of the Chartered Institute of Public Finance and Accountancy (“CIPFA”)/Society of Local Authority Chief Executives (“SOLACE”) framework for delivering good governance in local government (2016).

The purpose of the governance framework

9. The governance framework comprises the systems, processes, culture and values by which the council is controlled, and also sets out how the council accounts to, engages with and leads the community.
10. The governance framework enables the council to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate and cost-effective services.
11. The system of internal control is a significant part of that framework and is based on an ongoing process designed to:
 - identify and prioritise the risks to the achievement of the council’s policies, aims and objectives;
 - assess the likelihood and impact of the risks should they be realised; and
 - manage the risks efficiently, effectively and economically.
12. The framework operates at three levels:

Level 1 - Business and operational management. Operational management and staff delivering objectives, Identifying risks and improvement actions, implementing controls, reporting progress, providing management assurance, and ensuring compliance: supported by

Level 2 - Oversight and support. Portfolio holders, scrutiny and audit and governance committees, senior managers and statutory officers provide strategic, policy and direction setting, decision-making, and assurance oversight; validated by

Level 3 - Independent assurance. Internal and external audit, inspection and review agencies, and regulators provide independent challenge and audit, reporting assurance, and audit opinion in relation to assurance levels.

How has the annual governance statement been prepared?

13. The process, jointly led by the section 151 officer and the monitoring officer, has:
- a) reviewed our existing governance arrangements against the guidance included in CIPFA/SOLACE ‘Delivering Good Governance in Local Government’ framework - 2016;
 - b) reviewed our code of corporate governance to ensure it reflects this guidance and includes the recommended seven principles of good governance; and
 - c) assessed the effectiveness of our governance arrangements against the code of corporate governance. The key sources of assurance that inform this review are set out in the following table.

What we are seeking assurances on	What sources of assurance we will use
<ul style="list-style-type: none"> ○ Delivery against corporate and service delivery plans whilst observing the principles of good governance ○ Delivery of sustainable economic, social and environmental benefits ○ Design and effectiveness of internal controls, risk management and counter fraud measures ○ Strong commitment to ethical values ○ Compliance with laws, regulations, and the council’s constitution, strategies, policies and procedures ○ Key governance tools (e.g. financial, performance and risk management and reporting) are fit for purpose ○ Direction of travel of previously identified governance issues 	<ul style="list-style-type: none"> ○ Management assurances re compliance with laws and regulations, corporate strategies, policies, plans and arrangements e.g. constitution, financial and performance monitoring and reporting, and risk management ○ Statutory officers’ declarations ○ Significant partnerships’ governance risk assessments ○ Internal audit reports and opinions ○ Findings from Audit & Governance and scrutiny committees ○ External bodies and inspectorates reports ○ Views of the council’s appointed Independent Person(s)

Review of effectiveness

14. The tables below set out the findings of the review.

Principle A: Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law

- In May 2017 the council agreed a new [constitution](#) which sets out the council's [values](#), how the council operates, how decisions are made and the procedures to be followed to ensure adherence to these principles. The constitution is regularly reviewed by the council's Audit and Governance Committee.
- Councillors are expected to follow the council's adopted [code of conduct](#). The Monitoring Officer provides advice to members on the code and reports on its effectiveness to the Audit and Governance Committee who regularly review the code. The council has an Independent Person to assist the council in promoting high standards of conduct by elected and co-opted members of Herefordshire Council and town and parish councils. During 2017/18 a second Independent Person retired and it has proved difficult to recruit eligible volunteers; consideration is being given to alternative collaborative arrangements with neighbouring councils to ensure the resilience of this independent support is maintained. Registers of interest are maintained and regularly reviewed and declarations of interest are routinely sought and recorded at the start of meetings. The Independent Person has expressed the view that the [standards procedure](#) supporting the code of conduct would be strengthened by greater clarity on the sanctions which may be applied and how they may be enforced, inclusion of an appeal process, and clarification of the basis on which a breach of the code relating to declaration of a schedule 1 interest may be referred to the police. The annual constitution review is taking account of these issues and will inform revisions to the procedure during 2018/19.
- Employees are expected to follow the council's [Employee Code of Conduct](#). A review of this code was undertaken in 2017 and a revised code was consulted on. Approval of a new code was expected in 2017/18 but has been delayed to allow for further consideration of the consultation responses and is now expected to be approved in May 2018. Once approved the revised code will provide greater clarity about the standards of behaviour expected of employees, and will be supported by improved processes for maintaining a register of employees' interests and a programme of communication and training for all employees.
- The required leadership employee behaviours and values are embedded into the council's employee Personal Performance and Development Plan process.
- A [member and officer relations code](#) is in place which provides guidance so that relationships are maintained in such a way as to ensure the smooth running of the council, that members receive impartial and objective advice, and officers are protected from accusations of bias or undue influence from councillors.
- During 2017, the council has reviewed its [Anti-Fraud, Bribery and Corruption Policy](#) to ensure it remains fit for purpose.
- The council has processes in place to [make a complaint](#), and to ensure complaints are investigated appropriately. All council members and employees are expected to deal with members of the public with dignity and respect at all times. This is embedded in the council's values, and

codes of conduct. We also expect all members of the public to behave in a reasonable manner when dealing with representatives of the council, and has reviewed its [unreasonable behaviour policy](#) to ensure it remains proportionate and fit for purpose.

- The council has a [Whistleblowing Policy](#) in place. During the year an increase in its use highlighted the need to review the policy and supporting procedures to ensure it is working effectively and promoted consistently. Revised documents are subject to consultation with employee representatives before adoption scheduled for May 2018.
- The constitution sets out clearly who fulfils the various roles and responsibilities of the council including decision making authority. The council ensures that advice is provided to decision makers to ensure compliance with the law and that the council can demonstrate how our decisions can support fulfilment of our public sector equality duty.
- There are processes in place to ensure that policies and procedures comply with the statutory requirements, and a programme of periodic review has been established to ensure that they remain compliant and fit for purpose.
- During 2017/18 a high court judgement found that some historic children's social care practice in relation to the application of s20 of the Children's Act 1989 had not been in compliance with the current application of law. Whilst the findings noted the improvements in practice that had already been made it was also acknowledged that a number of further cases relating to the same period were likely. The Children and Young People Scrutiny Committee is undertaking some task and finish work during 2018/19 to assure themselves of the robustness of current practice.
- Following a high profile legal ruling against another council relating to deprivation of liberty (DoL) a significant rise in DoL assessments nationally was reflected in Herefordshire. Although resource for this service was increased demand remains at a high level and assessments are being prioritised on a risk basis.

Summary

The council complies with this principle by ensuring its members and officers behave in ways that exemplify high standards of conduct and effective governance and that its organisational values are put into practice. The following improvements are planned:

- Adopt and implement a revised employee code of conduct
- Adopt and implement a revised whistleblowing policy and procedure
- Promote the member and officer relations code through development sessions with members and employees
- Adopt and implement a revised standards procedure for complaints against councillors

Principle B: Ensuring openness and comprehensive stakeholder engagement

- The council has adopted openness as one of the values on which our culture is shaped and which underpin our work.
- As part of the new constitution the council produced a guide to [public participation](#) and extended the opportunities for members of the public to ask questions at a meeting of the council.
- The council's planning and decision-making processes are designed to include consultation with stakeholders, and we have adopted government's consultation principles within our [communications protocols](#)
- In order to achieve our vision for the county, the council works with a range of partners and has adopted a [partnerships' governance framework](#) which sets out how we promote high governance standards in the partnerships we enter into and how we monitor the effectiveness of partnership governance arrangements.
- The recent [corporate peer challenge](#) identified that whilst the council recognised the importance of developing effective working relationships with key partners and communities, it would benefit from supporting this work in a more strategic and co-ordinated way.

Summary

The council complies with this principle by engaging with local people, stakeholders and partners. Although engagement could be strengthened further through the development of a more strategic and co-ordinated approach, no significant governance weaknesses are identified.

Principle C: Defining outcomes in terms of sustainable economic, social and environmental benefits

- Herefordshire Council has agreed a four year [Corporate Plan](#) that sets out our priorities and the outcomes we expect to achieve.
- In addition, a [register](#) is maintained of council strategies, policies and procedures. A programme of review is in place to ensure that all strategies and plans on the register are fit for purpose, and are clear about their intended outcome.
- The council's planning and decision making processes are designed to ensure that expected outcomes and impacts are clear and that there are processes in place to measure how well they are achieved.
- The council has adopted a [performance risk and opportunity management framework](#) that provides the basis for the council to plan, monitor, and manage our performance to ensure we deliver the best service we can. It supports members and officers across the council to take responsibility for their own performance and lead the delivery of improved outcomes for residents.
- Social value is evaluated as part of our procurement arrangements.

Summary

The council complies with this principle by developing and communicating its intended outcomes. Although some older strategies and plans have less clearly defined outcomes there is a process in place for reviewing these. No significant governance weaknesses are apparent.

Principle D: Determining the interventions necessary to optimise the achievement of the intended outcomes

- An annual [corporate delivery plan](#) sets out the key activities we will undertake to achieve the corporate plan priorities.
- The [medium term financial strategy and annual budget](#) demonstrate how the council's financial resources will be deployed to deliver the intended outcomes.
- The council's decision making processes, including input from the scrutiny committees, ensure that decision makers receive objective and robust analysis of a variety of options indicating how intended outcomes will be achieved.
- The council's framework for partnerships' governance prompts consideration of the added value to be gained from working in partnership.
- The recent [corporate peer challenge](#) identified that a strategic review of resources, and a more cross-council rather than directorate-led approach, may be beneficial to ensure that the potential to resource achievement of the council's vision and priorities over the medium term could be maximised.

Summary

The council complies with this principle by ensuring that decision makers are informed of alternative options and have objective and professional advice on the implications of those options. No significant governance weaknesses are apparent although during 2018/9 consideration will be given to how best to take forward the findings from the corporate peer challenge to ensure achievement of intended outcomes is optimised.

Principle E: Developing the organisation's capacity including the capability of its leadership and the individuals within it

- Herefordshire Council works with a wide range of partners to deliver our vision for the county and our corporate plan priorities. Partnership arrangements are entered into where appropriate and when they have the potential to deliver the desired outcomes.
- In light of the significant reduction in council resources over recent years there has been little investment in formal training and development either for members or employees, although in house training has been provided for mandatory areas and limited external training and development has been accessed.

- A programme for manager development is being developed for introduction during 2018/19 and a draft member development programme has been developed for adoption in 2018/19
- Member induction arrangements have been reviewed and a revised programme agreed and implemented. Staff induction has been reviewed and a new programme is being introduced for 2018/19.
- A Local Government Association peer review of children's safeguarding noted some improvement required to children's social work capacity, and the corporate peer challenge drew attention to the advantages of adopting a corporate transformation plan to ensure that the workforce resource was appropriately aligned to deliver the council's priorities.
- There is a continuous performance improvement programme in place which enables employees to put forward ideas, and embed continuous improvement as a culture in all our services.
- The council's personal performance and development plan process ensures that development needs are identified including those relating to leadership.

Summary

The council complies with this principle by ensuring that members and officers receive a basic level of mandatory training. The following improvements are planned:

- Adopt and implement a member development strategy and plan
- Adopt and implement a manager development programme
- Adopt and implement a corporate workforce strategy

Principle F: Managing risks and performance through robust internal control and strong public financial management

- The council has adopted a [performance risk and opportunity management framework](#) that provides the basis for the council to plan, monitor, and manage our performance and risks to that performance. The framework is regularly reviewed by Cabinet, and further improvements to the framework are being considered to ensure that risks are appropriately considered and escalated.
- Risk registers are maintained at project, service, and directorate levels as well as corporately and the Audit and Governance Committee monitors the effectiveness of the risk management arrangements.

- Performance (including financial management) is reported formally to Cabinet on a quarterly basis and published on the website. The council also published an [annual performance report](#) .
- During 2017/18 the council agreed to become the accountable body for public funding directed to support the establishment of a new university in the county. Robust internal control arrangements agreed by the council's s151 officer, are in place overseen by a robust partnership arrangement, to ensure effective oversight and management.
- Business continuity arrangements are in place for critical services and resilience arrangements regularly tested.
- During 2017/18 the council became aware of unauthorised expenditure in relation to a project to refurbish Blueschool House. Following an internal audit investigation a number of [internal control improvements](#) were identified as necessary. Lead by the council's s151 officer and overseen by the Audit and Governance Committee an improvement plan has been progressed throughout the year and will continue in 2018/19.
- The council has appointed a senior information risk officer who is responsible for ensuring arrangements are in place to maintain security of the council's information assets.
- The council's internal audit function provides an independent view on the adequacy and effective operation of the council's internal control environment. They have identified improvement areas during the course of their work and action plans have been agreed with management to address them. Implementation of these actions is tracked and reported to the Audit and Governance Committee.
- A thread remains in their findings, and reflected in the assurance statements provided by managers, that there are some instances of policies and procedures either not being followed or being applied inconsistently. Internal audit have noted this has been a particular concern during 2017/18 in relation to ensuring compliance with the General Data Protection Regulations (GDPR) coming into force in May 2018 and the completeness of documentation supporting data sharing agreements. Action has been taken during 2017/18 to establish a [register](#) of council strategies, policies and procedures. There is now an agreed programme, owned by each directorate, to review the documents and ensure they are fit for purpose, that there is a communication plan to support each document, and measure are in place to monitor compliance with and effectiveness of the policy. The council has robust arrangements in place to prepare for the implementation of GDPR, has identified risk areas, and has agreed plans to mitigate those risks. Overarching data sharing agreements are in place with key partners. Data sharing requirements are included in relevant contract and procurement documentation and a rolling programme is in place linked to contract renewal to ensure data sharing arrangements are documented.
- The council is committed to reviewing its performance and actively pursues opportunities to gain external input into that process as evidenced by participation in the Local Government Association peer review and corporate peer challenge processes.

Summary

The council has appropriate processes in place through which it manages risk and performance. However there is evidence of the need to strengthen some internal controls and to ensure that policies and procedures are clear, effective and being followed. The following improvements are planned:

- Complete implementation of actions in response to the Internal Audit findings re Blueschool House

Principle G: Implementing good practices in transparency, reporting, and audit to deliver effective accountability

- The council publishes information about the [decisions](#) it takes on its website; where there is a justification for withholding information or excluding the public from a meeting of the council in accordance with the [Access to Information Rules](#) the reason for doing this is explained. During 2017/18 there were no meetings of cabinet from which the public were excluded.
- We explain what information we hold and how to [access](#) that information on our website, including publication of [open data](#) in accordance with the local government transparency code.
- The council has established a performance challenge process through which directorate performance is regularly reviewed and challenged by senior managers and elected members including cabinet members, scrutiny chairmen and political group leaders.
- An annual review of the adequacy of the council's governance arrangements is undertaken and reported to senior managers and to the Audit and Governance Committee. This review process has been strengthened this year through the introduction of a checklist for service managers to complete to inform the assessment and to inform service improvement plans.
- The council has strengthened its scrutiny function by moving from two to three committees enabling additional focus to be given to the children and young people area of activity. Each committee determines its own workplan. All executive decisions, including those taken by officers under delegation are subject to the council's call in procedures. Of the 46 recommendations made to the executive which have been considered in 2017/18 by the executive only two have been rejected.
- In their annual finding report the External Auditor identified a number of improvements needed to ensure the efficient and accurate closedown of accounts, and in particular advised that consideration be given to improving the process for classification and valuation of property, plant and equipment.

- The council's Independent Person has expressed concern that the council's annual report on the code of conduct is insufficiently transparent because the individual parish council's concerned are not named. This matter is being considered by the Audit and Governance Committee as part of its review of the standards procedure.
- Financial reporting arrangements are sound in relation to revenue but less well developed in relation to capital projects. Under the leadership of the council's s151 officer a programme of improvements to capital reporting, accompanied by clear guidance to budget managers is being pursued.
- The council's framework for partnerships governance requires a periodic assessment of the effectiveness of the governance arrangements for partnerships. This review has highlighted some potential to provide greater transparency of decisions taken by a small number of partnerships; we are working with relevant partners to secure improvement in 2018/19.

Summary

The council complies with this principle by having robust arrangements in place which ensure transparency over how decisions are taken and reported and who is accountable for them. Scrutiny and audit support adherence to this principle. However improvements are required to strengthen capital financial reporting and to further improve the transparency of some partnerships' decision-making.

- Adopt and implement a revised process to close down the annual accounts including improving the processes for valuation of assets.
- Adopt and Implement improvements to capital reporting processes to improve transparency.
- Agree and implement arrangements to provide greater transparency of partnership decision-making by West Mercia Energy, Hoople and arrangements with health bodies.

Progress against actions agreed in response to the 2016/17 annual governance statement

15. The table below shows progress made, the text in red identifies updates since the action plan was reviewed by Audit and Governance Committee in January 2018.

	Improvement required	Action planned	By when	Owner	Progress
1.	Members and officers modelling the values and behaviours expected and clear about the processes to follow if they have concerns.	Supporting implementation of the revised constitution and codes which provide clearer information, a communication and training programme will be delivered for both members and officers.	End July 17	Solicitor to the Council Head of HR and OD	Achieved - Member code adopted May 2017, training provide as part of committee induction for municipal year, training for clerks and parish councillors also provided. In progress - employee code of conduct in consultation scheduled for approval end Jan 18. <i>Analysis of consultation response from employee representative bodies is ongoing and the revised code is now expected to be adopted in May 2018. A programme of training will follow adoption.</i>
2.	The council's commitment to openness and the public interest is not always clear in its decision-making.	New guidance on access to information is included in the revised constitution.	19/05/17	Solicitor to the Council	Achieved – training also provided
		Guidance on public interest will form part of training to report authors and decision-makers	End July 17	Head of Corporate Governance	Achieved – guidance included in report writing guide and included in training sessions.
		Guidance on report writing will provide clarity on expected report content and the requirements for compliance with all the principles of good decision making to be demonstrated	End July 17	Head of Corporate Governance	Achieved – report writing guide produced and published on the intranet. Promoted through training and now, with the benefit of six-months of use, is being reviewed to ensure it is fit for purpose.

					Revised guidance has been produced, and is being reviewed in light of recommendations from a recent data quality audit before published on the intranet and promoted through news core.
3.	Channels of communication with the community and stakeholders are not always clear and there are inconsistent approaches to consultation.	Supporting the communication strategy and protocols, consultation and engagement standards will be established	End Nov 17	Head of Business Improvement and Transformation	In progress: revised target date of February 2018 - a revised internal consultation process and guidance for staff has been drafted to ensure a consistent approach across the organisation and is scheduled for consideration by Management Board in January 2018 for implementation in February 2018. Consultation process has been approved by management board and cascaded through the directorate senior management teams. This will also be followed up with a direct communications to all staff at the end of April 2018. The new consultation process and a revised toolkit for consultation and engagement will be available on the intranet at the end of April 2018.
		Communications training for staff and members delivered	End March 18 then ongoing	Assistant Director Communities	In progress - First tranche of training with key communications staff (including public health, regulatory and development control, and environment and waste) delivered in December 2017. Communications training for committee chairmen delivered in September 2017.

					<p>Programme for further training for senior management and members to be confirmed in the new year.</p> <p>Further training scheduled in March 2018 had to be cancelled due to adverse weather. This has been rescheduled for May 2018.</p> <p>On an ongoing basis further periodic refresher training will be scheduled and any additional training as necessary to meet identified need.</p>
4.	Links between the various visions, budget and service planning and commissioning, risk management, performance and value for money are not consistently demonstrated or measured	Seek to agree consolidated vision through development of corporate delivery plan 2018/19	March 18	Chief Executive	<p>In progress.</p> <p>Achieved: We developed the following vision as part of the Communications Strategy 2016 – 2020 adopted by cabinet in September 2016: <i>‘People, organisations and businesses working together to bring sustainable prosperity and well-being for all, in the outstanding natural environment of Herefordshire.’</i> This vision builds upon our four key priorities and has helped to inform the development of our 2018/19 budget, medium term financial strategy and corporate delivery plan 2018/19.</p> <p>During 2018/19 further consideration will be given to how council-wide resources are aligned to achieve this vision in light of the recommendations from the Local Government Association Corporate Peer Challenge to</p>

					inform the future corporate planning processes.
		Supplement the performance, risk and opportunity management framework (PROM) with some clearer guidance on service and project planning to ensure these links are made effectively and consistently; to ensure risk is consistently recorded and used to inform decision making; and to ensure outcomes are measured and reported	Sept 17	Assistant Director Environment and Place	<p>In progress: revised target date for completion February 18 - service planning guidance was agreed by Management Board in October. Project planning guidance has been produced and will be finalised following system testing during December. It consists of an eight stage process designed to provide the required oversight and assurance at specific points.</p> <p>An update of the PROM is scheduled for Cabinet consideration in February 2018.</p> <p>Partially achieved, remainder in progress: The service planning guidance has been used as the basis for service planning for 2018/19 and the project planning guidance is to be rolled out during 2018/19 in light of learning from the systems testing which has taken place in the final quarter of 2017/18.</p> <p>The updated PROM is due to be published in Q1 2018/19. The updated PROM provides greater clarity about the process to ensure that risks are identified at all levels of the organisation and are correctly recorded on the relevant risk register(s) with clear escalation processes to be applied.</p>

		End of year/annual report to highlight the impact of activities	July 17	Assistant Director Environment and Place	Achieved - the Annual Report 2016/17 was approved by Cabinet on 22 June 2017, and can be found on the Council's website using the following link: Annual Performance Report 2016/17
		Revised commercial and commissioning strategy adopted, communicated and monitored to ensure contractual arrangements reflect the council's priorities and can demonstrate value for money.	Sept 17	Assistant Director Communities	In progress: revised target date for completion February 2018 - Procurement and Commissioning Strategy drafted and currently being reviewed internally; scheduled for cabinet member approval in February 2018. In progress: the draft has been reviewed to ensure any learning from the Blueschool House findings are addressed and is now scheduled for cabinet member consideration in May 2018 and following adoption a training plan will be implemented.
		Options appraisal to establish whether a course of action represents best use of resources, to be a consistent element of business cases informing decisions	Sept 17	Chief Finance Officer	In progress, revised target date for completion March 2018 to allow for the lessons to be learnt from the Internal Control Improvement Board to be incorporated. Work is now expected to be completed by June 2018
5.	The level of awareness of fraud risk and potential mitigation is low in areas outside of financial transaction service areas.	The anti-fraud and corruption policy will be reviewed and refreshed	July 17	Chief Finance Officer	Achieved – revised anti-fraud, bribery and corruption policy approved by Audit & Governance Committee in July 2017.
		Communication and training of the revised policy will be delivered	Dec 17	Chief Finance Officer	In progress. Revised target date for completion June 18 to ensure that all sections of the council are aware of the revised policy

6.	There is some evidence from internal audit findings that policies and procedures are not always understood/followed.	Establish a register of policies and procedures which identifies the policy/procedure, policy owner, scope of policy, approval date, review date, and monitoring arrangement.	Dec 17	Corporate Customer Information and Equality Manager	Achieved. A register has been established on the council's intranet and the policies it contains are also available on the council's website at: policies . Employees are able to self-serve adding policies and procedures to the register and the directorate performance leads are working with their teams to ensure the register is complete.
		Following above action, establish programme to review all policies and procedures to ensure they are relevant, have clear processes for communication to employees, and compliance is monitored appropriately	March 18	Corporate Customer Information and Equality Manager	Based on a review of the populated register a prioritised programme will be developed and begin to be implemented by the end of March 2018, to ensure that each document entered on the register has been reviewed by its owner and approved through the appropriate governance process. Because of the need to prepare for the implementation of the General Data Protection Regulations in May 2018 the review programme will need to be delivered over a period of time – however priority will be given to those policies and procedures where risks associated with non-compliance are the greatest. As policies are taken through the assurance process the communications requirements for each will be confirmed (eg part of induction or mandatory training, staff to be targeted, general communications or requirement

					for periodic communications updates) Achieved. Each directorate has in place a programme for reviewing strategies, policies and procedures.
7.	There is a risk that partnerships' governance arrangements don't fully reflect the principles of the revised code of corporate governance.	Significant partnerships have been identified and initial self-assessments undertaken. These will be discussed with the relevant partners and, as part of those discussions improvement actions to mitigate any risks identified will be agreed. This review process will become business as usual going forward.	Ongoing	Head of Corporate Governance	The approved framework is available on the website together with a register of the council's identified strategic partnerships. The second round of reviews will begin in January and inform improvement actions within directorates. The review process began in January. This annual cycle will now be business as usual with the register being updated as necessary and risks identified being recorded on the relevant risk register. Where decisions to enter new partnerships are being taken, report authors are advised to ensure reference is made to compliance with the framework.

Key governance actions planned

16. In response to the issues identified during the review of effectiveness, the following action plan has been developed which includes outstanding actions from the previous year's plan (above). The Audit and Governance Committee will receive a six-monthly report in order on progress made in delivering this action plan.

	Improvement required	Action planned	By when	Owner	Progress
1.	Members and officers modelling the values and behaviours expected and clear about the processes to follow if they have concerns.	Approve a revised employee code of conduct.	May 2018	Head of HR and OD	
		Deliver a programme of training and awareness raising to support implementation.			
		Adopt and implement a revised whistleblowing policy and procedure	May 2018	Solicitor to the Council	
		Promote the member and officer relations code through development sessions with members and employees	October 2018	Head of HR and OD and Head of Corporate Governance	
		Adopt and implement a revised standards procedure for complaints against councillors	May 2018	Solicitor to the Council	
2.	Links between the various visions, budget and service planning and commissioning, risk management, performance and value for money are not consistently demonstrated or measured	Revised commercial and commissioning strategy adopted, communicated and monitored to ensure contractual arrangements reflect the council's priorities and can demonstrate value for money.	July 2018	Assistant Director Communities	
		Options appraisal to establish whether a course of action represents best use of resources, to be a consistent element of business cases informing decisions	June 2018	Chief Finance Officer	
3.	The level of awareness of fraud risk and potential mitigation is low in areas outside of financial transaction service areas.	Communication and training of the revised Anti-fraud, bribery and corruption policy will be delivered	June 2018	Chief Finance Officer	

4.	Further develop the capacity of the organisation and individuals within it	Adopt and implement a member development strategy and plan	June 2018	Democratic Services Manager	
		Adopt and implement a manager development programme	October 2018	Head of HR and OD	
		Adopt and implement a corporate workforce strategy	March 2019	Head of HR and OD	
5.	Strengthen internal controls and financial management	Implement the actions in response to internal audit's recommendations re Blueschool House	July 2018	Chief Finance Officer	
		Implement improvements to capital reporting	July 2018	Chief Finance Officer	
6.	Enhance transparency in relation to significant partnerships	Review joint committee governance where governance support is not provided by Herefordshire Council	Sept. 2018	Solicitor to the Council	
		Review and publish schemes of delegation in respect of decisions to be taken by Hoople employees, and in discussion with the Hoople Board review the processes in place to support effective transparency and communication.	October 2018	Assistant Director Environment and Place	
		In consultation with health partners review the governance arrangements in place to ensure they support effective transparency and communication whilst respecting the respective partners distinctive governance processes	November 2018	Interim Director for Adults and Wellbeing	

Statement

To the best of our knowledge, the governance arrangements, as set out above and within the council’s Code of Corporate Governance, have been effectively operating during the year with the exception of those areas identified in the table following paragraph 14 above. We propose over the coming year to take steps to address the above matters to further enhance our governance arrangements. We are satisfied that these steps will address the need for improvements that were identified in our review of effectiveness and will monitor their implementation and operation during the year and as part of our next annual review.

Signed:

Councillor Jonathan Lester
Leader of the Council

Date:

Alistair Neill
Chief Executive

Date:



Meeting:	Audit and governance committee
Meeting date:	Tuesday 8 May 2018
Title of report:	2018 Constitution Review
Report by:	Solicitor to the Council

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose and summary

To consider the suggested amendments to the council's constitution proposed by the constitution review working group for recommendation to Council.

Recommendation(s)

That:

- (a) having regard to the work undertaken by the constitution working group, the revised constitution as set out at appendices 2 to 9, be recommended to full Council for adoption, with implementation with effect from annual council in May 2018;
- (b) authority be delegated to the solicitor to the council to make technical amendments (grammatical, formatting, and consistency) necessary to finalise the revised constitution;
- (c) the revised whistleblowing policy at appendix 11 be adopted with immediate effect; and
- (d) the revised standards complaint procedure is adopted with implementation to take effect on new complaints received from annual council in May 2018.

Alternative options

1. To reject the proposed amendments and retain the current constitution and policies unamended: this is not recommended because the amendments have been proposed in order to either:
 - a) Improve clarity; or
 - b) Improve the efficiency and effectiveness of the council's governance arrangements
2. To propose alternative or additional amendments; it is open to the committee to propose that consideration be given to alternative or additional amendments. However additional time may be required in order for the working group to assess the impacts of any such proposals and to consult with the working group as necessary.

Key considerations

3. The working group was established by audit and governance committee on 29 November 2017 to "To oversee a review of the constitution, ensure that opportunities for members to engage in the review process are appropriate and communicated effectively, and recommend any changes to the committee ensuring that any such recommendations align to the design principles. The intention is to conduct a review to ensure the constitution remains fit for purpose and is operating as intended to meet the agreed design principles."
4. Members of the constitution review working group were Councillors Anderson, Bowen, Chappell, Harvey, James, Jinman, A Johnson, Newman, Norman, Swinglehurst and Wilcox.
5. Consultation with members using survey monkey took place between 5 December 2017 to 14 January 2018. Consultation with officers took place via email between the 4 January to 24 January 2018.
6. The working group consideration process involved the deliberation of questions posed from members and officers during the consultation process. The group met on six occasions (18 December 2017, 16 February 2018, 12 March, 28 March, 5 April and 23 April) to consider these and their recommendations are documented in appendix 1.
7. The working group has continued to have regard to the design principles for a revised constitution which were approved by audit and governance committee in November 2015, and which sought to ensure that:
 - a) Members and officers perform effectively in clearly defined functions and roles
 - b) Member engagement and participation is maximised, including the involvement of all members in the development of key policies
 - c) Decision making is informed, transparent and efficient
 - d) The council welcomes public engagement and makes accountability real
8. The working group also considered the whistleblowing policy and undertook a SWOT (strengths, weaknesses, opportunities and threats) analysis. The working group suggestions which ensure that the document is fit for purpose and up to date have been considered by the council's trade unions and an internal continuous performance improvement process (CPIP) group and is at appendix 11 for consideration. The document seeks to be simple to interpret and use.

9. As a number of the consultation responses also made reference to the current code of conduct complaints process, the working group considered the current process and a revised procedure is at appendix 10 for consideration. The council's appointed independent person for standards also raised queries on the standards process as part of the annual governance statement.
10. The changes recommended by the working group have been tracked into the sections of the constitution that are affected by the changes. In summary the main changes are;
 - Questions – public questions and members questions:
 - i. Change to deadline for receipt of questions
 - ii. Publication of answers to questions prior to the meeting
 - iii. Supplementary questions “live” in meeting only
 - iv. Word limit increased to 140
 - v. Remove limit on six public questions per municipal year
 - vi. Written responses within 14 days
 - vii. Monitoring officer authorised to re-direct question to relevant committee
 - All three scrutiny committees able to scrutinise the budget and policy framework items relevant to their remits with General Scrutiny Committee retaining whole budget oversight.
 - Details of code of conduct annual report specified, to include details of unitary, town and parish council names
 - A new right of appeal to the standards panel for members found to have breached the code by the monitoring officer and where no breach is found, by complainants where new information is available,
 - Health and Wellbeing Board
 - Additional membership with full voting rights
 - Updated the functions to align with the terms of reference of the board
 - Planning redirection
 - Ward member involved in discussion
 - Written decision provided
 - Re-introduction of limit on motions to three per council meeting
 - Personal explanation to include misquoted
 - Gender neutral references to persons in the constitution
11. There is also a new whistleblowing policy and standards complaint process.
12. It is planned that all these changes will be communicated to members and officers via briefing notes and publication on the internet. The whistleblowing policy will be cascaded via the normal information channels for officers and specific training can be provided where necessary.
13. The effectiveness of these changes will be reviewed as part of preparing the annual governance statement and annual code of conduct report.

Community impact

14. The recommendations supports the achievement of the council's corporate plan priority of securing better services, quality of life and value for money. The constitution is a key part of the council's governance arrangements and sets out how the council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. The format of the content of any

amendments to the constitution should help make these arrangements clearer to understand and how the public can effectively engage with them.

Equality duty

15. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
16. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this is a decision on back office functions, we do not believe that it will have an impact on our equality duty.

Resource implications

17. None arising from the recommendations. The council already makes provision within its existing budgets to enable publication of the constitution on its website and to ensure that members and officers have the training necessary to ensure awareness and understanding of the requirements within the constitution.
18. The introduction of a right of appeal to the standards panel for code of conduct complaints against councillors in certain circumstances will create a new resource implication, which will include democratic support officer time and expenses for panel members. It is estimated that nine meetings of the panel may be required during a municipal year but this can be accommodated within existing staff resources and budgets, but it will have to be kept under review.

Legal implications

19. The council must prepare and keep up to date a constitution in accordance with s37 of the Local Government Act 2000. The minimum requirements for the content are set out in The Local Government Act 2000 (constitutions) (England) Direction 2000 which have been complied with when preparing the amendments.

Risk management

20. If the council's constitution is not accurate, up to date and understood then there is a risk that governance arrangements are not clear and robust leaving the council open to judicial review, contractual challenge or financial risk. The proposed amendments seek to mitigate that risk. In addition the audit and governance committee will continue to maintain

oversight of the constitution, once adopted, and should any further amendments be necessary will make recommendations to full Council accordingly.

Consultees

21. All elected members and officers were consulted on whether there were any issues following the adoption of the Constitution in May 2017. The working group considered the issues raised and a summary of the working groups responses is attached at appendix 1.
22. The trade unions and CPIP were consulted on the whistleblowing policy and their comments which are attached at appendix 13 have been considered and included in the whistleblowing policy at appendix 11.
23. The appointed independent person has previously raised concerns about the annual code of conduct report and this concern has been addressed with names of the council's being recommended as reported in the annual code of conduct report.
24. As part of the annual governance statement issues to consider were also provided as set out in appendix 14. Of the five issues raised three were considered by the working group and have resulted in recommended changes to the procedure. The protocol explaining how Herefordshire council will deal with referrals to the police was agreed by this committee on 20 September 2017 and this has now been included into the standards procedure rather than being a standalone document. The right of appeal was extensively discussed and is now included in the procedure. As is publicity in the annual code of conduct report and the publication of decisions from the standards panel. The powers of the group leaders are separate to the procedure and exist already. It is intended to report on non-compliance in the annual code of conduct report to this committee, as there is no enforcement available under the Localism Act 2011,

Appendices

Appendix 1 - Working Document

Appendix 2 - Draft Part 2 Article 8

Appendix 3 - Draft Part 3 Section 1 Council Functions

Appendix 4 - Draft Part 3 Section 4 Scrutiny Functions

Appendix 5 - Draft Part 3 Section 5 Other Functions

Appendix 6 - Draft Part 4 Section 1 Council and Committee Meeting Rules

Appendix 7 - Draft Part 4 Section 8 Planning Rules

Appendix 8 - Draft Part 4 Section 9 Employment Rules

Appendix 9 - Draft Part 5 Section 8 Public participation guide

Appendix 10 - Draft 2018 Standards Process

Appendix 11 – Draft Whistleblowing Policy

Appendix 12 – Constitution Consultation Responses

Appendix 13 – Whistleblowing Policy Consultation Responses

Appendix 14 – Independent Person’s comments on standards complaints process

Background papers

None identified.

Working group consultation recommendations

The table below summarises the key changes made to the content of the constitution and the link to the relevant design principle agreed by audit and governance committee. The design principles are:

- a) Members and officers perform effectively in clearly defined functions and roles
- b) Member engagement and participation is maximised, including the involvement of all members in the development of key policies
- c) Decision making is informed, transparent and efficient
- d) The council welcomes public engagement and makes accountability real

	Question	Working group response	Con Ref	Change made	Design Principle
Public participation					
1.	<p>Currently the public are able to ask one question at all committees (save Regulatory and planning). Prior notice of the question is required with one supplementary at the meeting at the chairman's discretion. Questions have a criteria applied before being accepted 30 minutes allocated for questions to council, 15 minutes for other meetings. Do you agree that the public should be able to ask questions at all meetings? What changes do you think are required to the current process?</p>	<p>Yes.</p> <p>Questions which are referred from one committee to another are referred as questions and not as issues.</p> <p>Questions can be delivered in writing as well as email.</p> <p>Answers to public questions to be published prior to any meeting.</p>	<p>4.1.58 and 4.1.59</p> <p>4.1.49</p> <p>New number</p> <p>5.8.14 4.1.43</p> <p>5.8.21; 5.8.22; 4.1.43; and 4.1.56</p> <p>4.1.43 5.8.14</p>	<p>Delete paragraph because questions can be asked at cabinet or committee</p> <p>Amend (c) – so words in brackets a separate criteria and inserted a new number Insert sentence “Monitoring officer is authorised to direct an accepted question to the relevant committee” 5.8.14 - Insert in writing and address” 4.1.68 insert address (NB: website will need to be changed if amendment approved)</p> <p>Insert “and answers” 5.8.22 and 4.1.43 – 4.1.56 - insert wording “Answers to accepted questions will be published before the start of the meeting” and delete words “a question”</p> <p>Change to deadline for questions from 2 working days to 3 working days to reflect that</p>	D

	Question	Working group response	Con Ref	Change made	Design Principle
				<p>answers will be published prior to the meeting. (NB: website will need to be changed if amendment approved) (NB: operational process for dealing with questions to be reviewed)</p>	
			4.1.51 and 4.1.52	Delete as questions and answers will not be read as they will be published prior to the meeting.	
			4.1.54	Delete the word "also" Replace word "put" with "ask" Delete rest of sentence from "without notice" to full stop	
		The limit on number of questions per municipal year to be removed.	4.1.47 5.1.16	Delete wording to remove limit (NB: website will need to be changed if amendment approved)	
		The word limit to be increased to 140 words to allow context setting.	4.1.49 (a) 5.8.19	Change from 70 words to 140 (NB: website will need to be changed if amendment approved)	
		Written responses to be provided normally within 14 days but at a maximum of 28 days after the meeting.	4.1.56 5.8.25	Insert wording to reflect responses to be provided within 14 days.	
		A public participation guide be updated		Not in constitution. Democratic services manager to consider update to website about questioning techniques	
2.	Should this apply equally to members questions?	Yes			B
	What changes do you think are required to the current process?	Deadline for questions to be amended	4.1.67	Delete words "two" and "Tuesday". Insert words "three" and "Monday" NB: How all councillors can participate in the democratic process document to be updated	
		Questions which are referred from one committee to another are referred as questions and not as issues.	4.1.69	Amend (c) – delete words in brackets and inserted a new number	
			New number	Insert to give monitoring officer is authorisation to direct an accepted question to the relevant committee"	

	Question	Working group response	Con Ref	Change made	Design Principle
		Answers to councillors questions to be published prior to any meeting.	4.1.76	Insert the words "will be published prior to the meeting. An answer to a ..." Insert words "within fourteen days of the meeting"	
		The word limit to be increased to 140 words to allow context setting.	4.1.69 (a)	Change from 70 words to 140 NB: How all councillors can participate in the democratic process document to be updated	
		Written responses to be provided normally within 14 days but at a maximum of 28 days after the meeting.		Insert wording to reflect responses to be provided within 14 days.	
<p>Functions of committees. The functions scheme sets out the current allocation of council functions to committees. There is no set format for these and different councils adopt different structures. -</p>					
3.	Are the committee sizes right?	Yes, subject to annual review.	N/A	No change to constitution	N/A
4.	Scrutiny activity is currently carried out by three committees: Is this balance of responsibilities working effectively? If no please outline the concern.	No, recommend that "budget" is inserted into all three committees functions. The logistics of reporting any recommended budget changes from scrutiny committees to be agreed by Statutory Scrutiny Officer as operational process	3.4.5	Insert word "Budget" into the remits of adult and wellbeing scrutiny committee; children and young people scrutiny committee and general scrutiny committee.	C
5.	The constitution currently requires the annual review of code of conduct complaints by the Audit and Governance committee. What should this report contain?	Report should contain: <ul style="list-style-type: none"> • Overall figures and trends • Appendix – no of upheld complaints against trend • No of complaints upheld by parish council <p>In accordance with what would be released through any Freedom of Information request</p> <p>Agreed that names of councillors would not be released unless a complaint is referred to the standards panel and there is found to be a breach of the code of conduct.</p> <p>Vote:</p> <p>5 For in support of not naming councillors 4 Against not naming councillors.</p>	3.5.14(f)	Insert the words "overall figures and trends and reference to the number of complaints upheld by reference to unitary and town parishes".	C

	Question	Working group response	Con Ref	Change made	Design Principle
6.	<p>Council has agreed that the arrangements for determining breaches of the code of conduct for members will include, where the matter cannot be resolved informally, the consideration of the complaint by the standards panel.</p> <p>The function of the panel is to consider submissions made either in person or in writing by the complainant, the subject member and the monitoring officer and produce a report for consideration by audit and governance committee or parish council as appropriate.</p> <p>Is this arrangement appropriate?</p> <p>The code of conduct complaint procedure agreed by the audit and governance committee is that wherever possible the MO will resolve complaints in consultation with the Independent person. The MO decision is final. Reference to the standards panel will occur where a formal investigation has taken place and MO resolution is not appropriate.</p> <p>Are these arrangements appropriate?</p>	<p>Changes agreed.</p> <p>Agreed that the standards complaint procedure needs to be amended.</p> <p>Details of changes to be included on revised form.</p>	<p>New Number</p> <p>3.5.17</p> <p>2.8.24</p> <p>2.8.22</p>	<p>“New number / function: “The panel will also undertake an annual sample review of decisions made by the Monitoring Officer under the code of conduct complaints procedure.”</p> <p>Inserted: appeals process</p> <p>Insert words to reflect appeal and sampling</p> <p>A member of the audit and governance committee.</p>	
7.	<p>How can the HWBB be improved? If no please set out what alternatives you would propose?</p>	<p>No, following discussion of a report presented to the working group advising of the changes requested by the Health and Wellbeing Board, those changes were agreed.</p>	<p>2.8.9</p> <p>2.8.10</p> <p>2.8.12</p> <p>3.5.23</p>	<p>Amendments to:</p> <p>Membership</p> <p>Voting</p> <p>Functions of the board</p>	
Procedure rules					
8.	<p>Currently the constitution specifies that meetings of full Council are normally held at 10.00am; the timing of other committee meetings is not defined although in practice almost all are held during the day. Do you agree that the discretion over timing of meetings should be left with committee chairs? If not what alternative arrangement would you propose?</p>	<p>Yes, constitution to remain unchanged.</p>	<p>N/A</p>	<p>No change to constitution</p>	<p>N/A</p>
9.	<p>Key decisions are executive decisions which are either significant in terms of their impact on the community and/or significant in terms of their financial impact (positive or negative).</p> <p>Do you agree with consulting with all members as consultees?</p>	<p>Yes.</p> <p>Democratic Services Manager to review process and circulate to working group for comment.</p>	<p>N/A</p>	<p>No change to constitution</p>	<p>N/A</p>

	Question	Working group response	Con Ref	Change made	Design Principle
	If Yes what changes are required to the process?				
Decision making					
10.	The current scheme of delegation does not allow officers to take key executive decisions. Do you think that officers should be able to take key decisions in certain circumstances, for example once a budget and policy have been approved, to let contracts over £500k (in which case those officer decisions would be subject to call-in in the usual way)?	No, constitution to remain unchanged	N/A	No change to constitution	N/A
11.	A number of officer decisions taken under delegation relate to relatively small amounts of expenditure and it is open to the council to set a financial limit below which such decisions do not need to be documented. This would reduce the amount of bureaucracy associated with documenting decisions but would not negate the need to comply with the council's finance and contracts procedure rules. (There is considerable variation in the limit set by other councils ranging from £10k to £250k). Do you agree with the £50k limit currently set? If not please indicate what you think that limit should be.	Yes, constitution to remain unchanged	N/A	No change to constitution	N/A
Code of conduct					
12.	Should the members schedule 2 interests remove requirement for general position or control?	No, vote taken as detailed below. In favour: 4 Against: 4 Abstention: 1 Failed to carry so no change to constitution recommended	N/A	No change to constitution	N/A
Planning					
13.	Is redirection clear?	Agreed that a template for record of decision to be created. Ward Member to be invited to the discussion about any potential direction	4.8.18 4.8.30	Change word from "apply" to "occur" Inserted "together with the Member to the re-direction" Inserted "decision will be confirmed in writing"	

	Question	Working group response	Con Ref	Change made	Design Principle
14.	Could the code and rules be amalgamated?	No documentation presented therefore no changes proposed. However, suggested that there is a focus on planning at the time of the next review.	N/A	No change to constitution	N/A
15.	Can amendments be made to reports in public meetings, if so how?	Yes, no change to the constitution	N/A	No change to constitution	N/A
16.	Director of public health recruitment – make it clear that the recruitment process is run under Public Health England regulations and not solely in the remit of the employment panel	Agreed – functions of employment panel to be amended to reflect that the panel are confirming the appointment of the director of public health based on the recommendations of Public Health England following the recruitment process	4.9.5	New sentence “Where the appointment is for the director of public health, this process is undertaken jointly with the secretary of state for health in accordance of Section 73a of the National Service Health Act 2006”	C
17.	Are there sufficient meetings of the full council	No, recommend change to say a minimum of 4 meetings	4.1.13 (row 2)	Insert words “A minimum of” starting “Ordinary Meetings” Added in column for numbering to allow accurate cross-referencing Minimum number meeting would have to be held even if no business so amendment made	B
	Overruns of council meetings	Agreed to recommend that there is flexibility within the constitution to allow council meetings to run into the afternoon.	4.1.17	Insert words “Where the chairperson considers that the meeting may exceed 3 hours, then notice will be given at the time of publication of the agenda that the meeting will become an all day meeting”	B
17a	Motions to be capped.	Yes, recommend that the cap of 3 motions be re-introduced.	4.1.86	Insert words “to a maximum of 3”	B and C
18.	Postponement of meetings (currently the chairman can cancel not but postpone)	Yes, recommend that chairperson can allow postponement of meetings	4.1.19	Insert words “or postpone	A
19.	Consistency in minuting of meetings and role of audio/video casting	Overtaken by decision on audio minutes and motion debated at full council on 9 March 2018.	N/A	No change to constitution	N/A
20.	Revision to process for amendments to notices of motion in council debate	Following changes to be recommended: Make it clear that the motions flowchart does not apply to the budget debate; and Make it clear that amendment to motions can be moved at any time during the debate	Part 4, Section 1, Appendix 1,	Insert onto flowchart: 1. At bottom of page Asterisk which states “Amendments to motions can be moved at any time during the debate” 2. At bottom of page add: “Please note that this flowchart does not apply to the annual budget debate. The budget debate rules are set out in Part 4, Section 3 of the constitution”	

	Question	Working group response	Con Ref	Change made	Design Principle
21.	Does the time limit that applies to motions also apply to reports	As no change in number 15 above, no change	N/A	No change to constitution	N/A
22.	Agreed motions to council are not being acted upon by officers in a timely manner, sometimes not at all	Agreed to recommend that an update on all outstanding actions in connection with motions to be included on the motions report	4.1.15	At line 20 insert "Report will also include progress of all outstanding resolutions." Inserted numbering on table to aid accurate cross-referencing	C
23.	What is the role of group leader and scrutiny chair at cabinet	Discussed but no further action	N/A	No change to consultation	N/A
24.	Members of scrutiny committee engaged in call in should not be allowed to cross the floor and join the committee during the debate	Yes they can so no change to the constitution	N/A	No change to constitution	N/A
25.	Does a report need to be proposed and seconded?	As no change in number 15 above, no change	N/A	No change to constitution	N/A
26.	Personal explanation need to make it clear	Insert the word "misquoted"	4.1.128	Insert words "or misquoted"	B
27.	Council should be more parliamentary with time to debate issues of importance that cabinet have discussed.	Not part of the constitution	N/A	No change to constitution	N/A
28.	Gender neutral constitution	Agreed that the constitution should be gender neutral. Agreed that references to chairman should be changed to chairperson Agreed that he/she should be they	Various	Replace word chairman with chairperson Replace he/she with they	
29.	NHS constitution needs to be reflect in constitution with regard to decisions which affect health.	No change required to the constitution. (NB: Good decision guide needs to be updated so that officers are aware that they need this into account)	N/A	No change to constitution	N/A
30.	3.4.2 - scrutiny functions. Executive functions would only be reported to council. Typo	Agreed, that this was a typing mistake.	3.4.2 (b) and (d)	Deleted words: "all the cabinet" and "the authority or to"	
31.	Planning: neighbourhood plans. Council function and council delegated on 20 May 2016 to a cabinet member. This needs to be captured in the council function but this operational so should it be record of officer decision.	Express delegations from full Council to officers or members to be recorded in Constitution	3.1.1	New Appendix 1 for specific express delegations.	
32.	I am not clear on the difference between and use of an officer recorded decision (which has a specific template) as opposed to an officer report (which uses the same template as cabinet/cabinet member/council/gsc etc). It would help if the constitution could clarify in which circumstances either would be used.	This is not in the constitution but in the guidance provided to officers. The constitution reflects the statutory requirements and good governance principles.	N/A	No change to constitution	N/A
33.	Identify which budget decision items require named votes	Technical amendment to be made prior to next budget council meeting	N/A	No change to the constitution	N/A
34.	Annual review of constitution	Suggested that this should be bi-annual, constitution refers to	3.15.12 (a)	Inserted actual review function	C

Article 8 - Planning, licensing and other functions

This article describes the following committees which council has established:

- (a) The planning and regulatory committee
- (b) Health and wellbeing board
- (c) Employment panel
- (d) Standards panel

2.8.1 Planning and regulatory committee

2.8.2 Composition

2.8.3 The committee comprises 15 councillors, one of whom will be appointed by Council to be the standing ~~chairman~~chairperson of the licensing sub-committee.

2.8.4 Role

2.8.5 The committee:

determines applications for planning and listed building consents which are not decided by an officer; and

its licensing sub-committee fulfils the council's licensing duties not undertaken by an officer.

2.8.6 The committee may establish one or more sub-committees consisting of three members of the planning and regulatory committee to fulfil functions delegated to the licensing sub-committee as set out in the [functions scheme at part 3 section 5](#).

2.8.7 Health and wellbeing board

2.8.8 Composition

2.8.9 The following shall be members of the health and wellbeing board:

The Cabinet member health and wellbeing*

The Cabinet member young people and children's wellbeing *

The Leader of the council*

The chair of Healthwatch Herefordshire *

The chair of Herefordshire clinical commissioning group *

The Accountable Officer -of Herefordshire clinical commissioning group

The chair of Wye Valley NHS Trust

The chair of 2gether NHS Foundation Trust

Director for adults and wellbeing *

Director for children's wellbeing *

Director of public health *

A representative from NHS England, for the purpose of preparing the joint strategic needs assessment or health and wellbeing strategy or where the health and

wellbeing board is considering a matter that relates to the exercise or proposed exercise of the NHS Board's commissioning functions. *

* The Health and Social Care Act 2012 mandates that this role or body be represented on all health and wellbeing boards, to include at least one elected member

The following shall be members of the health and wellbeing board:

~~Cabinet member health and wellbeing,
Cabinet member young people and children's wellbeing,
Director for adults and wellbeing,
Director for children's wellbeing,
Director of public health
Three representatives of Herefordshire clinical commissioning group (one to be a lay member)
Two representatives of Herefordshire Healthwatch
One representative of the NHS local area team (to be non-voting member of the board)~~

2.8.10 ~~Council will appoint the chairmanchairperson of the board annually who will be one of the elected board cabinet members; one of the board member representing Herefordshire Clinical Commissioning Group will be appointed vice chairmanchairperson annually by the board.~~

The members of the board marked with an * are those specified in the Health and Social care Act 2012, the other board members are additional as deemed appropriate by council after consultation with the board. Council will appoint the chairmanchairperson of the board annually who will be one of the cabinet members; a board member representing Herefordshire clinical commissioning group will be appointed vice chairmanchairperson annually by the board.

All Board members shall be voting members, not be treated as a non-voting members, unless the council otherwise directs.

2.8.11 Role

2.8.12 The board will carry out the statutory functions as required by the Health and Social Care Act 2012, and any other functions delegated to it, as set out in [part 3 section 5 of the constitution](#).

2.8.13 Employment panel

2.8.14 Composition

2.8.15 The employment panel comprises five councillors.

2.8.16 Role

2.8.17 To fulfil specific employment functions in relation to specified senior management roles; to review the annual pay policy statement for recommendation to Council; and to be a consultee on employee terms, conditions and employment policies.

2.8.18 Independent panel

2.8.19 Council has appointed an independent panel as a committee of the Council, comprising only independent persons (at least two) appointed in accordance with procedure rule [4.9.26](#) to review the decision to dismiss statutory officers (in accordance with JNC agreements) and prepare a report for Council.

2.8.20 Standards panel

2.8.21 Composition

2.8.22 The standards panel will consist of an independent person (who will chair the panel); a ~~member of Herefordshire councillor appointed by~~ the audit and governance committee and a parish councillor nominated by Herefordshire Association of Local Councils. Where an independent person is not available, second member from the audit and governance committee shall substitute.

2.8.23 Role

2.8.24 To ~~consider~~ consider and determine complaints ~~complaints that cannot be (a) resolved by the Monitoring Officer or (b) on appeal. under the code of conduct.~~

2.8.25 To -undertake an annual sample review of decisions by the Monitoring officer under the code of conduct complaints and sample review that cannot be resolved informally by the Monitoring Officer.

Section 1 - Council Functions

The table below details the functions listed in the The Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 “the regulations” that are the responsibility of the council and the [general](#) delegation arrangements

3.1.1 Table of functions

	Column 1 What is the council function	Column 2 Who can carry the function out
1	Adopting and changing the constitution including standing orders	Council meeting only Audit and Governance committee (finance procedure rules and contract procedure rules. Chief executive employee code of conduct (in consultation with employment panel) Monitoring officer (technical changes or those required by law only)
2	Budget and policy framework <ul style="list-style-type: none"> Policy <p>The adoption of the following plans and strategies:</p> <p>Annual library plan (if secretary of state requests) under s1(2) of the Public libraries and museums Act 1964</p> <p>Children and young people’s plan under the children and young people’s plan (England) regulations 2005</p> <p>Crime & disorder reduction strategy under s5 & 6 of the Crime and Disorder Act 1998</p> <p>Development plan documents under s15 of the Planning and Compulsory Purchase Act 2004</p> <p>Licensing authority policy statements under s349 of the Gambling Act 2005 and s5 Licensing Act 2003</p> <p>Local transport plan under s108(3) of the Transport Act 2000</p> <p>Youth justice plan under s40 of the Crime and Disorder Act 1998</p>	Council meeting only

	<p>Pay policy statement under s38 of the Localism Act 2011</p> <p>And additionally Corporate plan Economic development strategy</p> <ul style="list-style-type: none"> • Budget <p>Approve a balanced Revenue Budget and specifically</p> <ul style="list-style-type: none"> • Approve the Council Tax Base • Approve the rate of Council Tax and relevant precepts • Approve the Gross Revenue Budget • Approve the net spending limit for each major service element (Directorate) <p>And in doing so adopt the following plans or strategies to support the delivery of council budget -</p> <ul style="list-style-type: none"> • Revenue Budget for the next financial year • Capital Investment Budget for the next financial year • Medium Term Financial Strategy • Reserves Strategy • Statutory council tax calculations • Treasury Management Policy, Treasury Management Practices and prudential indicators including the Minimum Revenue Provision 	<p>Pay policy statement Monitoring officer, following consultation with the chief executive, to make in year technical updates to the statement to reflect changes to post holder details or approved changes to local or national pay policy</p>
3	<p>Amending the budget and policy framework can be executive if council agree see 2000/2853 reg 4 a (ii) which requires a specific delegation per adoption</p>	<p>When approving a policy or strategy Council will specify the degree of in-year changes to the document which may be undertaken by Cabinet</p>

4	Approving or amending any application to the secretary of state in respect of any housing land transfer	Council meeting only
5	Consider the review of the effectiveness of the system of internal control required and approve the annual governance statement	Audit and Governance committee
6	Subject to the urgency procedure in the access to information rules , making a decision contrary to the policy framework or the budget, or part of it	Council meeting only
7	Electing the chairman chairperson of council	Council meeting only
8	Appointing the vice chairman chairperson of council, committee chairmen and committee vice-chairmen	Council meeting, Health and Wellbeing Board appoints vice chair
9	Appointing the leader of the council	Council meeting only
10	Setting the terms of reference of committees, deciding on their size, composition and allocating seats proportionately to political groups	Council meeting only
11	The appointment by the authority of at least one independent person under the Localism Act 2011	Council meeting only
12	Discharge of council functions by another authority	Council meeting only
13	Arrangements for joint exercise of council functions or a mix of council and executive functions	Council meeting
14	Agreeing the members' allowances scheme	Council meeting only
15	Functions relating to name and status of Herefordshire Council or parish councils within the county as listed in schedule 1 section E of the regulations	Council meeting only
16	Functions relating to community governance reviews as listed in schedule 1 section EB of the regulations	Council meeting only
17	Confer title of honorary alderman or to admit to be an honorary freeman	Council meeting only
18	Functions relating to town and country planning and development control as listed in schedule 1 section A of the regulations including enforcement	See appendix 1
19	Powers relating to the protection of important hedgerows and preservation of trees	Chief executive
20	Rights of way functions as listed in schedule 1 section I i of the regulations	Chief executive

21	Licensing and registration functions as listed in schedule 1 section B of the regulations	See appendix 1
22	Functions relating to smoke free premises as listed in schedule 1 section FA of the regulations	Chief executive
23	Health and safety at work enforcement functions as listed in schedule 1 section C of the regulations	Chief executive
24	Elections functions as listed in schedule 1 section D of the regulations	Chief executive Employment panel for appointment of returning officer and electoral registration officer Monitoring officer for making temporary appointments to parish councils If a polling station cannot be used the Returning Officer has delegated powers to use another polling station as a temporary solution.
25	Make, amend, revoke, re-enact or enforce byelaws	Council meeting
26	Power to promote or oppose local or personal bills	Council meeting only
27	Approval of the appointment of chief executive	Council meeting only
28	Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal)	Chief executive for all staff other than those within the remit of the employment panel Employment panel will also be a consultee for all terms and conditions (including policies). Employment panel for officers listed within their remit
29	Approval of pay and severance packages in excess of £100,000	Council meeting only
30	Duty to make arrangements for the proper administration of financial affairs	s.151 officer
31	Power to appoint officers for particular purposes (otherwise called the appointment of proper officers)	Chief executive
32	Duty to designate posts to fulfil the functions of: the head of paid service, the monitoring officer, the s151 officer, statutory scrutiny officer, and to provide staff etc.	Council meeting only
33	To adopt revise or replace a members code of conduct	Council meeting only
34	Power to make a limestone pavement order	Chief executive

35	Duty to approve the Council's statement of accounts, income and expenditure and balance sheet, or record of payments	Audit and governance committee
36	Power to make closing order in respect to take away food shops	Chief executive
37	Permit a co-opted member of a scrutiny committee to vote at meetings of the committee	Council meeting only
38	Recruitment of panel members to Independent remuneration panel	Solicitor to the council
39	Powers relating to complaints about high hedges	Chief executive
40	Powers to make an order identifying a place as a designated public place in relation to alcohol consumption	Chief executive
41	Power to make or revoke an order designating a locality as an alcohol disorder zone	Chief executive
42	Power to apply for an enforcement order against unlawful works on common land	Chief executive
43	Power to protect unclaimed registered common land and unclaimed town or village greens against unlawful interference including instituting proceedings	Chief executive
44	The appointment of a local auditor under Section 7 of the Council meeting only Local Audit and Accountability Act 2014	Council meeting only
45	Power to make payments or provide other benefits in cases of maladministration	Chief executive
46	Functions relating to pensions as listed in schedule 1 section H of the regulations	Chief executive
47	All other matters which by law, must be the responsibility of the Council	Council meeting only unless a specific delegation given from council <u>as listed in the attached appendix-</u>

3.1.1 Appendix

The table below details all other functions which by law, must be the responsibility of the Council and the specific expressed delegation arrangements

3.1.1A Table of functions

	<u>Column 1</u> <u>What is the council function</u>	<u>Column 2</u> <u>Who can carry the function out</u>
<u>47A</u>	<u>Adoption of neighbourhood development plans, and to approve any consequential amendments to the countywide policies map.</u>	<u>cabinet member infrastructure from 20 May 2016</u>
<u>47B</u>	<u>Granting of dispensations under s33 (2) Localism Act 2001</u>	<u>Subsection (b) (d) and (e) audit and governance committee Subsection (a) and (c) monitoring officer with appeal to audit and governance committee from 28 September 2012</u>

Section 4 - Scrutiny Functions

The council is required to appoint one or more scrutiny committee. This section details those arrangements.

3.4.1 Scrutiny functions

3.4.2 The committees have the power:

- (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,
- (b) to make reports or recommendations to ~~the authority or~~ the executive with respect to the discharge of any functions which are the responsibility of the executive,
- (c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,
- (d) to make reports or recommendations to council ~~or the cabinet~~ with respect to the discharge of any functions which are not the responsibility of the executive,
- (e) to make reports or recommendations to council or the cabinet on matters which affect the authority's area or the inhabitants of that area
- (f) to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions and to make reports or recommendations to the council with respect to the discharge of those functions. In this regard crime and disorder functions means:
 - (i) a strategy for the reduction of crime and disorder in the area (including anti-social and other behaviour adversely affecting the local environment); and
 - (ii) a strategy for combatting the misuse of drugs, alcohol and other substances in the area; and
 - (iii) a strategy for the reduction of re-offending in the area
- (g) to review and scrutinise any matter relating to the planning, provision and operation of the health service in its area and make reports and recommendations to a responsible person on any matter it has reviewed or scrutinised or to be consulted by a relevant NHS body or health service provider in accordance with the Regulations (2013/218) as amended. In this regard *health service* includes services designed to secure improvement—
 - (i) in the physical and mental health of the people of England, and
 - (ii) in the prevention, diagnosis and treatment of physical and mental illness

(iii) And any services provided in pursuance of arrangements under section 75 in relation to the exercise of health-related functions of a local authority.

(h) to review and scrutinise the exercise by risk management authorities of flood risk management functions or coastal erosion risk management functions which may affect the local authority's area.

3.4.3 Scrutiny rules

3.4.4 When the scrutiny committees are exercising scrutiny functions the [scrutiny rules in part 4 section 5](#) must be followed.

3.4.5 Scrutiny committee remits

Committee	Scrutiny of:
Adults and wellbeing scrutiny committee	<ul style="list-style-type: none"> • Adult social care (including adult safeguarding) • Health and wellbeing board • Housing • Public health • Adults and Wellbeing budget • Statutory health scrutiny powers including the review and scrutiny of any matter relating to the planning provision and operation of health services (not reserved to the children and young people scrutiny committee) affecting the area and to make reports and recommendations on these matters
Children and young people scrutiny committee	<ul style="list-style-type: none"> • Children's social care including safeguarding • Transitional arrangements between children and adult services • Children and young people's budget • Statutory education scrutiny powers • Statutory health scrutiny powers including the review and scrutiny of any matter relating to the planning provision and operation of health services for children and young people, including transitional health care services, affecting the area and to make reports and recommendations on these matters
General scrutiny committee	<ul style="list-style-type: none"> • Services within the economy, communities and corporate directorate • Corporate performance

	<ul style="list-style-type: none">• Budget• Budget and policy framework matters• Statutory flood risk management scrutiny powers• Statutory community safety and policing scrutiny powers
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Section 5 - Other functions

This section contains a description of the bodies who have functions delegated to them by Council.

Those functions are those carried out as follows:

- Town and country planning, development control (the planning functions) and licensing functions
- Audit and governance functions
- Standards panel functions
- Employment functions
- Health and wellbeing board

3.5.1 — Planning and regulatory committee

3.5.2 When the committee carries out its planning functions it will follow the planning rules ([part 4 section 8](#)) and the planning code ([part 5 section 6](#))

3.5.3 The committee functions are detailed in [appendix one](#) to the council functions scheme.

3.5.4 The committee will determine applications for planning permission and listed building consent in those cases where:

- (a) the application has been called in for committee determination by the relevant ward member in accordance with the redirection procedure
- (b) the application is submitted by the council, by others on council land or by or on behalf of an organisation or other partnership of which the council is a member or has a material interest, and where objections on material planning considerations have been received, or where the proposal is contrary to adopted planning policy
- (c) the application is submitted by a council member or a close family member such that a council member has a material interest in the application
- (d) the application is submitted by a council officer who is employed in the planning service or works closely with it, or is a senior manager as defined in the council's pay policy statement, or by a close family member such that the council officer has a material interest in the application
- (e) the application, in the view of the assistant director environment and place, raises issues around the consistency of the proposal, if approved, with the adopted development plan
- (f) the application, in the reasonable opinion of the assistant director environment and place, raises issues of a significant and/or strategic nature that a planning committee determination of the matter would represent the most appropriate course of action, or

(g) in any other circumstances where the assistant director environment and place believes the application is such that it requires a decision by the planning and regulatory committee.

3.5.5 — Licensing functions

3.5.6 The functions of the licensing authority ([contained in appendix 1](#)) are to be taken or carried out by the licensing subcommittee. The Council has delegated some of these functions to the chief executive as also detailed in [appendix 1](#).

3.5.7 The licensing sub-committee determines the following;

- (a) Applications for personal licences (if police objection);
- (b) Applications for personal licences with unspent convictions;
- (c) Applications for premises licences/club premises certificates (if relevant representation are made as specified in the Licensing Act 2003);
- (d) Applications for provisional statements (if relevant representation are made as specified in the Licensing Act 2003);
- (e) Applications to vary premises licences/club premises certificates (if relevant representation are made as specified in the Licensing Act 2003);
- (f) Applications to vary designated premises supervisor (if police objection);
- (g) Requests to be removed as a designated premises supervisor
- (h) Applications for transfer of premises licence (if police objection);
- (i) Applications for interim authorities (if police objection);
- (j) Applications to review premises licences/club premises certificate;
- (k) Deciding whether to object when the authority is a consultee and not the relevant authority considering an application;
- (l) Determination of objections to temporary event notices;
- (m) Determination of application to vary premises licence at community premises to include alternative licence condition (if police objection)
- (n) Revocations of licences where convictions come to light

3.5.8 — Audit and governance functions

3.5.9 The purpose of an audit committee is to provide independent assurance on the adequacy of the risk management framework together with the internal control of the financial reporting and annual governance processes.

3.5.10 Internal audit

- (a) To consider the Head of Internal Audit's annual report and opinion, and a summary of internal Audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements
- (b) To consider summaries of specific Internal Audit reports and the main issues arising and seek assurance that action has been taken where necessary

- (c) To consider reports dealing with the management and performance of the providers of Internal Audit Services
- (d) To consider a report from Internal Audit on agreed recommendations not implemented within a reasonable timescale
- (e) To be able to call senior officers and appropriate members to account for relevant issues within the remit of the Committee
- (f) The Committee will not receive detailed information on investigations relating to individuals. The general governance principles and control issues may be discussed, in confidential session if applicable, at an appropriate time, to protect the identity of individuals and so as not to prejudice any action being taken by the Council.

3.5.11 External audit

- (a) Review and agree the External Auditors annual plan, including the annual audit Fee and annual letter and receive regular update reports on progress
- (b) To consider specific reports from the External Auditor
- (c) To meet privately with the External Auditor once a year if required
- (d) To comment on the scope and depth of external audit work and to ensure it gives value for money
- (e) To recommend appointment of the council's local (external) auditor
- (f) Ensure that there are effective relationships between external and internal audit that the value of the combined internal and external audit process is maximised.

3.5.12 Governance

- (a) To maintain an overview of the council's Constitution, conduct a biennial review and recommend any changes to council other than changes to the contract procedure rules, finance procedure rules which have been delegated to the committee for adoption
- (b) To monitor the effective development and operation of risk management and corporate governance in the council
- (c) To maintain an overview and agree changes to the council policies on " and the 'Anti-fraud and corruption strategy'
- (d) To oversee the production of the authority's Statement on Internal Control and to recommend its adoption
- (e) To annually conduct a review of the effectiveness of the council's governance process and system of internal control which will inform the Annual Governance statement
- (f) The council's arrangements for corporate governance and agreeing necessary actions to ensure compliance
- (g) To annually review the council's information governance requirements

- (h) To agree the annual governance statement (which includes an annual review of the effectiveness of partnership arrangements together with monitoring officer, s151 officer, caldicott guardian and equality and compliance manager reviews)
- (i) To adopt an audit and governance code
- (j) To undertake community governance reviews and to make recommendations to Council.

3.5.13 Waste contract

- (a) To review, in conjunction with external advisers advising the council as lender, the risks being borne as a result of the funding provided by the council to Mercia Waste Management Ltd and consider whether the risks being borne by the council, as lender, are reasonable and appropriate having regard to the risks typically assumed by long term senior funders to waste projects in the United Kingdom and best banking practice
- (b) To monitor the administration of the loan to the waste project in line with best banking practice having regard to any such external advice, including the terms of any waivers or amendments which may be required or are desirable
- (c) Consider what steps should be taken to protect the interests of the council as lender in the event of a default or breach of covenant by Mercia Waste Management Ltd, and make recommendations as appropriate to Council, the council's statutory officers or cabinet as appropriate to ensure the appropriate enforcement of security and litigation in relation to the loan to Mercia Waste Management Ltd
- (d) Consider and recommend appropriate courses of action to protect the position of the council as lender to the waste project:
 - (i) make recommendation as appropriate to Council with regards to its budget and policy framework and the loan to the waste project
 - (ii) generally to take such other steps in relation to the loan within the scope of these terms of reference as the committee considers to be appropriate.

3.5.14 Code of conduct

To promote and maintain high standards of conduct by members and co-opted members of the Council

- (a) To support Town and Parish Councils within the county to promote and maintain high standards of conduct by members and co-opted members of the Council
- (b) To recommend to Council the adoption of a code dealing with the conduct that is expected of members and co-opted members of the Council
- (c) To keep the code of conduct under review and recommend changes/replacement to Council as appropriate
- (d) To publicise the adoption, revision or replacement of the Council's Code of Conduct

- (e) To oversee the process for the recruitment of the Independent Persons and make recommendations to Council for their appointment
- (f) To annually review overall figures and trends from code of conduct complaints which will include number of complaints upheld by reference to unitary, town and parish councils. s
- (g) To grant dispensations under Section 33 (2)(b)(d) and (c) Localism Act 2011 or any subsequent amendment
- (h) To hear appeals in relation to dispensations granted under section 33 (2)(a) and (c) Localism Act 2011 by the monitoring officer
- (i) To decide what action to take on the recommendations from the standards panel referred by the standards panel

3.5.15 Accounts

To review and approve the Statement of Accounts, external auditor's opinion and reports on them and monitor management action in response to the issues raised by external audit.

3.5.16 Standards panel

3.5.17 Council has agreed that the arrangements for determining breaches of the code of conduct for members will include consideration and determination of complaints (a) where the matter cannot be resolved by the monitoring officer informally, (b) or an appeal. ~~the consideration and determination of the complaint by this panel.~~

3.5.18 The function of ~~the~~ the panel is to consider submissions made either in person or in writing by the complainant, the subject member and the monitoring officer and produce a report.

New No ~~The panel will also undertake an annual sample review of decisions made by the monitoring officer under the code of conduct complaint procedure. for consideration by audit and governance committee or parish council as appropriate.~~

3.5.19 Employment functions

3.5.20 Council has agreed that an employment panel be established and will fulfil the following functions:

- (a) Be the appropriate body to fulfil the employment functions as set out in part 4 section 9 of the procedure rules in relation to: the head of paid service (to include returning officer and electoral registration officer functions), director for adults and wellbeing, director of children's wellbeing; director for economy, communities and corporate, director of public health, monitoring officer and s151 officer.
- (b) Review the annual pay policy statement and make recommendations to Council
- (c) Be a consultee on all terms and conditions including policies for all staff

- (d) Approve the performance and development framework for annual assessment of the chief executive

The chair of the employment panel has delegated authority to suspend to head of paid service.

3.5.21 — **Health and wellbeing board functions**

3.5.22 Herefordshire Council has established a health and wellbeing board in accordance with the provisions of the Health and Social Care Act 2012

3.5.23 The functions of the board are:

- (a) To encourage those who arrange the provision of any health or social care services in Herefordshire to work in an integrated manner for the purpose of advancing the health and wellbeing of the people of Herefordshire.
- (b) To provide such advice, assistance or other support as it thinks appropriate, for the purpose of encouraging the making of prescribed arrangements under S 75 National Health Service Act 2006.
- (c) To encourage those who arrange for the provision of any health related services in Herefordshire to work closely with the health and wellbeing board.
- (d) To encourage the close working of those providing health or social care services with those who arrange for the provision of health related services in Herefordshire.
- (a)(e) ~~Developing~~ To prepare a health and social care a joint strategic needs assessment (Understanding Herefordshire) for the county
- (b)(f) ~~To Pp~~reparing a joint health & wellbeing strategy to meet those needs
- (g) Reviewing whether the commissioning plans and arrangements for the NHS, public health and social care (including Better Care Fund submissions) are in line with and have given due regard to the health and wellbeing strategy
- (h) To prepare and publish a local Pharmaceutical Needs Assessment under S206 of the 2012 Act.
and additionally:
- (i) To give its opinion, as appropriate, to Herefordshire Council, ~~the Clinical Commissioning group or NHS commissioning Board, as to whether they are Council~~ is discharging ~~their~~its duty to have regard to any assessment of relevant needs prepared by the Council, ~~or~~ the Clinical Commissioning Group or NHS commission Board in the exercise of ~~their~~its functions.
- (e) Reporting formally to the council's executive, the Herefordshire Clinical Commissioning Group and the NHS Commissioning Board if commissioning plans affecting Herefordshire have not had adequate regard to the health & wellbeing strategy

~~(d)(i) Formally signing off required submissions and direct the use of any performance related funding received on achievement of targets~~
To sign off annual plans and periodic performance submissions for the better care fund

Section 1 - Council and committee meeting rules

Underlined paragraph numbers denote rules that apply to committees in accordance with rule 4.1.4.

* denotes rules which cannot be suspended

4.1.1 Council procedure rules

4.1.2* These rules set out how meetings of full Council, committees and other bodies will be conducted.

4.1.3 Application

4.1.4* All of these rules apply to the meetings of full Council. Only rules 4.1.7-10, 4.1.22 – 37 and 4.1.147 – 178 apply to meetings of committees, sub-committees and other decision making bodies; they do not apply to meetings of cabinet. For ease of reference the paragraph numbers of those rules applying to all meetings are underlined.

4.1.5* Where there is any inconsistency between these council and committee rules and the meeting specific rules that follow in the remainder of part 4 of the constitution, the latter shall prevail.

4.1.6* In the application of these rules to meetings other than full Council meetings, greater informality may be exercised at the discretion of the [chairmanchairperson](#) of the meeting.

4.1.7 Interpretation

4.1.8* The ruling of the [chairmanchairperson](#) at the meeting as to the construction or application of the rules that apply to that meeting shall not be challenged at the meeting.

4.1.9 Appointment of [chairmanchairperson](#)

4.1.10* If at any meeting the [chairmanchairperson](#) and vice-[chairmanchairperson](#) appointed by Council are absent, or if no [chairmanchairperson](#) or vice-[chairmanchairperson](#) has been appointed by Council, the meeting shall appoint a [chairmanchairperson](#) for that meeting only. The monitoring officer or his/her representative at the meeting shall at the start of the meeting invite nominations for [chairmanchairperson](#) and will take a vote on a show of hands for those members nominated for [chairmanchairperson](#).

4.1.11 Council meetings

4.1.12* There are three types of Council meeting: annual, ordinary, and extraordinary. The table at paragraph 4.1.13 below sets out when these may take place.

4.1.13*

	Type of meeting	When
<u>1</u>	The annual meeting	<ul style="list-style-type: none"> In a year when there have been ordinary elections, within 21 days of the retirement of outgoing councillors In other years in either March, April or May
<u>2</u>	Ordinary meetings	<ul style="list-style-type: none"> A minimum of four meetings a year as set out in a programme decided by Council and, except that one ordinary meeting will be reserved as the budget meeting, with business as outlined in the table at 4.1.15 below.
<u>3</u>	Extraordinary meetings	<p>The chief executive may be requested to call a meeting by:</p> <ul style="list-style-type: none"> Council, by resolution; the chairmanchairperson of the council; the monitoring officer; or any five members of the council if they have <ul style="list-style-type: none"> signed a requisition stating the grounds for the extraordinary meeting and the business to be conducted at that meeting; presented it to the chairmanchairperson; and the chairmanchairperson has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition. <p>The chief executive will determine whether the stated business can wait until the next ordinary meeting of Council and, if it cannot, will call an extraordinary meeting.</p>

4.1.14 Business to be carried out

4.1.15* The business to be carried out at meetings of the council is as set out below; those items marked with * are compulsory items the order of which cannot be altered.

	Item of business	Type of meeting		
		Annual	Ordinary	Extra-ordinary
<u>1</u>	Elect a person to preside if the chairman chairperson and vice- chairman chairperson of the council are not present	✓ *	✓ *	✓ *

	Item of business	Type of meeting		
		Annual	Ordinary	Extra-ordinary
<u>2</u>	Elect the chairman chairperson of the council	✓ *		
<u>3</u>	Appoint the vice- chairman chairperson of council	✓ *		
<u>4</u>	Receive any apologies for absence	✓ *	✓ *	✓ *
<u>5</u>	Receive any declarations of interest	✓ *	✓ *	✓ *
<u>6</u>	Approve the minutes of the previous meeting(s)	✓ *	✓ *	
<u>7</u>	Receive any announcements from the chairman chairperson and/or chief executive	✓	✓	
<u>8</u>	Elect the leader of the council	✓ *		
<u>9</u>	Appoint the chairmen and vice-chairmen of committees and other bodies	✓ *		
<u>10</u>	Appoint at least one scrutiny committee and such other committees as Council considers appropriate to deal with matters which are neither reserved to Council nor are cabinet functions	✓ *		
<u>11</u>	Decide the size and terms of reference of those committees	✓ *		
<u>12</u>	Decide the allocation of seats on committees and other bodies to political or other groups in accordance with the political balance rules	✓ *		
<u>13</u>	Make such appointments to committees or outside bodies as are reserved to Council	✓ *		
<u>14</u>	Approve a programme of ordinary meetings of Council for the year	✓	✓	
<u>15</u>	Consider any other business specified in the summons to the meeting	✓	✓	✓
<u>16</u>	Receive any questions from, and provide answers to, members of the public. In the case of extraordinary		✓	✓

	Item of business	Type of meeting		
		Annual	Ordinary	Extra-ordinary
	meetings and budget questions must relate to items on the agenda			
17	Receive recommendations on statutory plans or other matters that are reserved to Council		✓	
18	Consider and debate any petitions which have reached the threshold for Council consideration		✓	
19	<p>Receive the following reports from the leader of the council (on which they may be questioned and if so, answer questions):</p> <ul style="list-style-type: none"> the work of the cabinet since the last meeting including a summary of those matters decided by the cabinet, cabinet member or any executive joint committee, and any decisions taken under the urgency provisions; the first meeting following the annual meeting an annual report on the priorities of the cabinet and (except in a year when there are ordinary elections) progress made in meeting those priorities; and any report to Council required by a scrutiny committee 		✓	
20	Consider motions and debate those motions in the order in which they have been received, at the budget meeting motions must relate to the agenda or be time critical. Report will also include progress of all outstanding resolutions.		✓	
21	Receive any questions from and provide answers to members of the council. At the budget meeting questions must relate to items on the agenda		✓	

4.1.16 Time of meetings

- 4.1.17* Meetings of full Council will usually be at 10.00 am or any other such time as the [chairmanchairperson](#) agrees, and will continue for a maximum of three hours. [Where the chairperson considers that the meeting may exceed 3 hours, then](#)

[notice will be given at the time of publication of the agenda that the meeting will become an all day meeting](#)

- 4.1.18* At the expiry of three hours, the ~~chairman~~[chairperson](#) may determine:
- (a) that the meeting continue beyond three hours duration; or
 - (b) that the remaining business to be conducted at the meeting be:
 - (i) deferred to the next meeting; or
 - (ii) deferred to an extraordinary meeting called for the purpose of dealing with any remaining business; or
 - (iii) put to the vote immediately in the order that the business appears on the agenda or in any order determined by the ~~chairman~~[chairperson](#); or
 - (iv) some business be put to the vote immediately and other business deferred in accordance with rules (i) and (iii) above; or
 - (c) The meeting be adjourned to resume later that day after a specified break provided that the remaining business can reasonably be expected to last no more than two additional hours and cannot be deferred until the next meeting.

- 4.1.19* The [chairmanchairperson](#) has discretion to:
- order the adjournment of any meeting;
 - following consultation with the leader of the council, alter the date or time of any meeting;
 - cancel [or postpone](#) a meeting in the event of an emergency or where there is no business requiring Council approval

4.1.20 Notice of meetings

- 4.1.21* The monitoring officer will, through publication on the council's website, give five clear working days' notice to the public of the time and place of any meeting (or otherwise in cases of urgency as in accordance with the [access to information rules \(part 4 section 2\)](#)).

4.1.22 Conduct of the meeting

- 4.1.23* The [chairmanchairperson](#)'s powers and responsibilities in relation to the conduct of a meeting may be exercised by the person presiding at the meeting. A decision by the [chairmanchairperson](#) on the meaning of the constitution cannot be challenged at a meeting.

4.1.24 Quorum (minimum number of members)

- 4.1.25* Subject to any specific statutory requirement, the quorum of a meeting will be one quarter of the whole number of voting members, or three voting members, whichever is the greater.
- 4.1.26* If a quorum is not reached within 15 minutes after the time appointed for the start of the meeting, the meeting will be adjourned without debate.
- 4.1.27* During any meeting if the person chairing the meeting counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately.
- 4.1.28* Subject to 4.1.29 remaining business will be considered at a time and date fixed by the person chairing the meeting. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.
- 4.1.29* The meeting will resume immediately if it becomes apparent to the person who was chairing it within 10 minutes of the adjournment under 4.1.27 that there are sufficient members present to constitute a quorum.

4.1.30 Variations in order of business

- 4.1.31* The [chairmanchairperson](#) has discretion to vary the order of business in setting the agenda other than where indicated in the table at paragraph 4.1.15 above. The compulsory order of business for ordinary meetings of Council applies to all cabinet and committee meetings of the council.
- 4.1.32* A proposed variation at the meeting may be moved by the [chairmanchairperson](#) or any other member. Where moved by the [chairmanchairperson](#) there is no

need for it to be seconded. The variation will be put to the vote immediately without debate.

4.1.33 Petitions

4.1.34 The [chairmanchairperson](#) will be available 30 minutes before an ordinary Council meeting to receive petitions. During the meeting, as part of [chairmanchairperson](#)'s announcements, any petitions received will be formally passed to the relevant cabinet member or committee [chairmanchairperson](#) who will respond in writing to the petition organiser. All petitions received, and responses provided will be published on the council's website.

4.1.35 If a petition has been signed by more than 5% of those registered to vote in Herefordshire, and has not been rejected by the monitoring officer it may be debated at a meeting of Council if the petition organiser wishes. This will normally be at the next scheduled ordinary meeting of Council, other than the meeting which is reserved for the budget. Guidance on how to submit a petition and reasons why a petition might be rejected are set out in the [Public Participation Guide \(Part 5 Section 8\)](#).

4.1.36 Where a petition is to be debated at full Council, the petition organiser will be given three minutes to present the petition at the meeting and the petition will then be discussed by councillors. A maximum of 30 minutes will be allowed at any meeting to consider up to two petitions. This may be extended at the discretion of the [chairmanchairperson](#).

4.1.37 Council will decide how to respond to the petition at this meeting. They may decide to:

- take the action the petition requests (if it relates to a matter reserved to Council);
- not to take the action requested for reasons put forward in the debate;
- refer the matter to the relevant scrutiny committee to investigate further and report back (if it relates to a matter reserved to Council); or
- refer the matter to cabinet or a committee to respond (and in doing so may make recommendations they would wish that body to consider).

4.1.38 Questions by the public

4.1.39 Questions may be asked by members of the public who live or work in Herefordshire at the following public meetings of the council:

- Full Council
- Cabinet (see cabinet rules)
- Audit and governance committee
- Health and wellbeing board
- Employment panel
- Scrutiny committees (see scrutiny rules)

4.1.40 A period of up to 30 minutes at full Council or 15 minutes at other public meetings of the council where questions are permitted, will be allocated for questions and supplementary questions This period may be varied at the discretion of the [chairmanchairperson](#).

- 4.1.41 At meetings of full Council, members of the public may ask questions of members of the cabinet and any [chairman/chairperson](#) of a committee of the council; at other public meetings of the council where public questions are permitted the question should be addressed to the [chairman/chairperson](#) of that committee.
- 4.1.42 Notice of public questions**
- 4.1.43 A question may only be asked if notice has been given by delivering it in writing [to the monitoring officer, Herefordshire Council, County Offices, Plough Lane, Hereford, HR4 0LE](#) or by email (councillorservices@herefordshire.gov.uk) to the monitoring officer no later than 5.00pm ~~two~~^{three} clear working days before the day of the meeting (e.g. 5.00pm on a ~~Tuesday~~^{Monday} where the meeting is on a Friday). Each question must give the name and address of the questioner (although only the name and town will be published) and identify who the question is addressed to. Copies of all accepted questions [and answers](#) shall be published on the council website before the start of the meeting and shall be made available to the public attending the meeting.
- 4.1.44 Order of public questions**
- 4.1.45 Questions will be answered in the order in which they are received.
- 4.1.46 Number of public questions**
- 4.1.47 A member of the public may submit only one question at any meeting of the council, ~~to a maximum of six questions in any municipal year.~~
- 4.1.48 Scope of public questions**
- 4.1.49 The monitoring officer is authorised to reject a question in accordance with the following criteria:
- (a) it is longer than ~~70~~¹⁴⁰ words;
 - (b) it is in multiple parts;
 - ~~(c)~~ it is not about a matter for which the council has a responsibility or which affects Herefordshire
 - ~~(e)~~^(d) ~~_____ (or~~ where a question is asked at a meeting other than full Council relating to the function of the committee or an item of the agenda);
 - ~~(d)~~^(e) _____ it is defamatory, frivolous or offensive;
 - ~~(e)~~^(f) _____ it is substantially the same as or similar to a question which has been put at a meeting of Council, a committee of council, or cabinet in the past six months;
 - ~~(f)~~^(g) _____ it requires the disclosure of confidential or exempt information or relates to an identifiable individual;
 - ~~(g)~~^(h) _____ it is from a council employee and the question is connected to their employment; or
 - ~~(h)~~⁽ⁱ⁾ _____ it relates to a planning application or licensing application.
- 4.1.50 If a question is rejected, the person who submitted it will be notified in writing before the meeting and given the reasons for the rejection.

New No. Where a question is accepted but it is directed at the incorrect meeting because of criteria (d) above. The Monitoring Officer is authorised to direct the question to the correct meeting.

~~4.1.51 — Asking the question at the meeting~~

~~4.1.52 — The chairmanchairperson will invite the questioner to put the question to the member named in the notice. If a questioner who has submitted a written question is unable to be present, or would prefer not to ask the question in person, the chairmanchairperson will put the question on their behalf.~~

4.1.53 Supplementary questions

4.1.54 A questioner who is present at the meeting may, at the discretion of the ~~chairman~~chairperson, ~~also put~~ask one supplementary question, ~~without notice to the member who has replied to the original question.~~ A supplementary question must arise directly out of the original question or the reply. The ~~chairman~~chairperson may reject a supplementary question on any of the grounds in 4.1.49 above, or if the question takes the form of a statement or more than a minute to ask.

4.1.55 Answers to public questions

4.1.56 Answers to accepted questions will be published before the start of the meeting. An answer to ~~a question or~~ a supplementary question will be provided by the member to whom the question was put or his/ her nominee. The answer may be either a direct oral answer, a referral to an existing publication, or if the question requests service information a referral to an officer to respond in writing. If the reply cannot conveniently be given orally, if the member to whom the question is put is absent, or the time allowed for public questions has expired, a written answer will normally be provided within fourteen working days of the meeting. A record of all questions, supplementary questions and answers provided whether orally or in writing will be published on the website as an appendix to the minutes of the meeting.

~~4.1.57 Reference of question to the cabinet or a committee~~

~~4.1.58 Unless the chairman~~chairperson ~~decides otherwise, no discussion will take place on any question or a supplementary question, but any member may move that the matter raised by a question be referred to the relevant cabinet member or committee. Questions at full Council will not be referred to another committee meeting. Once seconded, such a motion will be voted on without debate.~~

4.1.59 Restrictions on asking public questions

4.1.60 No questions may be asked at the annual meeting of council.

4.1.61 No questions may be asked at the budget meeting except in relation to reports published with the agenda.

4.1.62 No questions may be asked at an extraordinary meeting of council except in relation to reports published with the agenda.

4.1.63 Questions from councillors

4.1.64 Questions may be asked by members of the council at the following public meetings of the council:

- Full Council
- Cabinet (see cabinet rules)
- Audit and governance committee
- Health and wellbeing board

- Employment panel
- Scrutiny committees (see scrutiny rules)

A period of up to 30 minutes will be allocated for questions and supplementary questions from members of the council. This period may be varied at the discretion of the [chairman/chairperson](#).

4.1.65 A member may ask the [chairman/chairperson](#) of the council, the leader, any member of the cabinet or the [chairman/chairperson](#) of a committee a question about any matter in relation to which the council has powers or duties or which affects the county, in accordance with these council rules.

4.1.66 Notice of questions

4.1.67 A member may ask a question only if either:

- (a) notice has been given by delivering it in writing or by email (councillorservices@herefordshire.gov.uk) to the monitoring officer no later than 5.00pm ~~two~~ three clear working days before the day of the meeting (e.g. 5.00pm on a ~~Tuesday~~ Monday where the meeting is on a Friday); or
- (b) if the question relates to urgent matters, they have the consent of the member to whom the question is to be put, and the question is delivered to the monitoring officer (as above) by 9.30 am on the day of the meeting, or half an hour before the start of the meeting whichever is the earlier.

4.1.68 Scope of questions

4.1.69 The monitoring officer is authorised to reject a question in accordance with the following criteria:

- (a) it is longer than ~~70~~ 140 words;
- (b) it is in multiple parts;
- (c) it is not about a matter for which the council has a responsibility or which affects Herefordshire ~~(or where a question is asked at a meeting other than full Council relating to the function of the committee or an item on the agenda);~~
- (d) it is defamatory, frivolous or offensive;
- (e) it is substantially the same as or similar to a question which has been put at a meeting of Council in the past six months;
- (f) it requires the disclosure of confidential or exempt information or relates to an identifiable individual;
- (g) it is related to an employment matter; or
- (h) it relates to a planning application or licensing application

4.1.70 If a question is rejected, the member who submitted it will be notified in writing before the meeting and given the reasons for the rejection.

New No [Where a question is accepted but it is directed at the incorrect meeting because the meeting does not exercise the function being questioned. The Monitoring Officer is authorised to direct the question to the correct meeting.](#)

4.1.71 Asking the [supplementary](#) question at the meeting

4.1.72 The ~~chairman~~chairperson will invite the questioner to put the question to the member named in the notice. ~~If a questioner who has submitted a written question is unable to be present, the chairman will put the question on their behalf.~~

4.1.73 **Supplementary question**

4.1.74 A member who has put a question in person may, at the discretion of the ~~chairman~~chairperson, also ~~put~~ask one supplementary question ~~without notice to the member who has replied to the original question~~. A supplementary question must arise directly out of the original question or the reply. The ~~chairman~~chairperson may reject a supplementary question on any of the grounds in 4.1.69 above, or if the question takes the form of a statement or more than a minute to ask.

4.1.75 **Answers to councillors' questions**

4.1.76 An answer to an accepted question will be published prior to the meeting. ~~The answer to~~ ~~or~~ a supplementary question will be provided by the member to whom the question was put or their nominee. The answer may be either a direct oral answer, a referral to an existing publication, or if the question requests service information a referral to an officer to respond in writing. If the reply cannot be conveniently given orally, if the questioner or the member to whom the question is put is absent, or the time allowed for councillors' questions has expired, a written answer will normally be provided within fourteen working days of the meeting. A record of all questions, supplementary questions and answers provided whether orally or in writing will be published on the website as an appendix to the minutes of the meeting.

4.1.77 **Restrictions on asking questions**

4.1.78 No questions may be asked at the annual meeting of Council.

4.1.79 No questions may be asked at the budget meeting except in relation to those items listed on the agenda.

4.1.80 No questions may be asked at an extraordinary meeting of Council except in relation to those items listed on the agenda.

4.1.81 Members may submit no more than one question at any one meeting.

4.1.82 **Motions**

4.1.83 There are two types of motion: those which can be moved during debate (known as motions without notice), and those for which notice is required. Except for motions which can be moved without notice under these council rules, written notice of every motion, signed by the proposer and the seconder, must be delivered, or submitted electronically to the monitoring officer not later than midday on the seventh working day before the date of the meeting (i.e. a Wednesday when the meeting is on a Friday of the following week). A member cannot propose more than one motion on notice per meeting.

4.1.84 Motions on notice may be amended in consultation with the monitoring officer at any time prior to the publication of the agenda by the member(s) who have signed the notice provided that such amendment shall not change the subject matter of the motion.

4.1.85 Motions set out in the agenda

4.1.86 Motions for which notice has been given will be listed on the agenda in the order in which notice was received, [to a maximum of 3](#), unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

4.1.87 Up to one and a half hours will be allocated for debate on notices of motion but that time may be varied at the discretion of the [chairmanchairperson](#).

4.1.88 Scope

4.1.89 Motions must be about matters for which the council has a responsibility or which affect the county. The [chairmanchairperson](#) may, on the advice of the monitoring officer, refuse a motion which is illegal, scurrilous, improper, (subject to paragraph [4.1.132](#)) relates to a matter which has been the subject of debate or decision by Council in the previous six months, or is otherwise out of order. The member intending to give notice of the motion should consult the director(s) with responsibility for the matter, or their nominee, and the relevant cabinet member(s) and determine the context and possible consequences for what is proposed prior to submitting the motion.

4.1.90 If the motion requires referral to either cabinet or a committee of the council, a report must be at a Council meeting within six months of the date of debate on the motion.

4.1.91 Exceptions

4.1.92 Where, following publication of the agenda for an ordinary meeting of Council, an urgent matter directly affecting part or all of the county arises and it is not practical to defer consideration of the motion to the next ordinary meeting of Council a motion signed by two members may be accepted by the [chairmanchairperson](#) following consultation with the monitoring officer.

4.1.93 Motions without notice

4.1.94 The following motions may be moved without notice:

- (a) to appoint a person to preside at the meeting at which the motion is moved
- (b) to amend the minutes on a matter of accuracy
- (c) to change the order of business in the agenda where these procedure rules allow
- (d) to refer something to an appropriate body or individual to consider or reconsider

- (e) to withdraw a motion
- (f) to amend a motion (refer to para 4.1.102 below)
- (g) to proceed to the next business
- (h) that the question be now put
- (i) to adjourn a debate
- (j) to adjourn a meeting
- (k) that the meeting continue beyond three hours duration
- (l) to exclude the public in accordance with the access to information procedure rules
- (m) not to hear a member further or to require a member to leave the meeting
- (n) to give the consent of Council where its consent is required by this constitution
- (o) to suspend a specified council rule it is permitted to suspend
- (p) to request a recorded vote
- (q) to remove the leader following a change in political control.

4.1.95 Rules of debate

4.1.96 A debate will commence only when a proposal has been made, explained and seconded.

4.1.97 No member may speak unless called upon by the ~~chairman~~[chairperson](#).

4.1.98 Speeches must be directed to the matter being debated.

4.1.99 When a member may speak

4.1.100 Members may speak as detailed in the table below. The flow chart attached at appendix 1 to this section summarises the process of debate:

Purpose of speech	Who can make the speech	Length of speech
Present a report	Leader Cabinet member Committee chairman chairperson	5 minutes
Propose original motion	Proposer	5 minutes
Second the motion	Secunder (may reserve their right to speak until the end of the debate)	3 minutes
Propose an amended motion	Any member other than proposer/secunder of original motion	3 minutes
Second an amended motion	Any member other than proposer/secunder of original motion	3 minutes

Purpose of speech	Who can make the speech	Length of speech
Speak during debate	Any member other than proposer and seconder of amended motion and proposer of the original motion	3 minutes
Right of reply to debate on amended motion	Proposer of original motion	3 minutes
Respond to specific question	Cabinet member	2 minutes
Propose the budget	Leader	10 minutes
Second the budget	Deputy leader	5 minutes
Respond to budget proposals	Group leaders	5 minutes
Right to reply to budget debate	Leader	5 minutes
Point of order	Any member	2 minutes
Personal explanation	Any member	2 minutes

4.1.101 Amendments to motions

4.1.102 An amendment must be relevant to the motion and may alter the wording as long as the effect is not to negate the motion. Unless notice of the amended motion has already been given, the [chairman/chairperson](#) may require it to be written down or in its altered form to be written down and handed to them before it is discussed

4.1.103 Amendments will be considered in the order in which they are received or tabled. No further amendment may be moved until the amendment under discussion has been debated and voted on.

4.1.104 If an amended motion is not carried, other amendments to the original motion may be moved.

4.1.105 If an amended motion is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

4.1.106 After an amended motion has been carried, the [chairman/chairperson](#) will read out the substantive motion before accepting any further amendment, or if there is none, it is put to the vote.

4.1.107 Members intending to propose an amended motion should normally submit the proposed amendment to the monitoring officer by 9.30am on the morning of the meeting or half an hour before the start of the meeting whichever is the earlier.

4.1.108 Where an amendment to a recommendation from the cabinet in relation to a budget and policy framework item is being proposed, members making such an amendment must have consulted with the relevant director to determine the context and possible consequences of the proposal and have secured confirmation from the chief finance officer that the action proposed is achievable before submitting the amendment, in accordance with the budget and policy framework rules.

4.1.109 Where an amendment to a recommendation from the cabinet in relation to a budget and policy framework item is approved by Council the leader, on behalf of the cabinet, may indicate acceptance of the amendment.

4.1.110 Alteration of motion

4.1.111 A member may alter a motion of which they have given notice with the consent of the seconder and the meeting. The meeting's consent will be signified without discussion.

4.1.112 A member may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

4.1.113 Only alterations which could be made as an amendment may be made.

4.1.114 Withdrawal of motion

4.1.115 A member may withdraw a motion which they have moved without the consent of either the meeting and/or the seconder.

4.1.116 Right of reply

4.1.117 The proposer of an original motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote.

4.1.118 If an amended motion is proposed, the proposer of the original motion has a right of reply at the close of debate on the amended motion, but may not otherwise speak on the amendment.

4.1.119 The proposer of an amended motion shall have no right of reply to the debate on the amendment.

4.1.120 Motions which may be moved during debate

4.1.121 When a motion is under debate, no other motion may be moved except the following:

- (a) to withdraw the motion
- (b) to amend the motion
- (c) to proceed to the next business;
- (d) that the question be now put
- (e) to adjourn a debate
- (f) to adjourn a meeting
- (g) that the meeting continue for a further half hour
- (h) to exclude the press and public in accordance with the access to information rules

- (i) that a member be not further heard or to exclude the member from the meeting.

4.1.122 Closure motions

4.1.123 A member may move without comment the following motions at the end of a speech of another member:

- (a) that the question be now put
- (b) to adjourn a debate
- (c) to adjourn a meeting.

4.1.124 If a motion that the question be now put is seconded and the [chairmanchairperson](#) thinks the item under discussion has been sufficiently discussed, the proposer of the original motion will have a right of reply before the matter is put to the vote. Any member who has reserved their right to speak later in the debate will not be heard.

4.1.125 Point of order

4.1.126 A member may raise a point of order at any time and the [chairmanchairperson](#) will hear it immediately. A point of order may only relate to the alleged breach of these council rules or the law. The member must indicate the section and the way in which they consider it has been broken. The ruling of the [chairmanchairperson](#) on the matter will be final and there will be no debate on the matter.

4.1.127 Personal explanation

4.1.128 A member may make a personal explanation at any time. A personal explanation shall only relate to some material part of an earlier speech by the member which may appear to have been misunderstood [or misquoted](#) in the present debate. The ruling of the [chairmanchairperson](#) on the admissibility of a personal explanation will be final.

4.1.129 Conduct of the debate

4.1.130 A member may indicate their wish to speak and shall wait to be called by the [chairmanchairperson](#). If more than one member so indicates the [chairmanchairperson](#) shall call on them individually and in turn to speak.

4.1.131 Motion to rescind a previous decision

4.1.132 A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion to the Council is signed by at least eighteen of the members of Council and sets out evidence of a change in circumstances or position or other information that materially affects the decision taken. The [chairmanchairperson](#) shall, following consultation with the monitoring officer and chief finance officer, make the final determination as to whether the change identified has a material effect.

4.1.133 Motion similar to one previously rejected

4.1.134 A motion or amendment in similar terms to one which has been rejected at a Council meeting within the past six months cannot be moved unless notice of motion or amendment is given signed by at least eighteen of the members of Council.

4.1.135* Once a motion or amendment to which this rule applies has been dealt with, no member can propose a similar motion or amendment within the next six months.

4.1.136 Voting majority

4.1.137* Unless this constitution (or the law) provides otherwise any matter will be decided by a simple majority of those present and voting in the room at the time the question was put.

4.1.138 ~~Chairman~~Chairperson of the council's casting vote

4.1.139* If there are equal numbers of votes for and against, the ~~chairman~~chairperson will have a second or casting vote. There will be no restriction on how the ~~chairman~~chairperson chooses to exercise a casting vote.

4.1.140 On the voices and show of hands

4.1.141* Unless a recorded vote is requested the ~~chairman~~chairperson will ask the meeting to signify agreement on the voices unless the decision on the voices is unclear in which case the ~~chairman~~chairperson will take the vote by a show of hands.

4.1.142 Recorded vote

4.1.143* If at least eight members (or pro-rata for other committees to which these rules apply) present at the meeting requested it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and recorded in the minutes. All votes taken at a budget decision meeting and relating to a budget decision are to be recorded votes.

4.1.144* Reference to a "budget decision meeting" for the purposes of 4.1.143 means a meeting of Council at which it makes a calculation (whether originally or by way of substitute) in accordance with any of sections 31A, 31B, 34 to 36A, or 52ZJ of the Local Government Finance Act 1992 and includes a meeting where making the calculation was included as an item of business on the agenda for that meeting.

4.1.145 Right to require individual vote to be recorded

4.1.146* Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

4.1.147 Voting on appointments

4.1.148* Where there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

4.1.149 Keeping of minutes

4.1.150* Minutes of the proceedings of each meeting of the council will be prepared and will be published on the council's website.

4.1.151 Signing the minutes

4.1.152* The ~~chairman~~[chairperson](#) will sign the minutes at the next available meeting. The ~~chairman~~[chairperson](#) will move that the minutes of the previous meeting be signed as a correct record. There will be no debate or questioning on matters arising from the minutes; only matters of accuracy may be determined.

4.1.153* In the case of any question of the accuracy of the minutes this can only be raised where notice is given to the monitoring officer by 9.30am on the morning of the meeting at which this is to be raised or half an hour before the start of the meeting whichever is the earlier unless the ~~chairman~~[chairperson](#) determines otherwise at the meeting.

4.1.154 No requirement to sign minutes of previous meeting at an extraordinary meeting

4.1.155* Where in relation to any meeting, the next meeting for the purposes of signing the minutes is an extraordinary meeting, then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purpose of signing of minutes.

4.1.156 Exclusion of the public

4.1.157* The public and press may only be excluded either in accordance with the [access to information rules \(part 4 section 2\)](#) or in the case of disturbance by the public in accordance with these [council rules 4.1.165](#).

4.1.158 Members' conduct

4.1.159* When the ~~chairman~~[chairperson](#) stands during a debate any member(s) then speaking must discontinue and the council must be silent.

4.1.160* If a member is guilty of misconduct by persistently disregarding the ruling of the ~~chairman~~[chairperson](#) of the council, or by behaving irregularly, improperly or offensively, or by deliberately obstructing business, any member may move that that member is not further heard. If seconded, the motion will be voted on without discussion.

4.1.161* If the member continues to behave improperly after such a motion is carried, any member may move either that the member leave the meeting or that the meeting be adjourned for a specified period. If seconded, the motion will be voted on without discussion.

4.1.162 * If there is a general disturbance making orderly business impossible, the [chairmanchairperson](#) may adjourn the meeting for as long as they think necessary.

4.1.163* The decision as to whether misconduct is taking place shall rest with the [chairmanchairperson](#) who will have due regard to the councillor code of conduct.

4.1.164 Disturbance by the public

4.1.165* If a member of the public interrupts proceedings, the [chairmanchairperson](#) will warn the person concerned and, if the interruption continues, will order the person's removal from the meeting room.

4.1.166* If there is a general disturbance in any part of the meeting room open to the public the [chairmanchairperson](#) shall order that part to be cleared and the [chairmanchairperson](#) may for that purpose adjourn the meeting for as long as is needed, and may resume the meeting with or without members of the public being admitted and/or at another location deemed appropriate

4.1.167 Suspension and amendment of council rules

4.1.168* Any of the council rules may be suspended for all or part of the business of a meeting at which suspension is moved by a motion, [except rules 4.1.1 to 4.1.31, 4.1.135 to 4.1.169, and 4.1.175 to 4.1.178. For ease of reference the rules which cannot be suspended are identified by the symbol *](#)

4.1.169* Such a motion cannot be moved without notice unless at least two thirds of the whole number of members of the council is present. Suspension shall be limited to the duration of the meeting or the determination of a particular item of business if appropriate and as specified in the motion.

4.1.170 Substitution

4.1.171 The monitoring officer on behalf of the chief executive may receive notice from a group leader or authorised nominee on behalf of that group that a different member of their group shall be substituted at a meeting for the member previously allocated to a place on a committee, sub-committee or other body to which the proportionality rules apply for the duration of that meeting. The giving of notice by email no later than 3.00pm on the last working day prior to the date of the meeting is encouraged.

4.1.172 The monitoring officer (in consultation with the ungrouped member(s) concerned) may substitute another ungrouped member for an ungrouped member who has notified the monitoring officer in writing that they are unable to attend a meeting for the duration of that meeting. Such notification must be given no later than 3.00pm on the last working day prior to the date of the meeting.

4.1.173 Recording, filming and reporting of meetings

4.1.174 Where meetings of the council are open to the public, any person attending may record, film or report meetings, provided that in doing so there is no disturbance to the meeting.

4.1.175 Interests under the councillors' code of conduct

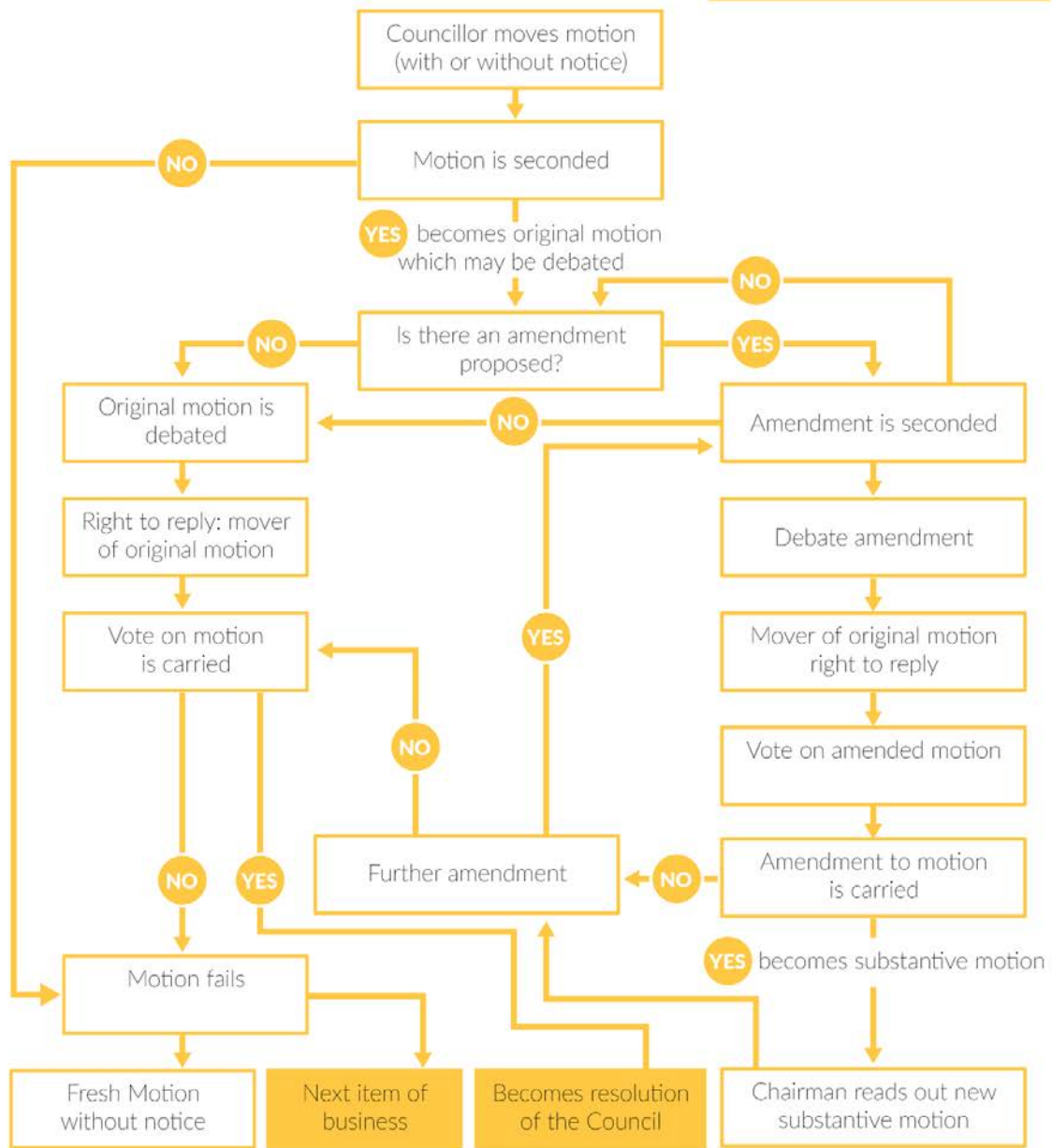
4.1.176* Members must abide by the [councillors' code of conduct \(part 5 section 1\)](#) adopted by the council and declare all disclosable pecuniary interests and non-registerable interests in accordance with the code. Where a member has identified and declared a disclosable pecuniary interest, that member shall immediately vacate the room or chamber where the meeting is taking place (including any public area) unless a dispensation has been granted.

4.1.177 Confidentiality

4.1.178* All reports and other documents marked "confidential" or "exempt from publication" shall be so treated unless they become public in the ordinary course of the council's business. Such determination shall ordinarily be made by the monitoring officer having regard to the access to information rules. Further, all members must comply with the obligations as to confidentiality set out in the [councillors' code of conduct \(part 5 section 1\)](#). Any alleged breaches shall be referred by the [chairmanchairperson](#) of the council to the monitoring officer for consideration and report if not previously referred by some other person. The [chairmanchairperson](#) may require the surrender of such material at the end of discussion of the relevant item.

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Process for consideration of motions at Council



1. Amendments to motions can be moved at any time during the debate
2. Please note that this flowchart does not apply to the annual budget debate. The budget debate rules are set out in Part 4, Section 3 of the constitution

Section 8 - The planning rules

4.8.1 Councillor involvement in planning applications

4.8.2 Initial submission of applications

4.8.3 All members will be informed by email on the submission of a new planning application in their ward.

4.8.4 All applications will proceed and will be determined under delegated powers unless they fall within the category of applications automatically to be referred to committee or are redirected as provided for under the redirection arrangements in these rules.

4.8.5 In addition:

(a) the case officer will telephone the ward member (and/or where necessary arrange a meeting) to update the ward member on the processing of the application and any comments received.

(b) as part of this initial conversation the case officer will also identify to the ward member whether an application triggers the need for a section 106 agreement in accordance with the council's adopted Planning Obligations Supplementary Planning Document.

(c) in the case of applications requiring a Section 106 agreement the case officer will have a subsequent conversation/meeting with the ward member to ensure that local mitigation measures are appropriately incorporated. As part of this process officers and members will be guided by Circular 5/05, the council's adopted Supplementary Planning Guidance and the evolving schedule of local needs co-ordinated by the planning obligations manager.

4.8.6 The ward member(s) for the purpose of this rule is/are the member or members in whose ward the application is located, or whose wards are materially affected by the application.

4.8.7 Determination of application at Committee

4.8.8 Councillors at Planning and Regulatory Committee will determine those matters which under the functions scheme are to be determined by the Committee including those matters redirected under the redirection arrangements set out in these rules.

4.8.9 At Committee the ward member will have an automatic right to start and close the member debate on the application concerned, subject to the provisions on the declaration of interests as reflected in the Planning Code of Conduct ([Part 5 section 6](#)). In the case of the ward member not being a member of the Committee they would be invited to address the Committee for that item. [In the case of the ward member being a member of the appropriate Committee they will not vote on that item, and act as the ward member as set out above.] To this extent all members have the opportunity of expressing their own views, and those of their constituents as they see fit, outside the regulatory controls of the

Committee concerned. The ward member would initially address the Committee immediately after the public speaking.

4.8.10 Post decision

4.8.11 Ward members would be advised where appropriate by the case officer, the enforcement team, or the planning obligations manager of the following events:-

- (a) any evolving inconsistencies between a planning permission and development taking place
- (b) any appeal against the refusal of planning permission
- (c) the receipt/apportionment of Section 106 Agreement monies
- (d) any proposed variations to the Section 106 Agreement.

4.8.12 Redirection of delegated planning decisions

4.8.13 The redirection arrangements

4.8.14 Many planning applications are delegated to the chief executive and determined by planning officers acting under the chief executive's Scheme of Delegation in accordance with the Functions Scheme (Part 3).

4.8.15 Ward councillors may choose to ask that sensitive or controversial applications be redirected for a decision by the Planning and Regulatory Committee. A ward councillor for the purpose of this redirection procedure is the ward councillor and any councillor whose ward is materially affected by the application.

4.8.16 Redirection needs to be made as soon as possible after the date a valid application is submitted to avoid unnecessary delays in determining applications.

4.8.17 Redirections should normally be made within three weeks of the application being notified to the relevant ward members, subject to 4.8.24 below.

4.8.18 A redirection will [occur](#) in the following circumstances:

- (a) the application raises unusual or sensitive planning issues which would benefit from the consideration of the Committee, or
- (b) the application has attracted an unusually high level of public interest in the relevant area. This might be reflected in the number of letters or e-mails or a petition received in connection with the application, or
- (c) there has been a recent and significant change of planning policy (either at national or local level) which would result in a different recommendation being made in respect of an application than would previously have been the case.

4.8.19 Conditional redirection

4.8.20 In some cases, Councillors may be content that the application be redirected only if planning officers are intending to grant or refuse planning permission. In that case a Councillor can ask that the matter only be redirected in accordance with

this procedure if it is either the intention of the planning officer to grant or refuse the application.

4.8.21 Other circumstances

4.8.22 Any other reasons for requesting a redirection other than those set out above will be considered on their individual merits and circumstances.

4.8.23 Referrals requested after the three week period

4.8.24 Any of the circumstances set out above could justify a late redirection provided the reasons for the lateness of the request are explained when the request is made. In these circumstances, the assistant director environment, planning and waste will make a judgement based on the issues raised, and the stage reached in the processing of the application.

4.8.25 Exceptions to redirection

4.8.26 A redirection will occur unless the request is made:

- (a) in order to “resolve” a disagreement between an applicant and the objector(s) to an application.
- (b) where the applicant considers that there is more likelihood of a grant of planning permission if the application is referred to the Committee for a decision.
- (c) where the objectors to an application consider that there is more likelihood of a refusal of permission if the application is referred to Committee for a decision.

4.8.27 Procedure

4.8.28 A councillor requesting the redirection of an application should always provide sound planning reason(s) for doing so based on the circumstances and material planning considerations of the proposal.

4.8.29 Any such request should be made in writing to the case officer and the development control manager.

4.8.30 All requests for redirections will be discussed by the assistant director environment and place (or their delegate) with the ~~chairman~~chairperson of planning and regulatory committee together with the member who has requested the redirection. ~~and a~~ decision whether to accept the redirection will be made by the assistant director environment and place (or their delegate) on the basis of guidance set out in these rules and the circumstances and material planning consideration of the case. The decision will be confirmed in writing. In the ~~chairman~~chairperson's absence, the vice ~~chairman~~chairperson will be consulted.

4.8.31 There will be circumstances in which an application is amended in order to respond to issues raised in the normal processing of the application by the case officer, statutory consultees or local residents. In the event that the issue(s) which caused the application to be redirected to the Committee by the ward

member (and supported by the appropriate officers and the ~~chairman~~chairperson of the Committee) is/are resolved the ward member will be at liberty to withdraw his or her request for a Committee determination. Thereafter the decision will revert to a delegated decision.

4.8.32 Delegations to officers

4.8.33 If the assistant director environment and place is unavailable or unable to fulfil any of their functions in these rules, they may nominate a substitute to exercise those functions on their behalf.

4.8.34 Public speaking at planning and regulatory committee

4.8.35 In the case of the planning and regulatory committee the public will be permitted to speak at meetings when the following criteria are met:

- (a) the application on which they wish to speak is for decision at the planning and regulatory committee
- (b) the person wishing to speak has already submitted written representations within the time allowed for comment
- (c) once an item is on an agenda for planning and regulatory committee all those who have submitted representations will be notified and any person wishing to speak must then register that intention with the monitoring officer at least 48 hours before the meeting of the planning and regulatory committee
- (d) if consideration of the application is deferred at the meeting, only those who registered to speak at the meeting will be permitted to do so when the deferred item is considered at a subsequent or later meeting
- (e) at the meeting a maximum of three minutes (at the ~~chairman~~chairperson's discretion) will be allocated to each speaker from a parish council, objectors and supporters and only nine minutes will be allowed for public speaking
- (f) speakers may not distribute any written or other material of any kind at the meeting
- (g) speakers' comments must be restricted to the application under consideration and must relate to planning issues
- (h) on completion of public speaking, councillors will proceed to determine the application
- (i) the ~~chairman~~chairperson will in exceptional circumstances allow additional speakers and/or time for public speaking for major applications and may hold special meetings at local venues if appropriate.

Section 9 - Employment rules

4.9.1 Employment and dismissal of senior officers

4.9.2 Subject to paragraphs 4.9.2 to 4.9.5, the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the council must be discharged, on behalf of the council, by the head of paid service or his nominees.

4.9.3 Paragraph 4.9.2 shall not apply to the appointment or dismissal of, or disciplinary action against:

- (a) head of paid service
- (b) section 151 officer
- (c) monitoring officer
- (d) director for adults and wellbeing
- (e) director for children's wellbeing
- (f) director for economy, communities and corporate
- (g) director of public health

4.9.4 Where a committee is discharging, on behalf of Council, the function of the appointment or dismissal of an officer designated as the head of paid service, or the dismissal of the council's monitoring officer or section 151 officer Council must approve that appointment before an offer of appointment is made to him or, as the case may be, must approve that dismissal before notice of dismissal is given. The designation of a post, but not the appointment of an individual to that post, as monitoring officer or section 151 officer must be approved by Council.

4.9.5 Where a committee of Council is discharging, on behalf of Council, the function of the appointment or dismissal of any officer referred to in paragraph 4.9.3 at least one member of the cabinet must be a member of that committee or sub-committee. Where the appointment is for the Director of public health this process is undertaken jointly with the Secretary of State for Health in accordance with s73A National Health Service Act 2006.

4.9.6 In paragraph 4.9.7 "appointor" means, in relation to the appointment of a person as an officer of the council, Council or where a committee, is discharging the function of appointment on behalf of Council, that committee, as the case may be.

4.9.7 An offer of an appointment as an officer referred to in paragraph 4.9.3 must not be made by the appointor until:

- (a) the appointor has notified the proper officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;

- (b) the proper officer has notified every member of the cabinet of:
 - (i) the name of the person to whom the appointor wishes to make the offer;
 - (ii) any other particulars relevant to the appointment which the appointor had notified to the proper officer; and
 - (iii) the period within which any objection to the making of the offer is to be made by the leader on behalf of the cabinet to the proper officer; and
 - (iv) the leader has, within the period specified in the notice notified the appointor that neither they nor any other member of the cabinet has any objection to the making of the offer;
- (c) the proper officer has notified the appointor that no objection was received by them within that period from the leader; or
- (d) the appointor is satisfied that any objection received from the leader within that period is not material or is not well-founded.

4.9.8 In paragraph 4.9.9, “dismissor” means, in relation to the dismissal of an officer of the council, Council or, where a committee, is discharging the function of dismissal on behalf of the council, that committee, as the case may be.

4.9.9 Notice of the dismissal of an officer referred to in paragraph 4.9.3 must not be given by the dismissor until:

- (a) the dismissor has notified the proper officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
- (b) the proper officer has notified every member of the cabinet of:
 - (i) the name of the person who the dismissor wishes to dismiss;
 - (ii) any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and
 - (iii) the period within which any objection to the dismissal is to be made by the leader on behalf of the cabinet to the proper officer; and either:
- (c) the leader has, within the period specified in the notice notified the dismissor that neither they nor any other member of the cabinet has any objection to the dismissal;
- (d) the proper officer has notified the dismissor that no objection was received by them within that period from the leader; or
- (e) the dismissor is satisfied that any objection received from the leader within that period is not material or is not well-founded.

- 4.9.10 The employment panel shall be the appropriate body for the purposes of the functions set out in paragraphs 4.9.4 to 4.9.9 of these rules.
- 4.9.11 Interim senior officer arrangements**
- 4.9.12 The head of paid service will make such interim arrangements under contracts for services for senior officers named in 4.9.3 above as may be necessary from time to time to ensure that the statutory functions of the council are adequately fulfilled.
- 4.9.13 Appointment of officers**
- 4.9.14 All jobs will be open to competition and appointments will be made on merit except as provided for in the council's employment policies and its recruitment and selection procedures and all appointments will be made in accordance with those policies and procedures.
- 4.9.15 Where the council propose to appoint an officer to any post the head of paid service or his nominee will:
- (a) draw up a statement specifying:
 - the duties of the officer concerned; and
 - any qualifications or qualities to be sought in the person to be appointed.
 - (b) make arrangements for the post to be advertised in such a way that is likely to bring it to the attention and attract the maximum interest of persons who are qualified to apply for it; and
 - (c) make arrangements for a copy of the statement mentioned in paragraph (a) above to be sent to any person on request.
- 4.9.16 The head of paid service or his nominee shall make arrangements for the long listing, short listing and interview of applicants.
- 4.9.17 Where the appointment is to a post specified in paragraph 4.9.3 above, the head of paid service or his nominee will carry out all steps related to the appointment following consultation with the leader of the council or his nominee.
- 4.9.18 Where the appointment is to the post of head of paid service, the leader of the council will nominate an officer to carry out all the steps related to the appointment following consultation with the leader of the council or his nominee.
- 4.9.19 The short-listing and interview of candidates for posts specified in paragraph 4.9.3 above will be carried out by the employment panel.
- 4.9.20 Every appointment of any officer specified in paragraph 4.9.3 above shall be made by the employment panel, save that the appointment of a head of paid service must be approved by full Council.
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- 4.9.21 The employment panel shall be advised by the head of paid service or in the event of the appointment of the head of paid service by the officer nominated for that purpose by the leader of the council.
- 4.9.22 The leader of the council (in relation to the appointment of the head of paid service) and the head of paid service in consultation with the leader in relation to those officers to be appointed by the employment panel may appoint external recruitment consultants to assist or advise the employment panel.
- 4.9.23 Disciplinary action – head of paid service, section 151 officer and monitoring officer**
- 4.9.24 The head of paid service, section 151 officer and monitoring officer may not be dismissed unless the procedure set out in the following paragraphs is complied with. The head of paid service will be the proper officer for these purposes except where the disciplinary action or dismissal relates to the head of paid service in which case the leader of the council will nominate an officer to carry out these steps in accordance with the JNC for chief officers' model procedures.
- 4.9.25 The investigating and disciplinary committee is the employment panel. The council has appointed an independent panel consisting independent persons as defined in 4.9.26 which will meet at least 20 working days before the full Council meeting which will consider whether to dismiss.
- 4.9.26 An *"independent person"* means any independent person who has been appointed by the council and who has accepted an invitation issued by the monitoring officer in accordance with the following priority order -
- (a) a relevant independent person who has been appointed by the authority under section 28(7) of the localism act 2011 and who is a local government elector;
 - (b) any other relevant independent person who has been appointed by the authority;
 - (c) a relevant independent person who has been appointed by another authority or authorities.
- 4.9.27 Any remuneration, allowances or fees paid by the authority to an independent person appointed to the panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Localism Act.
- 4.9.28 Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, Council must take into account, in particular -
- (a) any advice, views or recommendations of the panel;
 - (b) the conclusions of any investigation into the proposed dismissal; and
 - (c) any representations from the relevant officer.

4.9.29 The employment panel

4.9.30 The employment panel consists of five members of the council and must include at least one member of the cabinet.

4.9.31 Terms and conditions of employment

4.9.32 The employment panel shall be responsible for determining the terms and conditions of employment of the officers specified in paragraph 4.9.1.2 above, and will be a consultee on overall employment terms and conditions (including policies) to be determined by the head of paid service.

4.9.33 Voting on appointments

4.9.34 Where three or more candidates are interviewed for a post and there is not a majority of votes cast at the relevant meeting of the employment panel in favour of one candidate, the candidate receiving the least number of votes shall be disregarded and a fresh vote taken and so on until one candidate receives a majority of the votes.

4.9.35 Declarations and member involvement

4.9.36 Candidates for appointment to any post within the council will be required to declare whether they are related to an existing member or officer of the council; any candidate making such a declaration will not be appointed without the independent authorisation of the relevant director or head of paid service as appropriate

4.9.37 No member will seek support for any person for any appointment.

4.9.38 The council shall disqualify any applicant who directly or indirectly seeks the support of any member for any appointment with the council

Section 8 – Public Guide to Participation

- 5.8.1 A healthy democracy depends upon active citizenship. Citizens are encouraged to make conscientious use of their roles as both voters and members of a wider community, and this guide gives an overview of the ways in which you can do that.
- 5.8.2 Attending meetings**
- 5.8.3 We encourage the public to attend meetings of the council and its committees, and anyone attending is able to record or film what takes place at them provided that doesn't disrupt the meeting. Details of what meetings are coming up are published on the council's [website](#), and also published in public offices of the council.
- 5.8.4 The agenda and papers are normally published on our website at least five working days in advance of the meeting and a small number of copies are available for members of the public at the meeting. Draft minutes of the meeting are also published on the website as soon as possible after the meeting.
- 5.8.5 [not used].
- 5.8.6 Why are some meetings private?**
- 5.8.7 Nearly all meetings of the council and its committees are held in public. However on rare occasions an agenda item includes information which may be personal to an individual, which would compromise the commercial position of the council or another individual or organisation or which there are other particular legal or employment reasons for considering asking the public to leave the meeting for discussion of that item. When this is the case we will explain the reasons why and, as far as is legally possible, will afterwards provide a public summary of the decision taken.
- 5.8.8 Asking questions at meetings of the council**
- 5.8.9 Which meetings can the public ask questions at?**
- 5.8.10 Questions can be asked at public meetings of:
- Full Council
 - Audit and governance committee
 - Cabinet
 - Employment panel
 - Health and wellbeing board
 - Scrutiny committees
- 5.8.11 Who can ask questions?**
- 5.8.12 Questions can be put by anyone living or working in Herefordshire.
-

5.8.13 What notice is required for questions?

5.8.14 A question must be delivered by ~~in writing to the monitoring officer, Herefordshire Council, County Offices, Plough Lane, Hereford, HR4 0LE~~ or by email (councillorservices@herefordshire.gov.uk) or in writing to the monitoring officer, ~~Herefordshire Council, County Offices, Plough Lane, Hereford, HR4 0LE~~ or by ~~by no later than 5pm two-three~~ working days before the date of the meeting. Each question must provide the name and address of the questioner.

5.8.15 How many questions can be asked?

5.8.16 A member of the public may ask one question at any public meeting of the council as listed above, ~~subject to a maximum of six questions in any one municipal year.~~

5.8.17 What is the scope for questions?

5.8.18 Questions should relate to the function of the committee where they are being asked. A question at full Council can be addressed to any ~~chairman~~ [chairperson](#) or cabinet member and must relate either to something that the council is responsible for or that affects the county.

5.8.19 We will not consider any question that is defamatory, offensive or frivolous. Additionally, we will reject a question which is substantially the same as a question which has been put at any meeting of the council in the last six months, is in multiple parts, is longer than ~~70~~ [140](#) words, or requires the disclosure of confidential information or relates to an identifiable individual, is from a member of staff and relates to their employment, relates to a planning or licensing application or if at a meeting other than full Council does not relate to the function of the committee or a matter on the relevant agenda. If your question is rejected, you will be told before the start of the meeting and given the reasons why.

5.8.20 What happens at the meeting?

5.8.21 Time is made available early on the agenda for any accepted questions to be dealt with. Copies of any questions [and answers](#) will be published on the council's website before the start of the meeting, and will be made available to members of the public who attend the meeting.

5.8.22 The ~~chairman~~ [chairperson](#) will invite the questioner to put ~~the a supplementary~~ question to the councillor named in the notice. If the questioner is unable to attend the meeting, [no supplementary question will be permitted.](#) ~~the chairman~~ [chairperson](#) ~~will state that a written reply will be given.~~

5.8.23 A questioner who has put a question in person can also ask one supplementary question, without notice, in response to the reply to their question. A supplementary question must arise directly out of the original question or the reply given. The ~~chairman~~ [chairperson](#) can reject a supplementary question on any of the grounds detailed in the section above.

5.8.24 What form will the reply take?

5.8.25 The answer may be either a direct oral answer, a referral to an existing publication, or if the question requests service information a referral to an officer to respond in writing. If the reply cannot conveniently be given orally, if the questioner or the member to whom the question is put is absent, or the time allowed for public questions has expired, a written answer will normally be provided within 14 working days.

5.8.26 There cannot be any discussion on questions but any matters raised by a question can be referred to the relevant cabinet member or the appropriate committee to consider.

5.8.27 Petitions

5.8.28 We welcome petitions from those who live or work in Herefordshire and recognise that petitions are one way in which people can let us know their concerns or the strength of public feeling.

5.8.29 What is the scope for petitions?

5.8.30 Petitions must relate to a matter over which the council has powers or duties and may be rejected if they: contain language or statements which are defamatory, frivolous, vexatious, discriminatory, false, or otherwise offensive; disclose confidential or exempt information; name individuals, or provides information where they may be easily identified, e.g. individual officers of public bodies; make criminal accusations; contain advertising statements; refer to an issue which is currently the subject of a formal council complaint, Local Government Ombudsman complaint or any legal proceedings; or relate to a matter where there are other statutory processes in place for dealing with these matters (such as planning or licensing application matters or statutory petitions for a referendum).

5.8.31 How can a petition be submitted?

5.8.32 Petitions may be paper based or online and an online facility for running a petition is provided on the council's website. There is no standard format for a petition but it must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish us to take;
- the name and address and signature of any person supporting the petition, which must be not fewer than 15 people; and
- contact details, including an address, for the petition organiser who will be the person we will contact to explain how we will respond.

5.8.33 The [chairman/chairperson](#) of the council is available to receive petitions before the start of each ordinary meeting of full Council; if you wish to arrange this please contact: councillorservices@herefordshire.gov.uk . During the meeting, as part of [chairman/chairperson](#)'s announcements, any petitions received will be formally

passed to the relevant cabinet member or committee ~~chairman~~[chairperson](#) who will respond in writing to the petition organiser. You may ask your ward councillor to present the petition on your behalf. Petitions may also be sent in to:

Democratic Services Manager
Herefordshire Council
Plough Lane
Hereford
HR4 0LE

Or scanned and emailed to: petitions@herefordshire.gov.uk

5.8.34 What happens once a petition has been submitted?

- 5.8.35 All petitions sent or presented to the council will receive an acknowledgement within 10 working days of receipt explaining how we will respond.
- 5.8.36 Details of all petitions received, and of our response, will be published on the website. The contact details of the petition organiser or signatories to a petition will not be placed on the website.
- 5.8.37 If your petition has been signed by a certain number of people who are registered to vote in the county then you may request that the petition is scheduled for debate at the next ordinary meeting of full Council. If that is the case up to 30 minutes will be allowed for the debate and the petition organiser will have the opportunity to briefly present the petition at the start of the debate. In order to be debated at a meeting of full council the number of Herefordshire electors who have signed the petition must be at least 5% of those on the electoral roll for the county.

5.8.38 What do councillors and officers do?

5.8.39 What councillors do....

- 5.8.40 Councillors are directly elected to represent the people and therefore have to consider not just the interests of their ward, but those throughout the whole county.
- 5.8.41 Your councillors are responsible for making sure that the services that the council provides meet the needs of residents and those who work in Herefordshire. They do this by setting the overall policies and strategies for the council and by monitoring the way in which these are implemented. Councillors have a complex role and act in a number of capacities: as committee member, constituency representative and party activist.
- 5.8.42 The full Council of 53 members is responsible for agreeing the main policies and priorities for all services, including the council's budget. The cabinet have responsibility for all decisions which the law, or the Council, does not require to be taken by others and agrees policies and actions to implement the budget and policies set by full Council. Councillors who are cabinet portfolio holders have

more specialised roles in agreeing particular policies, representing the council while at the same time working with other agencies to tackle issues such as improving overall health and wellbeing, social care and safeguarding, education, housing, transport, and promoting economic growth within the county.

5.8.43 What council officers do....

5.8.44 Council officers are the professional people who work for the council and who are paid to deliver the services agreed by councillors.

5.8.45 Officers help councillors to develop policies and objectives through providing professional expertise and advice but they must remain impartial and serve the council as a whole. Their main role is to provide the public with the highest possible standards of service within the budget that the councillors set and in accordance with the priorities agreed by the councillors.

5.8.46 What can my councillor do for me?

5.8.47 Your councillor can:

- be contacted to discuss your problem or ideas to improve the ward or county
- help you if you need information or are dissatisfied with a council service by advising or directing you to someone who can help sort out your problem, and can sometimes progress the case on your behalf
- as a community leader, put forward proposals to improve the ward they represent which may include bringing together different community groups to develop a case for change
- campaign on local issues
- represent your community within the council and to other organisations
- speak at planning and regulatory committee on matters affecting the ward they represent
- ask questions or put forward views on your behalf at public meetings of the council
- present petitions on your behalf
- get an issue (either within the remit of the council or on a matter affecting the county) debated at full Council by submitting a motion.

5.8.48 Decisions

5.8.49 How do I know what decisions are being taken about matters that affect me or where I live?

5.8.50 We provide on our website ([Forward Plan](#)) summary information about future significant decisions to be taken by the cabinet, together with contact details so that you can find out more information or provide your views. You can also contact your ward member and ask them to put forward your views on your behalf.

- 5.8.51 Planning or licensing applications which have been submitted are also published on the council's website so that those who may be affected are able to make comments on the proposal.
- 5.8.52 The agendas and minutes of meetings are published on the website, and where a decision has been taken by a cabinet member or officer, the decision report and notice of the decision are published on the website.
- 5.8.53 Are all decisions recorded and published?**
- 5.8.54 Many are, but there are lots of day to day decisions which are not published. The council has decided that officer decisions with a financial value of less than £50,000 will not be published unless there is a legal requirement to do so. This is because the number of such decisions would make it impractical to publish.
- 5.8.55 Why is some information kept confidential?**
- 5.8.56 We aim to publish information unless there is good reason not to. Sometimes a decision takes into account information which may be personal to an individual, or which would compromise the commercial position of the council or another individual or organisation. There may be particular legal or employment reasons for not making the information public. When this is the case we will explain why the information cannot be made public, and will periodically review whether those reasons remain valid. If they do not we will then release the information.
- 5.8.57 How long is information about decisions kept?**
- 5.8.58 Generally the law requires information to be available for public inspection for six years from the date of the decision.
- 5.8.59 How do I find out about decisions taken by partnerships?**
- 5.8.60 Herefordshire Council works with a wide range of partners to achieve shared objectives in an efficient and effective way. We keep a register of strategic partnerships on our website which includes information about where decisions taken by those partners is recorded and how you can find out more about them.
- 5.8.61 What if I can't find the information I am looking for?**
- 5.8.62 The Freedom of Information Act 2000 gives you a general right of access to all types of recorded information that we hold. More information about how to make a request, and about your other legal rights to information, can be found at: [Access to information](#).
- 5.8.63 Other ways of getting involved**
- 5.8.64 Planning**
- 5.8.65 Information about planning applications submitted is available on the council's website and public notices are displayed in the area affected. You may submit

comments on a planning application which will be considered by the decision-maker. If the application raises unusual or sensitive planning issues you can ask your ward member to request that the application is considered by the planning and regulatory committee rather than a single officer.

5.8.66 If you have provided comments on a particular planning application which is considered by the planning and regulatory committee you will be asked whether you wish to register to speak at the committee to present your views. Three minutes is generally set aside for public speaking in objection to an application Registration is on a first come first served basis. The time can be shared with the agreement of the person who has registered first.

5.8.67 Consultations

5.8.68 The council encourages as many people as possible to give their views on decisions which affect them. Details of live consultations and how to get involved are available on the council website at [Get Involved](#). You can also find information about past consultations there.

5.8.69 Scrutiny reviews

5.8.70 You may request that a matter or concern be considered for inclusion in the future work programme of a scrutiny committee. The committees cannot include every suggestion but prioritise items taking into account: the significance and impact of the issue; the ability of scrutiny input to add value; the need to avoid any duplication; the timeliness of scrutiny involvement and the resources available to undertake the work.

5.8.71 The committee may invite members of the public to submit their views or evidence to inform its work; when they do this the call for evidence will be publicised.

5.8.72 Vote

5.8.73 Elections take place for Herefordshire Council and all the town and parish councils in the county every four years as well as national elections, and police and crime commissioner elections. Your vote in all these elections and any other referendums that take place is important, but in order to vote you must be on the electoral register. Information about how to register is available at [Register to Vote](#).

5.8.74 Stand for election

5.8.75 If you are interested in standing for election as a parish councillor or as a Herefordshire councillor you can find out more at [Standing as a Councillor](#).

5.8.76 Volunteer

5.8.77 We provide a wide variety of services to people in Herefordshire, particularly to those who are vulnerable and have complex needs. As more pressure is placed

on our budget, and on the budgets of partner organisations, different ways of delivering these services are being developed. Individuals and communities are doing more to help each other and themselves. If you are interested in volunteering or have an idea for your community you would like to develop more information is available at [Volunteering](#).

5.8.78 Give feedback

5.8.79 We want to hear what you think about our services. What you say is important and will help us improve our services. More information can be found at: https://www.herefordshire.gov.uk/info/200148/your_council/50/contact_us

5.8.80 Find out more...

5.8.81 The council's website provides lots of advice and information as well as access to online services and you can sign up to receive updates on particular matters of interest. If you can't find what you are looking for some useful contacts are below:

Customer services.....

https://www.herefordshire.gov.uk/info/200148/your_council/50/contact_us

Freedom of information.....

https://www.herefordshire.gov.uk/info/200148/your_council/15/access_to_information/2

Governance.....

https://www.herefordshire.gov.uk/info/200148/your_council/61/get_involved

Find your councillor or parish council information

https://www.herefordshire.gov.uk/info/200152/elections/219/election_information_for_your_area_search

ARRANGEMENTS FOR DEALING WITH COMPLAINTS ABOUT THE CODE OF CONDUCT FOR MEMBERS

Introduction

This procedure applies when a complaint is received that a Herefordshire member, town/parish member or co-opted member, has or may have failed to comply with the adopted code of conduct for members.

~~A complaint is confidential and remains so until the complaint is resolved.~~

Making a complaint

The person making the complaint will be referred to as “the complainant” and the person against whom the complaint is made will be referred to as the “subject member”.

A complaint must be made using the standard complaint form (available on the council’s website via the following link):

https://www.herefordshire.gov.uk/info/200148/your_council/61/get_involved/7

The complaint must be submitted in writing by post or email to:-

Information Access Team, Herefordshire Council, Plough Lane, PO Box 4, Hereford HR4 0XH

accesstoinformation@herefordshire.gov.uk

Pre-qualification

The information access team will normally acknowledge on receipt of the complaint within five working days and advise if the complaint will be passed for initial assessment by the monitoring officer or rejected.

The information access team may reject a claim if:

- It is against one or more named members or co-opted members of the council or a town/parish council outside the council’s area;
- The subject member was not in office at the time of the alleged misconduct/or at the time of the complaint;
- The complaint is made anonymously.

Initial Assessment

The monitoring officer will review the complaint and decide whether it should be rejected, merits further consideration, or another course of action.

The monitoring officer may seek the views of the independent person to aid consideration and may also request further information.

This decision will normally be taken within 15 working days of receipt of a complaint.

A complaint will be rejected by the monitoring officer if:

- If the complaint is the same or substantially the same as a complaint previously dealt with
- If the period since the alleged behaviour is so significant that it is considered to be inequitable, unreasonable or otherwise not in the public interest to pursue
- If the complaint is trivial
- If the complaint discloses such a minor or technical breach of the Code that it is not in the public interest to pursue
- If the complaint is covered by the relevant Council's persistent and vexatious complaints policy and is not considered to disclose sufficiently serious potential breaches of the Code to merit further consideration
- If the member against whom the allegation has been made has remedied or made reasonable endeavours to remedy the matter and the complaint does not disclose sufficiently serious potential breaches of the Code to merit further consideration
- If the complaint is about a person who is no longer a member of a relevant council and there are no overriding public interest reasons to merit further consideration
- _____
- ~~The complaint, if proven, would not be a breach of the code of conduct under which the subject member was operating at the time of the alleged misconduct.~~
- ~~Where the complaint appears to be malicious, vexatious, politically motivated or tit-for-tat retaliatory;~~
- ~~Where the subject member has apologised for making an error and the matter would not warrant a more serious sanction.~~
- ~~Whether the complaint is about something that happened so long ago that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now;~~

If the complaint is rejected the complainant will be advised of the decision. The subject member will not normally be advised that a complaint has been made or of the rejection.

If the compliant-complaint is not rejected, the monitoring officer will then go on to apply the following criteria in deciding whether a complaint should be dealt with by another course of action, by monitoring officer resolution or by formal investigation:

- Whether the allegation discloses a potential breach of the code of conduct, but the complaint is not serious enough to merit any recommendation other than an apology and:-
 - (i) The resources needed to investigate and determine the complaint are wholly disproportionate to the allegations;
 - (ii) Whether, in all the circumstances, there is no overriding public interest in carrying out an investigation;
- whether the complaint suggests that there is a wider problem throughout the authority;
- whether training or conciliation-mediation would be the appropriate response;
- whether a substantially similar allegation has previously been made by the complainant;

The decision as to how to proceed will be made by the monitoring officer and shall be final. There shall be no right of appeal.

Monitoring officer resolution

Where ever possible, the monitoring officer will resolve complaints.

The subject member will be asked, within 25 working days of receipt, to make written representations to the monitoring officer which must be taken into account when deciding how the complaint will be dealt with.

If the monitoring officer considers, after consultation with the independent person, that there has been a breach of the code and the matter could~~should~~ reasonably be resolved without the need for a formal investigation, a fair resolution shall be suggested.

Such resolution may include:

- advising the subject member about matters of conduct
- arranging training for the subject member
- advising the subject member that an apology might be appropriate
- suggesting a mediation meeting between the subject member and the complainant

The monitoring officer will report with full reasons (within 10 working days from receipt of information from the subject member) the outcome of the complaint to the complainant, subject member, and if a parish or town councillor to the clerk to the town/parish council (if appropriate) for information, but will take no further action.

The resolution of the complaint by the monitoring officer will be published in the statistics of complaint to the council's audit and governance committee annually. The names of the town / parish councils will be included within the annual report.

If the monitoring officer is unable to resolve the complaint then the complaint will be referred to the standards panel for consideration and determination.

Appeals

~~The decision as to how to proceed will be made by the monitoring officer and shall be final. There shall be no right of appeal~~There will be a right of appeal by a subject member who has been found in breach of the code under Monitoring officer resolution.

Where a subject member has been found not to have breached the code, the complainant may appeal to the Standards Panel which must meet the following criteria:-

~~the complainant must provide fresh~~where substantial information / evidence which has not been previously disclosed~~considered as part of the complaint is provided.~~

- ~~• where the subject member has been found to be in breach of the code of conduct~~

Any appeal must be submitted in writing within 14 working days of the outcome letter.

~~The resolution of the complaint by the monitoring officer will be published in the statistics of complaint to the council's audit and governance committee annually. The names of the town / parish councils will be included within the annual report.~~

Formal investigation

Where, in the opinion of the monitoring officer, following consultation with the independent person, ~~monitoring officer resolution is not appropriate, a formal investigation is required,~~ the monitoring officer will ~~make arrangements (within 10 working days upon receipt of information from the subject member) for the complaint to be formally investigated. The monitoring officer may~~ appoint an investigating officer to investigate the complaint, gather further evidence and prepare a report.

The monitoring officer will review the investigating officer's report, ~~consult the independent person~~ and will then either:

- ~~• resolve the complaint under monitoring officer resolution; report (within 10 working days) that there has been no breach of the code to the complainant, subject member and the clerk to the town/parish council (if appropriate) for information and take no further action;~~
- refer the report to a standards panel for decision in accordance with the constitution 3.5.14;

<http://councillors.herefordshire.gov.uk/ieListDocuments.aspx?CId=332&MId=6384&Ver=4&Info=1>

- ~~• or suggest another course of action~~er after consulting the independent person, seek local resolution.

~~Where the subject member is a member of Herefordshire Council, the relevant group leader(s) will be informed of the investigation and the subsequent outcome.~~

~~The resolution of the complaint by formal investigation will be published in the statistics of complaint to the council's audit and governance committee annually. The names of the town / parish councils will be included within the annual report.~~

~~There will be a right of appeal to the Standards Panel which must meet the following criteria:~~

- ~~— the complainant must provide fresh information / evidence which has not been previously disclosed as part of the complaint~~
- ~~— where the subject member has been found to be in breach of the code of conduct~~

~~Any appeal must be submitted in writing within 14 days of the outcome letter.~~

EXPLANATORY NOTES

Confidentiality

~~If a complainant has asked for their identity to be withheld, this request will be considered by the monitoring officer at the initial assessment stage.~~

As a matter of fairness and natural justice, the subject member should usually be told who has complained about them and receive details of the complaint. However, in exceptional circumstances, the monitoring officer may withhold the complainant's identity if on request from the complainant, they are satisfied that the complainant has evidence and reasonable grounds for believing that they or any witness relevant to the complaint may be at risk of actual harm, or their employment may be jeopardised if their identity is disclosed.

If the monitoring officer decides to anonymise the complaints details from the subject member this will be kept under review.

If the monitoring officer decides to refuse a request by a complainant for confidentiality, ~~they~~ will offer the complainant the option to withdraw the complaint, rather than proceed with ~~their~~ ~~his or her~~ identity being disclosed.

The subject member's response is confidential.

Additional Information

The monitoring officer may require additional information at any stage of the process to come to a decision and may request information from the complainant, subject member and where the complaint relates to town / parish councillor, the clerk of the town/parish council. Such requests will remind those involved of the requirement to keep the matter confidential.

Another course of action

This is not defined but may include mediation, training, other alternative arrangements or where another process or procedure more appropriately applies a referral to that process.

The non-disclosure of a schedule one disclosable pecuniary interest without a reasonable excuse is a criminal offence and could lead to a referral to the Police rather than the matter being dealt with under this procedure. The process for referring such matters to the police will be:

1) In the event that the Monitoring Officer receives a complaint regarding a potential disclosable pecuniary interest offence the following steps will be taken:

- The subject member may be asked for comments or a meeting may be arranged.
- The independent persons will be provided with the information and a decision made as to whether or not the matter should be referred to the police as an alternative course of action and not dealt with under the code of conduct arrangements.
- A referral will only be made where the monitoring officer is of the opinion that the member has no reasonable excuse.

Investigation officer

The investigating officer may be a council officer, an officer of another council, or an external investigator.

Independent person

Where possible an independent person may be available to support the subject member through the process where the independent member has not otherwise been involved in the matter.

Standards panel

The parties will be informed of the hearing date and the arrangements in preparation for the meeting. The only witnesses permitted are people referred to in the evidence, and not, for example, character witnesses.

The meeting is held in private as they relate to an individual; ~~;~~ Although the panel's decisions will be published.

~~The recommendations will be presented, either:~~

- ~~• To the council's audit and governance committee in the case of a complaint against a member of Herefordshire Council or:~~
- ~~• To the relevant town/parish council, in the case of a complaint against a town/parish council member.~~

~~The audit and governance committee or the town or parish council will decide what action to take on the recommendations in the report. This decision shall be final with no right of appeal.~~

What actions might be taken on the recommendations in the panel's reports?

This list is not exhaustive:

- Publish its findings in respect of the member's conduct;
- Report its findings to council (or to the town/parish council) for information;
- Recommend to council that the member be censured;
- Recommend to the member's group leader (or in the case of un-grouped members, recommend to council) that he/she be removed from any or all committees or sub-committees of the council;
- Recommend to the leader of the council that the member be removed from the cabinet, or removed from their portfolio responsibilities;
- Recommend that the subject member be replaced as executive leader;
- Instruct the monitoring officer to (or recommend that the town/parish council) arrange training for the member;
- Recommend to council (or recommend to the town/parish council) that the member should not be appointed and/or be removed from all outside body appointments to which they have been appointed or nominated by the council (or by the town/parish council);
- Withdraw (or recommend to the town/parish council that it withdraws) facilities provided to the member by the council, such as a computer, website and / or email and internet access;
- Exclude (or recommend that the town/parish council exclude) the member from the council's offices or other premises, with the exception of meeting rooms as necessary for attending council, committee and sub-committee meetings.
- Require an apology in suitable terms to the standards panel.

This procedure comes into force on **25 May 2018**. It will apply to all new complaints received after this date ~~and all complaints which were being handled under the former procedure but were not completed by this implementation date.~~

Whistleblowing policy

Whistleblowing is viewed by the council as a positive act that can make a valuable contribution to the council's efficiency and long-term success. It is not disloyal to colleagues or the council to speak up.

If you are considering raising a concern you should read this policy first. It explains:

- the type of issues that can be raised
- how to raise a concern,
- what the council will do, and
- how the employee raising the concern will be protected

2. What is the aim of the policy and when does it apply?

2.1. Aims of the policy

This policy encourages employees of Herefordshire council who have serious concerns about any aspect of the council's work to come forward and voice those concerns. Enabling employees to feel confident in raising serious concerns **within** the council rather than ignoring a problem or making a report to an external body.

The policy is designed to ensure that employees can raise their concerns about wrongdoing or malpractice in good faith within the council without fear of victimisation, subsequent discrimination, disadvantage or dismissal.

The policy provides avenues for employees to receive a response to the concerns raised.

2.2. Scope of this policy

This policy is intended to enable those who become aware of wrongdoing in the council affecting some other person or service, to report their concerns at the earliest opportunity so that they can be properly investigated.

The Whistleblowing policy is not intended to replace existing procedures:

- If your concern relates to your own treatment as an employee, the council's HR policies will apply.
- Complaints from members of the public should be raised as a corporate complaint [\[link\]](#)
- Complaints about misconduct by elected members, will be dealt with under the member and officers code or code of conduct complaints process [\[link\]](#)
- Complaints by elected members should be raised with the chief executive or relevant Director.

2.3. Who can raise a concern under this policy?

The policy applies to all:

- employees of Herefordshire council*
- employees of contractors working for the council, for example, agency staff, builders and drivers, where the contractor has agreed to adopt the council's policy.

* If you are employed in, working with or assisting Herefordshire schools there will be a specific whistleblowing policy in your school for you because of the special relationship that exists with the schools' governing bodies. You will need to ask your headteacher for a copy of the policy.

2.4. What should be reported?

Any serious concerns that you have about service provision, the conduct of officers, members of the council or others acting on behalf of the council that:

- make you feel uncomfortable in terms of known standards;
- are not in keeping with the council's constitution and policies;
- fall below established standards of practice that the council subscribes to
- are in breach of the officer or councillor code of conduct; or
- are improper.

These might relate to:

- conduct which is an offence or a breach of the law (a criminal offence has been committed or failing to comply with any other legal obligation)
- disclosures related to miscarriages of justice
- racial, sexual, disability or other discrimination
- health and safety of the public and/or other employees
- intentional damage to the environment
- unauthorised use of public funds or other assets
- possible fraud and corruption
- abuse of power for financial or other gain
- neglect or abuse of clients, or
- other unethical conduct.

This list is not exhaustive.

3. Safeguards

3.1 Legal rights

The Public Interest Disclosure Act 1998 gives legal protection to employees against being dismissed or suffering any detriment from their employer as a result of disclosing certain serious concerns.

The council will not tolerate harassment or victimisation (including informal pressures) and will take action to protect employees who raise a concern in the public interest.

The council recognises that the decision to report a concern can be a difficult one to make. If you honestly and reasonably believe what you are saying is true, you have nothing to fear because you will be doing your duty to your employer, your colleagues and those for whom you are providing a service.

3.2. Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if that is your wish. If disciplinary or other proceedings follow the investigation, it may not be possible to take action as a result of your disclosure without your help, so you may be asked to come forward as a witness. If you agree to this, you will be offered advice and support.

3.3. Anonymous Allegations

This policy encourages you to put your name to your allegation whenever possible. If you do not tell us who you are it will be much more difficult for us to protect your position or to give you feedback. This policy is not ideally suited to concerns raised anonymously. Only another employee could raise the matter on your behalf.

Concerns expressed anonymously or by another employee are much less powerful but they may be considered at the discretion of the council. In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issue raised
- the credibility of the concern, and
- the likelihood of confirming the allegation from other sources

3.4. Untrue Allegations

If you make an allegation in good faith, reasonably believing it to be true, but it is not confirmed to be so, the council will recognise your concern and you have nothing to fear. If however, you make an allegation frivolously, maliciously or for personal gain, appropriate action that could be taken may include disciplinary action.

4. Raising a Concern

4.1. Who should you raise your concern with?

This will depend on the seriousness and sensitivity of the issues involved and who is suspected of the wrongdoing. You should normally raise concerns with: (*contact details to insert*)

- Your Line Manager
- Your Director
- The Monitoring Officer or Deputy Monitoring officer
- The Chief Executive
- Internal Audit

If, exceptionally, the concern is about the Chief Executive of the council your concern should be raised with your Director who will decide how the matter will be considered.

4.2. How to raise a concern

You may raise your concern by telephone, in person or in writing. The earlier you express your concern, the easier it is to take action. You will need to provide the following information:

- the nature of your concern and why you believe it to be true
- the background and history of the concern (giving relevant dates).

If your concerns are raised verbally then a written record will be taken.

Although you are not expected to prove beyond doubt the truth of your suspicion, you will need to demonstrate to the person contacted, that you have a genuine concern relating to suspected wrongdoing or malpractice within the council and there are reasonable grounds for your concern.

You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

You may invite your trade union, professional association representative or a friend to be present for support during any meetings or interviews in connection with the concerns you have raised.

5. What the council will do

The council is committed to giving concerns raised through the policy thorough consideration whilst responding as quickly as possible. We will also be open and transparent with people raising concerns and those subject to whistleblowing, explaining when information can and cannot be shared.

First any person receiving a concern should immediately inform the monitoring officer. The monitoring officer will acknowledge receipt of the concern and assess if

this is the appropriate procedure to raise the concern and inform internal audit of the disclosure.

Secondly your concerns will need to be tested, this is not the same as either accepting or rejecting them.

The overriding principle for the council will be the public interest. In order to be fair to all, including those who may be wrongly or mistakenly accused, an appropriate lead (ordinarily the relevant line manager) will be identified to undertake initial enquires.

Where appropriate, after initial enquires have been made the matters raised may:

- be investigated by the council, internal audit, or through the disciplinary/grievance or standards process
- be referred to the police
- be referred to the external auditor
- be referred and put through established child protection/abuse procedures
- form the subject of an independent inquiry

Within ten working days of a concern being raised, the monitoring officer will confirm in writing to you:

- indicating how the council proposes to deal with the matter
- supplying you with information on any support mechanisms as appropriate
- telling you whether further investigations will take place and if not, why not
- Confirming how the matter can be taken further as set out in section 6 of this policy.

The amount of contact between you and the officer considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of your information. You may be interviewed to ensure that your disclosure is fully understood.

While the council cannot guarantee that the outcome will be as you wish, it will handle the matter fairly and in accordance with this policy. You need to be assured that your disclosure has been properly addressed. Unless there are any legal reasons why this cannot be done, you will be kept informed of the progress and outcome of any investigation, maintaining security and confidentiality for all parties as far as possible. You will not however be provided with any report or other correspondence created investigation and dealing with your disclosure.

6. How the Matter can be Taken Further

This policy is intended to provide you with an avenue within the council to raise concerns. The council hopes you will be reassured with any action taken. If you are

not, and you feel it is right to take the matter outside the council, the following are the council's prescribed contacts:

- the External Auditor:
- your trade union
- the police
- other relevant bodies prescribed by legislation – the council's Monitoring Officer or Public Concern at Work will be able to advise you who you can contact

If you raise concerns **outside** the council you should ensure that it is to one of these prescribed contacts. A public disclosure to anyone else could take you outside the protection of the Public Interest Disclosure Act and of this policy.

You should not disclose information that is confidential to the council or to anyone else, such as a client or contractor of the council, except to those included in the list of prescribed contacts.

This policy **does not** prevent you from taking your own legal advice.

7. Review of the policy

The council's Audit and Governance Committee will review this policy.

8. Corporate recording and monitoring

The Monitoring Officer will maintain a corporate register containing all disclosures that are brought to their attention. All officers allocated to look into a concern must ensure the Monitoring Officer is provided with sufficient details for the corporate register.

The Monitoring Officer will review the corporate register and produce an annual report for internal audit. The report will include a summary of the concerns raised, to which department they related, the post to which the concerns related (if not confidential) and any lessons learned. The report will not include any employee names. The aim of this is to ensure that:

- the council and/or the relevant department learns from mistakes and does not repeat them, and
- for consistency of approach across the departments

If you are unsure whether to use this policy or want independent advice at any stage, you may contact the independent charity **Public Concern at Work** on **020 7404 6609**. Their advisers can give you free confidential advice on how to raise a concern about serious malpractice at work.

Appendix 12
Constitution Consultation Responses

	Issue raised by Councillor or Officer	Question No from survey or source	Issue	Theme	Category (Legislation, Misfire, Typos, improvement)	Relevant section of constitution
		3	Cabinet have already decided what they are going to agree in public. if they did'nt they would not last long in cabinet. Cabinet members need to be seen to be more on top of their portfolio.	Cabinet		4.4.1 to 4.1.153
	Officer	Email	No provision for Leader's announcement at cabinet	Cabinet		4.4.23 to 4.4.24
	Councillor	1	the Standards process	Code of conduct		5.2
		1	the publication of outcomes from code of conduct complaints and the function/role of Audit&Gov Cttee in these	Code of conduct		5.2
		1	consistency between members and officers in Code of Conduct/Register of Interests declarations of membership of closed bodies;	Code of conduct		5.2
	Councillor	Email	COUNCILLORS' CODE OF CONDUCT - PROCESS OF DEALING WITH COMPLAINTS.	Code of conduct		5.2
			I have concerns about the following issues:	Code of conduct		5.2
			1. The lack of openness and transparency.	Code of conduct		5.2
			(Everything is decided by one person, with the decisions being made without any reasons given. In nearly all judicial and quasi-judicial decisions, it is a normal requirement for reasons to be articulated.)	Code of conduct		5.2
			2. The lack of process in to how the complaint will be handled allowing decisions to be made without the necessity for proper and even-handed consideration of relevant facts and the Monitoring Officer (MO) having no sole jurisdiction as to what is to how to progress complaints.	Code of conduct		5.2
			3. Possible breach of the Human Rights Act requirement for a "fair trial"	Code of conduct		5.2
			4. Absence of any possible appeals procedure.	Code of conduct		5.2
			5. Certain vagueness as to when issues should be presented to a panel rather than have MO determination.	Code of conduct		5.2
			I also believe that the smaller committees helps to ensure that all members of the committee actively participate	Committee Size		3.1 and 4.1.15
		2	Reassessment of committee sizes;	Committee Size		3.1 and 4.1.15
		2	possibly in the administration anyone else is kept in the dark	Communication		
		3	ther eis a long way to go i hear things in the street before i am told things if ever in chambers feel like a mushroom as an oppsition councillor what is there to hide ?	Communication		
		4	there is little or no accountabilty things go on and we hear nothing not everything is politcal sensative i was voted on the council to represent my ward if im not told things how can i properly do that	Communication		
		5	yes more transparency	Communication		

	Issue raised by Councillor or Officer	Question No from survey or source	Issue	Theme	Category (Legislation, Misfire, Typos, improvement)	Relevant section of constitution
		6	we get to do lots of point less surveys and consultations that are NEVER listened too	Communication		
		5	Reports to contain less 'bureaucratic language'.	Communication		
	Officer	Email	Signing limits – the definition introduces pay grade as well as title for head of service. Currently this is interpreted as people who report to me have a signing limit of £100K (as my job title is head of service). Due to my pay grade I am also £100k. My line manager is at £500K. My finance team contact believes that my signing limit is £250K. I think there is confusion between the constitution and actual practice which would be good to resolve.	Contract procedure rules		4.6
		Email	My team regularly procures individual contracts at the same time – it would be useful to clarify whether or not the rules regarding procurement as set out in the constitution require these to be considered as a whole or they can be treated on an individual basis.	Contract procedure rules		4.6
		Email	Rules of debate: making it clear that you can only speak once	Council		4.1.95 to 4.1.98
	Councillor	3	Need proper background information to non key published decisions. At the very least the Officer report	Decision making		
	Officer	Email	Record of officer decisions - definition of lease, licence, permission affecting legal rights. Further definition requirement	Decision making	Misfire	3.7.5
			My colleagues have also been commenting that delegated authority doesn't work - we're unclear about who has authority for what.	Delegated authority		N/A - Directorates Schemes of Delegation
		6	Improvement required in all areas, too many decisions without democratic debate	Delegated authority		3.3.1 to 3.3.15
	Officer	Email	Employee code of conduct is not approved by council or A&G. Could be an exception in the function scheme for A&G	Functions of committees	Misfire	3.5.8 to 3.5.18
	Officer	Email	Leader's report not presented at budget meeting but no reference in constitution.	Functions of committees	Misfire	4.1.14 / 4.4.48
	Officer	Email	Planning code: re-direction provision needs to be clearer	Functions of committees	Misfire	5.6.49
	officer	Email	Health and Wellbeing board - revision of terms of function	Functions of committees		3.5.21 to 3.5.23
			NHS consitution needs to be reflect in constitution with regard to decisions which affect health.	Functions of committees	Misfire	
		Email	Can amendments be made to reports in public meetings.	Functions of committees		4.1.94

	Issue raised by Councillor or Officer	Question No from survey or source	Issue	Theme	Category (Legislation, Misfire, Typos, improvement)	Relevant section of constitution
		Email	Director of public health recruitment - make it clear that the recruitment process is run under Public Health England regulations and not solely in the remit of the employment panel	Functions of committees	Misfire	3.5.19 to 2.5.20
		Email	Meeting times	Functions of committees		N/A - discretion of chairman
		Email	Budget and frameworks going only to general scrutiny but should go to relevant scrutiny.	Functions of committees	Misfire	3.3.15
		Email	Identify which budget decision items require named votes	Functions of committees		4.1.44
		Email	3.4.2 (d) - scrutiny functions. Executive functions would only be reported to council. Typo - remove reference to Cabinet	Functions of committees	Typo	3.4.2 (d)
		4	No mechanism to ensure that committees, including Scrutiny, take into account their impact on each other. Eg the waste charge for charities that could impact on Social care work by St Michaels Hospice. This needs some work.	Good decision making		
			For our team in Commissioning (Adults), the most common gripe is the new 'layer' of circulating an extra consultation report to group leaders for dissemination and comment. In reality, it adds an extra two weeks to the timetable and is yet another document to complete. We rarely get comments so it doesn't feel very productive.	Key decisions political group consultation		5.4.65; 5.4.66; 5.4.67
		6	Political group consultations are still a work in progress but they are a welcome change.	Key decisions political group consultation		5.4.65; 5.4.66; 5.4.67
		1	revision of process for political group consultation on Key Decisions	Key decisions political group consultation		5.4.65; 5.4.66; 5.4.67
		2	political group consultation on Key Decisions (see also 1. above);	Key decisions political group consultation		
		3	provision of information to political groups for responses to Key Decisions (see also 1. above).	Key decisions political group consultation		5.4.65; 5.4.66; 5.4.67
		Email	It would be useful to understand the benefits of the group leader consultation which has been inserted into the reporting process. I don't think I have received any feedback (from group leaders) from this new process and wonder whether it is meeting its aim.	Key decisions political group consultation		5.4.65; 5.4.66; 5.4.67
		3	Insufficient meetings of the full council	Meetings	Legislation	4.1.13
	Councillor	5	There should be more frequent meetings of Council.	Meetings		4.1.13

	Issue raised by Councillor or Officer	Question No from survey or source	Issue	Theme	Category (Legislation, Misfire, Typos, improvement)	Relevant section of constitution
		5	Council should be more parliamentary with time to debate issues of importance that cabinet have discussed.	Meetings		4.1.14 to 4.1.13
		5	Council should go on longer in order to allow more debate, questions etc.	Meetings		4.1.15 to 4.1.19
		5	More Council meetings	Meetings		4.1.13
		5	Allowance for more than 3 ordinary 'general business' Full Council meetings per annum.	Meetings		4.1.13
	Officer	Email	Postponement of meetings (Chairman can cancel but not postpone)	Meetings	Misfire	4.1.19
		1	consistency in minuting of meetings and role of audio/video casting	Minutes		
		4	Minutes of public meetings: all members' contributions must be attributable for proper accountability	Minutes		
		5	Video casting/streaming of meetings.	Minutes		
		2	revision to process for amendment(s) to Notices of Motion in council debates;	Motions		
		Email	Does the time limit that applies to motion also apply to reports?	Motions		4.1.100
		5	Planning committee - Ward member call ins are decided in pre meeting with relevant committee members and planning officers. Let the ward member also attend and be able to speak.	Planning		5.6
		5	Planning committee - All large applications should come to committee irrespective of number of public responses.	Planning		5.6
	Officer	Email	Planning committee: revise redirection procedures and combine the planning rules with the other planning stuff.	Planning		5.6
	Officer	Email	Planning: officers submitting planning applications - what if not submitting in their own name?	Planning	Misfire	5.6
	Officer	Email	Planning: redirection criteria	Planning	Misfire	5.6.38 to 5.6.41
			Planning: neighbourhood plans. Council function and council delegated on 20 May 2016 to a cabinet member. This needs to be captured in the council function but this operational so should it be record of officer decision.	Planning	Misfire	5.6
		Email	Planning code: documentation received after publication of papers.	Planning		5.6.24
		Email	Planning code: potentially misleading	Planning		5.6.49
	Councillor	3	When you type 'constitution'; into our web search engine you dont get it. You have to go through another doc and press a link. then yyou get something that looks like an agenda. Theer should be a link stragith through to an introduction in words that sets out the four principles and then invites you to look further.	Presentation	Misfire	N/A - website
	Councillor	1	KISS and communication	Presentation		

	Issue raised by Councillor or Officer	Question No from survey or source	Issue	Theme	Category (Legislation, Misfire, Typos, improvement)	Relevant section of constitution
	Councillor	1	it could be clearer	Presentation		
	Councillor	Email	The document should be considerably slimmed down, and more emphasis made of the IMPORTANT issues.	Presentation		
		Email	I am not clear on the difference between and use of an officer recorded decision (which has a specific template) as opposed to an officer report (which uses the same template as cabinet/cabinet member/council/gsc etc). It would help if the constitution could clarify in which circumstances either would be used.	Presentation		
	Officer	Email	Generally I have difficulty with governance and I have commented before that we really need some kind of flow chart we can follow.	Process		N/A - operational process
			Additionally, mod.gov is a tricky system to use and generates a lot of frustration in our team. In my experience, it isn't intuitive, circulating to officers is difficult to negotiate and often we have to re-circulate more than twice to specific people who provide ongoing feedback. The system really doesn't support additional circulations. Also, I find if I change the details of the date and/or officer writing the report and save them, it still reverts back when I next open the document, putting a line through my amendment via track changes. What actually happens is officers pull the report out of the system and end up working offline, so mod.gov often doesn't reflect the true picture of how much work has gone into the report or how much input there has been from others.	Process		N/A - operational process
		3	not enough early communication from officers	Process		
		4	Agreed Motions to Council are not being acted upon by Officers in a timely manner, sometimes not at all.	Process		
		6	Our welcome to members of the public who come to ask questions still needs improving	Questions		4.1.38 to 4.1.62
		6	Opportunities for members of the public to ask questions at scrutiny appears to have improved and a separate Childrens Scrutiny committee is definitely an improvement.	Questions		
	Councillor	5	The public interaction at cabinet meetings does not provide a meaningful meeting but can descend into a raucous interaction with no governing rules on the public part - which leads to disruption..	Questions	Misfire	4.1.38 to 4.1.62
		5	Leaders of group should submit their groups questions before any meeting.	Questions	Improvement	4.1.63 to 4.1.81
	Councillor	2	got worse. Members are isolated from Plough Lane and not enough time to ask questions at council or to debate about the answer given.	Questions		

	Issue raised by Councillor or Officer	Question No from survey or source	Issue	Theme	Category (Legislation, Misfire, Typos, improvement)	Relevant section of constitution
		5	Councillors questions should be open for more debate, not just answered by the cabinet member concerned.	Questions		4.1.63 to 4.1.81
		6	Public questions ahead of all committee and cabinet meetings.	Questions		4.1.38 to 4.1.62
	Councillor	5	At the Council meeting of 13th October 2017 2 questions were asked of the Leader. In the event, these were not considered appropriate for the Leader to answer and it was agreed that they would be referred to the A&GC. It was my understanding as Chair of the A&GC that the questions would be transferred for me to answer in exactly the same way as I would answer any questions put to the A&GC under the constitution. However, in the event, they were transferred as issues for the committee to discuss as an agenda item. I believe that this was an incorrect interpretation of the transfer of questions from one Committee or Council to another. They should be transferred as questions. This can be evidenced by the fact that a) neither question was actually answered when the question was referred as an issue b) the issues had already been discussed by the A&GC and with exactly the same information and members present it would have been perverse if a different outcome were to result c) the arrival of a forced additional agenda item pushed the meeting beyond its allotted time and limited the ability of one of the members to contribute to the meeting (they had to leave	Questions		4.1.38 to 4.1.62
		6	through time pressure) d) if this interpretation were to be allowed, it would set the precedent of allowing future questioners to deliberately ask inappropriate questions in the knowledge that the issue referred to would end up being forced onto a Council/Committee agenda. All things considered, the Constitution should be changed to make it clear that formal questions should be referred on only as questions from one council/committee to another, not as agenda items, unless otherwise agreed by a committee under a work programme agenda item.	Questions		4.1.38 to 4.1.62
	Councillor	2	Limit to time for comment/questions - to increase participation and speed debate.	Questions		4.1.38 to 4.1.62
		2	Cabinet questions need to be clarified	Questions		4.1.63 to 4.1.81
		1	revision of process for public and councillor written questions	Questions		4.1.38 to 4.1.81
		2	written member questions to public meetings (see also 1. above)	Questions		
		Email	QUESTIONS BY MEMBERS OF THE PUBLIC	Questions		

	Issue raised by Councillor or Officer	Question No from survey or source	Issue	Theme	Category (Legislation, Misfire, Typos, improvement)	Relevant section of constitution
			I feel that it is impossible for group leaders and opposition members to carry out their democratic role, and in order to address this, group leaders should be allowed to attend and participate in all meetings and in particular Cabinet. They should be allowed to ask a minimum of one question on EACH agenda item, because in my view the current situation is totally undemocratic.	Questions		4.1.63 to 4.1.81
	Councillor	2	Member need to understand the role of Group Leader in questioning decisions.	Role of group leaders		4.4.11
		2	clarification of role of Group Leaders at Cabinet;	Role of group leaders		4.4.11
		Verbal	The role of scrutiny chairs at cabinet needs to be clarified	Role of scrutiny chairs		4.4.11
	Councillor	2	Members of scrutiny committees engaged in call-in should not be allowed to cross the floor and re-join the committee during the debate	Scrutiny	Improvement	
		6	Scrutiny appears to be working well	Scrutiny		
	Councillor	5	I believe that the budget for Childrens Directorate and Adult Directorate should be considered by those Scrutiny committees and not by General Scrutiny. The budgets of the two above Directorates are far larger than that covered by General Scrutiny.	Scrutiny	Misfire	
		2	revision of Budget scrutiny arrangements	Scrutiny		3.4.5
		3	The scrutiny function - including resource constraints and non-attendance (and/or evidence of indifference) by executive. See also recent DCLG report; closure of the 'feedback loop' on public consultations;	Scrutiny		3.4
		5	Compulsory training for Chair roles. Training offered to committee members on constructive questioning, and debate.	Training		
		5	Training offered to committee members on constructive questioning, and debate.	Training		
		5	The long thin boxes above are frightful for writing in so I haven't been able to make corrections to typos			
		4	am unclear as to where accountability has been made 'real' and what this might mean in any meaningful way			
	Councillor	6	SIMPLER AND MORE TRANSPARENT			
		6	Reports improved. Officer presentations can be excellent.			
	Councillor	2	Poor attendance, needs addressing			
		3	Needs more debate prior to Cabinet member decisions!			
		4	Needs greater general member involvement			
		3	There is more information available			
		4	Still too much power in too few people			
		5	Opposition groups need to have an outlet to play 'politics'			

	Issue raised by Councillor or Officer	Question No from survey or source	Issue	Theme	Category (Legislation, Misfire, Typos, improvement)	Relevant section of constitution
		6	Compared with some other authorities, Hfds works reasonably well. The system will never be perfect.			
		6	Other aspects			
			I would welcome this issue coming back for debate following analysis as to the numbers, venues, time, etc.			
	Councillor	Email	Truthfully I cannot see that it is any major improvement on the one it replaced. From my observation all it seems to have done is give one particular political group a greater chance to nit pick on process. The opportunity for members to ask questions at cabinet I have not seen used at the meetings I have attended – councillors have plenty of chances to ask questions of cabinet members/ officers outside meetings – and usually get a better and more comprehensive reply if they do that. The opportunity for members of the public to ask questions at Cabinet seem to give what I generically describe as the ‘usual suspects’ 2 bites at the same cherry – many of the questions seem very similar to those asked at full council – and get similar replies!The amalgamation of Planning and regulatory I felt at the time was unnecessary but I can’t comment on how this is working as I rarely have to attend Planning cttee.. hope this is useful.			
		Email	Does a report need to be proposed and seconded?			
		Email	Budget virements: use of virements.			4.7.135
		Email	Personal explanation - need to make clear			4.1.128

C-pip feedback on draft Whistleblowing Policy

Welcome is the approach and clarity regarding the policy on whistleblowing.

2.1 “encourages” employees – to confirm this is open to members of staff only within the authority to whistleblow or does the policy apply to members of the public? Reference 2.3 is that the policy is open to employees of contracts - wouldn't they have their own policy and process?

2.4 – in bullet points, suggest specifically mention code of conduct

2.4 – reference to damage to the environment. It might be worth including an example here as could be wide ranging and would this cover whole service approach e.g. new road, tree cutting.

3.2; 3.3 and 4.1 – would it be possible if whistleblowing is through a union so not anonymous, but also not disclose the identity of someone to the organisation.

4.2 – should the whistleblowing only be accepted in writing – there is an issue of being on the telephone of misinterpreted. If has to be by telephone to be summed up in writing and sent back to the whistleblower (if contact given).

5 – First line, suggestion : The council is committed to giving concerns raised through the policy thorough consideration whilst responding as quickly as possible. We will also be open and transparent with people raising concerns and those subject to whistleblowing, explaining if information cannot be shared due to a sensitive nature.

5 – there seems to be quite a bit of the process going through the monitoring officer – what about also being able to go to the deputy monitoring officer(s) otherwise knowing the demands there could be delays.

5 – *acknowledge that the concerns be received* suggest that is done immediately once the items is picked up to say that there will be assessment and be in touch within ten working days.

5 – *telling you whether further investigation will take place and if not, why not – add “this will be in writing if contact information is provided”.*

5 – if not content with why not being pursued can this be challenged – is this covered by *“how the matter can be taken further”*.

Would a full report be available to the whistleblower?

(seems to be missing point 6)

9. Will the register be of both founded and unfounded cases? If unfounded included in the register it does mean if a similar case comes up again can refer back; however could slight the service without evidence.

Other points

The policy is largely silent on treatment of teams / individual the subject of whistleblowing. This could be picked up in terms of process but points to consider:

- When is the team / individual told they are subject to whistleblowing?
- What is the process with them – including transparency of the compliant being made

- Would they see a copy of the final report?
- Are they kept on a register even if findings unfounded?

Trade Union Feedback

- The unions were supportive and welcomed the new policy
- They asked whether the policy could be clearer about what to do in the event that someone wishes to blow the whistle about a member – even if this was just a signpost to the correct procedure
- They also asked if there could be a signpost to the whistleblowing policy used by schools

Independent Persons Comments on Standards Complaints Process

For the 2017/18 AGS I would like to make some further comments about the Council's "standards procedure", ie the way in which code of conduct complaints are handled.

These comments relate to a 6-page document on the Council's website titled "Arrangements for dealing with complaints about the code of conduct for members", and would fit under your AGS heading "Principle 3 - require high standards of conduct".

FYI this document is attached as a PDF.

A. There have been no "Standards Panels" since I was appointed as Independent Person in May 2016, so all conduct complaints have been dealt with by "Monitoring officer resolution". Based on cases determined in 2017/18, I am concerned that the procedures for "monitoring officer resolution":

1. do not cover how sanctions for breaches of the code will be enforced, for example if a councillor simply refuses to apologise, to attend training or to attend a mediation meeting.
2. do not cover the role of political group leaders and their powers to remove a councillor from committees and external appointments. These powers may be needed either as a sanction for a breach of the code, or as a means of enforcing a sanction.
3. are not clear about the use of publicity as a sanction for breaching the code, or the use of publicity when no breach has been established (for instance, at the request of the subject member).

B. A wider issue is whether the entire standards procedure would be considered unfair, because there seem to be no rights of appeal or challenge which could result in any decision being changed at any stage in the process - note the multiple appearances of the text "There shall be no right of appeal".

C. Finally, there is no written protocol agreed with West Mercia Police, or specific criteria in the standards procedure, to describe how complaints about "disclosable pecuniary interests" (which may be criminal offences under s 34 of the Localism Act 2011) should be handled -ie when / why / how should such complaints be referred to the Police. I emailed Claire Ward on 29 November 2016 to express my concern over the lack of defined criteria and procedure for referral of DPI complaints to the Police, in relation to a specific DPI complaint against a Parish Councillor in Herefordshire, compared with the 2015 prosecution of Cllr Flower of Dorset CC for DPI offences.

Best wishes,

Richard Stow
Independent Person

Via email: 28 March 2018 in connection with consultation on annual governance statement consultation



Meeting:	Audit and governance committee
Meeting date:	8 May 2018
Title of report:	Work programme for 2018/19
Report by:	Democratic services officer

Classification

Open

Key decision

This is not an executive decision.

Wards affected

Countywide

Purpose

To provide an update on the Committee's work programme for 2018/19.

Recommendation(s)

THAT:

Subject to any updates made by the committee, the work programme for 2018/19 for the audit and governance committee be agreed.

Alternative options

- 1 There are no alternative options as regards whether or not to have a work programme as the committee will require such a programme.

Reasons for recommendations

- 2 The work programme is recommended as the committee is required to define and make known its work. This will ensure that matters pertaining to audit and governance are tracked and progressed in order to provide sound governance for the council.
- 3 The committee is asked to consider any further adjustments.

Key Considerations

Further information on the subject of this report is available from
Caroline Marshall, democratic services officer on Tel (01432) 260249

- 4 The routine business of the committee has been reflected as far as is known, including the regular reporting from both internal and external auditors.

Community impact

- 5 A clear and transparent work programme provides a visible demonstration of how the committee is fulfilling its role as set out in the council's constitution.

Equality duty

- 6 This report does not impact on this area.

Financial implications

- 7 There are no financial implications.

Legal implications

- 8 The work programme reflects any statutory or constitutional requirements.

Risk management

- 9 The programme can be adjusted in year to respond as necessary to risks as they are identified; the committee also provides assurances that risk management processes are robust and effective.

Consultees

- 10 The chief finance and S151 officer and monitoring officer have contributed to the work programme

Appendices

Appendix 1 – audit and governance work programme 2018-19

Background papers

- None identified.

**Audit and Governance Work Programme
2018/19**

Function area	Report	Purpose
July 2018		
Governance (quarterly)	Corporate risk register	To consider the status of the council's corporate risk register in order to monitor the effectiveness of the performance, risk and opportunity management framework (Q4/end of year).
Accounts (Annual)	Statement of account	To approve the statement of account and includes the signing of the letter of representation
External audit	External auditor report	Presentation of the Audit Findings Report for consideration by the Committee before approval of the statutory accounts. The report will contain the external audit draft opinion on the accounts, draft value for money conclusion and a summary of the key findings for the 2016/17 financial year.
Internal audit (Annual)	SWAP annual report	To consider SWAP's annual report and opinion, and a summary of the internal audit activity and the level of assurance it can give over the council's corporate governance arrangements
Internal audit (bi-annual)	Internal tracking of audit recommendations	To monitor implementation of action plans agreed in response to recommendations made by internal audit
Governance	University Report	To act as the accountability body for the Department for Education funding for the University
Governance	Contract procedure rules and finance procedure rules	To approve any amendments to the contract procedures and finance procedure rules
Governance	Accounting policies update	To approve any amendments to the accounting policies
Governance (every meeting)	Work programme	To note the current work programme of the committee
September 2018		
Governance (Quarterly)	Corporate risk register	To consider the quarterly status of the council's corporate risk register in order to monitor the effectiveness of the performance, risk and opportunity management framework (Q1)

**Audit and Governance Work Programme
2018/19**

Function area	Report	Purpose
Governance (Annual)	Arrangements for conducting the annual review of the Constitution	To agree the arrangements for conducting the annual review of the constitution
Internal audit	Progress report on 2017/18 internal audit plan	To update members on the progress of internal audit work and to bring to their attention any key internal control issues arising from work recently completed and includes the re-audit of the Blueschool House recommendations
Governance (as and when there are working groups)	Working group update	To provide an update.
External audit (annual)	Annual audit letter	To review the annual audit letter
Governance (Annual)	Code of Conduct complaints Annual Report	To receive the code of conduct complaints annual report
Governance	Capital project management and control internal audit progress update	Closure report on the SWAP recommendations relating to capital project management and control raised in the Internal Auditors audit findings report regarding the joint customer services hub (Blueschool House) capital project presented in September 2017.
Waste contract (Annual)	Energy from waste (EFW) Loan Update	To provide assurance to the audit and governance committee on the status of the energy from waste (EfW) loan arrangement.
Governance (every meeting)	Work programme	To note the current work programme of the committee
November 2018		
Internal audit	Progress report on 2017/18 internal audit plan	To update members on the progress of internal audit work and to bring to their attention any key internal control issues arising from work recently completed.
Governance (annual)	Information governance review	To review the council's information governance requirements to include all complaints (inc. children's social care), information requests, breaches of Data Protection Act, corporate governance and Regulation of Investigatory Act.
Governance (as and when there are working groups)	Working group update	To provide an update

**Audit and Governance Work Programme
2018/19**

Function area	Report	Purpose
Governance (every meeting)	Work programme	To note the current work programme of the committee
January 2019		
Governance (Annual)	Annual governance statement progress	<ul style="list-style-type: none"> Review of the effectiveness of the council's governance process and system of internal control. Update on the progress of the annual governance statement
Governance (Annual)	Constitution Review	Conduct an overview of the council's constitution and recommendation to council of any changes
External audit	Annual Certification Letter	Report on the grant claims completed in 2017/18 plus an update on fees.
External audit (Annual)	External auditors annual plan	Review and agree the external auditors annual plan, including the annual audit fee and annual letter.
Governance (Annual)	Contract procedure rules, finance procedure rules and the anti-fraud and corruption strategy	Review of procedure rules/strategy and approve any amendments to the rules.
Internal audit (Bi-annual)	Internal tracking of audit recommendations	Monitor implementation of action plans agreed in response to recommendations made by internal audit
Governance (as and when there are working groups)	Working group update	To provide an update.
Governance (Quarterly)	Corporate risk register	To consider the quarterly status of the council's corporate risk register in order to monitor the effectiveness of the performance, risk and opportunity management framework (Q2).
Governance (every meeting)	Work programme	To note the current work programme of the committee
March 2019		
External audit	External audit progress update	Update on progress to date in order to comment on the scope and depth of external audit work and ensure that it gives value for money and includes interim audit findings and the informing the risk assessment document.
Governance (Quarterly)	Corporate risk register	To consider the quarterly status of the council's corporate risk register in order to monitor the

**Audit and Governance Work Programme
2018/19**

Function area	Report	Purpose
Internal audit (Annual)	Internal audit plan for 2019/20	effectiveness of the performance, risk and opportunity management framework (Q3). To consider the internal audit plan for 2019/20.
Internal audit	Progress report on 2018/19 internal audit plan	To update members on the progress of internal audit work and to bring to their attention any key internal control issues arising from work recently completed.
Internal audit (annual)	Internal audit charter	To approve the internal audit charter
Governance (as and when there are working groups)	Working Group Update	To note progress of the working group
Governance (Annual)	Future work programme for 2019/20	To note the work programme for 2019/20.