

Code of Corporate Governance

Introduction

1. Herefordshire Council must meet high ethical and other standards in everything it does; it must comply with legal requirements; it must serve the people of Herefordshire well; and it must use public money and other resources economically, efficiently and effectively, accounting fully for its actions.
2. This code of corporate governance sets out how this will be done.

Responsibilities

3. All councillors and officers have a responsibility to ensure the proper governance of the council's affairs and the stewardship of its resources. In particular, under the overall responsibility of the chief executive, the council's chief financial officer is responsible for the effective application of this code in matters of financial probity, performance and risk; and the monitoring officer is responsible for the effective application of the code in respect of legal obligations and ethical standards.

Reporting

4. The annual governance statement reported to audit and governance committee will take account of annual reviews undertaken by the chief finance officer, monitoring officer and caldicott guardian on the council's compliance with this code.

The principles of this code

5. This code adopts the following five principles of good governance:
 - a) To provide the best possible service to the people of Herefordshire
 - b) To define the roles of councillors and officers, ensuring that they work together constructively, and improving their effectiveness
 - c) To require high standards of conduct
 - d) To take sound decisions on the basis of good information
 - e) To be transparent and open, responsive to Herefordshire's needs and accountable to its people.
6. The rest of this code demonstrates how the council will put these principles into action.
7. To- provide the best possible service to the people of Herefordshire, the council will
 - Set out a strategic plan to improve the quality of life for the people in the county, and be clear about its intended outcomes for citizens
 - Provide high quality services representing excellent value for money;
 - Develop and sustain effective partnerships where there are benefits in doing so
 - Encourage public participation in Herefordshire local government
 - Identify and manage risk
 - Measure performance rigorously and improve it where necessary

8. To define the roles of councillors and officers, ensuring that they work together constructively, and improving their effectiveness, the council will
 - Encourage and support effective leadership, and constructive working relationships, at all levels
 - Make clear the roles of councillors and officers, the way in which decisions are taken, and the nature and limits of delegated authority
 - Determine remuneration in a transparent and open way, with recommendations on councillors' allowances made independently
 - Ensure that councillors and officers have the training and support they need to be effective; that their performance is appraised; and that development needs are addressed

9. To require high standards of conduct, the council will:
 - Create and maintain a climate of openness, mutual support and respect
 - Ensure that councillors and officers display consistently high standards of conduct
 - Be punctilious in ensuring that governance and decision-making reflect these high standards
 - Take effective action to investigate any concerns raised and take appropriate action if we fall short of the standards set.

10. To take sound decisions on the basis of good information the council will
 - Be open about how and why decisions are taken
 - Demonstrate and record the evidence and analysis underpinning decisions
 - Enable and support effective scrutiny of those decisions
 - Guard against any conflict of interest
 - Ensure that the principles of good decision making are upheld

11. To be transparent and open, responsive to Herefordshire's needs and accountable to its people the council will:
 - Be open about its actions and plans, subject to the requirements of the law or of personal or commercial confidentiality
 - Give a high priority to communicating and explaining its policies
 - Respond readily to public needs and aspirations
 - Take prompt and effective action on complaints
 - Publish a comprehensive annual report on compliance with this code ensuring it is kept under appropriate review.

Left blank for:

- Councillor code of conduct
- Employee code of conduct
- Use of council resources by members
- Member and officer relationships
- Code on gifts and hospitality

Section 3 - Whistleblowing code

5.3.1 Introduction

- 5.3.1.1 People working for an organisation are often the first to realise that there may be something seriously wrong within it. However, they may not express their concerns either because they feel that speaking up would be disloyal to their colleagues or to the organisation or they may fear harassment or victimisation. In these circumstances they may feel it easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 5.3.1.2 The council is committed to the highest possible standards of openness, probity and accountability. Everyone should be aware of the importance of preventing and eliminating wrongdoing at work. Employees should be watchful for illegal or unethical conduct and report anything of that nature that they become aware of without fear of victimisation, subsequent discrimination or disadvantage.
- 5.3.1.3 The code, comprising the policy and procedure that follow, applies to all employees of the council (excluding those employed at a school by a school governing body where separate arrangements will apply), temporary employees, trainees and independent contractors. The code also applies to those engaged through an external agency. For ease throughout the code the term 'employees' is used.
- 5.3.1.4 Even where safeguards are already in place, poor practice can still exist and an employee may have a concern about an aspect of service provision or the conduct of officers, members of the council or others acting on behalf of the council. This may be about something that:
- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the council subscribes to; or
 - is against the council's standing orders and policies; or
 - falls below established standards of practice; or
 - amounts to improper conduct.
- 5.3.1.5 As a safeguard for the council and in keeping with our legal duties and obligations, this policy and procedure sets out a framework within which employees can make a "protected disclosure" without fear that they will be subjected to victimisation or dismissal (and selection for redundancy) provided that the disclosure is made in accordance with the Public Interest Disclosure Act 1998 ("The Act") and (amendments in accordance with the Enterprise Regulatory Reform Act 2013). It is important for employees to be aware that they can only make a protected disclosure in certain circumstances. A "protected disclosure" must be of a certain type of information known as a "qualifying disclosure" and the disclosure must be made in a way which is described in the Act.

5.3.2 Policy

- 5.3.2.1 A qualifying or protected disclosure is a disclosure of information made in the public interest which in the reasonable belief of the employee making the disclosure tends to show one or more of the following:
- illegal practices (for example, a criminal offence).
 - a failure to comply with a legal obligation.
 - the health and safety of an individual, whether this is a member of the public or staff being endangered.
 - damage to the environment.
 - miscarriage of justice.
 - deliberate concealment of any of the above.
- 5.3.2.2 This policy is intended to cover concerns that fall outside the scope of other existing procedures and policies of the council. Where an employee has a concern which is personal and relates only to themselves rather than wrongdoing of a more general nature this will be treated as a grievance and the grievance policy will apply. The anti-fraud, bribery and corruption policy which states the council's zero-tolerance position on such matters is also to be observed in conjunction with this policy.
- 5.3.2.3 Any matter raised under this policy will be investigated thoroughly, promptly and confidentially, and the outcome of the investigation reported back to the employee who raised the issue.
- 5.3.2.4 All concerns will be treated in confidence and every effort will be made not to reveal their identity if an individual wishes. At the appropriate time, however, the individual may need to come forward as a witness. This should be discussed with the individual early on to establish if this is possible, but should not be regarded as a barrier to investigating the matter.
- 5.3.2.5 Concerns expressed anonymously will be considered at the discretion of the council, but by their nature may not be regarded as "protected" under the Public Interest Disclosures Act 1998.
- 5.3.2.6 All reasonable steps will be taken to ensure that no employee will be victimised or suffer any detriment for raising a matter under this procedure. This means that continued employment and opportunities for future promotion or training of the employee will not be prejudiced because they have raised a legitimate concern.
- 5.3.2.7 In exceptional circumstances, and in order to protect someone who has raised a qualified disclosure, or to facilitate thorough investigation, a whistle blower may be redeployed. This may be on a permanent or a temporary basis and will always be subject to mutual agreement with clear terms, under which there will be no detriment to that individual.
- 5.3.2.8 Harassment or victimisation of an employee for raising a qualified disclosure will be a disciplinary offence. Co-employees who victimise whistle blowers can be made personally liable for their own conduct, and the council could be held vicariously liable if it has not taken all reasonable steps to prevent victimisation.

- 5.3.2.9 If misconduct is discovered as a result of any investigation under this procedure the council's disciplinary procedure will be used, in addition to any appropriate external measures.
- 5.3.2.10 No action will be taken if an allegation is made but is not confirmed by an investigation.
- 5.3.2.11 Maliciously making a false allegation is a disciplinary offence. Allegations made in similar spirit for personal gain may also be treated similarly and neither action would be protected.
- 5.3.2.12 An instruction to cover up wrongdoing is itself a disciplinary offence. If told not to raise or pursue any concern, even by a person in authority such as a manager, employees should not agree to remain silent. They should report the matter to the monitoring officer.

5.3.3 Procedure

- 5.3.3.1 In the first instance, anyone with a concern should normally raise this with their line manager. If the seriousness and sensitivity of the issues involved and who is suspected of the malpractice mean that the employee is reluctant to approach their line manager, as an alternative, a concern may be raised with:
- The chief executive (Tel: 01432 260044; email: alistair.neill@herefordshire.gov.uk)
 - The monitoring officer (Tel: 01432 260657; email: claire.ward@herefordshire.gov.uk)
 - The chief finance officer (Tel: 01432 383514; email:)
 - Internal audit manager (Tel: 01432 260294; email: jacqui.gooding@southwestaudit.co.uk)
- 5.3.3.2 A concern may be made orally or in writing and the earlier it is raised, the easier it is to take action. Advice and guidance may be sought from:
- Monitoring Officer; or
 - A trade union; or
 - Public Concern at Work – an independent charity
<http://www.pcaw.org.uk/adviceline> Tel 020 7404 6609
- 5.3.3.3 It is not the role of the whistleblower, or elected members to attempt to investigate any suspected malpractice.
- 5.3.3.4 Any person identified in 5.3.3.1 above receiving a concern should immediately inform the monitoring officer. The monitoring officer will inform internal audit of the concern, and identify an appropriate lead (ordinarily the relevant line manager) who, within five working days of the concern being raised, should write to the person raising the concern to:
- acknowledge that the concern has been received;
 - indicate how it is proposed that the matter will be dealt with;

- give an estimate of anticipated timescales;
- advise of any initial actions or enquiries thus far;
- explain if further investigations will take place, including any possible interviewing of the whistle blower as a witness, and if not, why not;
- reassure of support and safeguards in place to protect them;
- signpost to further support e.g. employee assistance programme.

5.3.3.5 It may be possible to resolve some concerns without the need for investigation. If an investigation is required, it may be investigated through the following channels, as appropriate:

- by management, internal audit or through the disciplinary process;
- by the monitoring officer as a standards matter under the councillor code of conduct;
- referral to the police;
- referral to the external auditor;
- an independent inquiry
- Concerns or allegations which fall within the scope of specific procedures, such as safeguarding, would normally be referred for consideration under those procedures.

Any urgent action, if required, will be actioned before an investigation commences.

5.3.3.6 The outcome of any investigation will be unique to each case and subject to determination by the requirements of any specific procedure followed. Outcomes may include, but not be exclusive to, reviews of policy and practice, or formal disciplinary action against one or more officers. If it is found that the concern was found to be unfounded and raised with malicious or mischievous intent, then formal action will be taken against the person raising that concern.

5.3.3.7 The identified lead will, at the conclusion of any investigations, write to the person to let them know the outcome. Depending on the nature of the matter, there may be limitations to what may be disclosed. If the whistleblower considers the outcome to be unsatisfactory, they may raise the matter with appropriate/relevant external statutory or regulatory bodies e.g.:

- Health and Safety Executive
- Ofsted
- Care Quality Commission
- External audit
- Local Government Ombudsman
- The police

Section 12 - The Planning Code

This Code supplements the Councillor Code of Conduct.(Part 5 Section1) Where the provisions of this Code conflict with or are inconsistent with the Councillor Code of Conduct, the latter shall prevail. However, following this Planning Code should assist Councillors in complying with the Councillor Code of Conduct. Councillors should ensure that they are familiar with both Codes and take advice from the Monitoring Officer where necessary to ensure compliance.

The obligations and responsibilities of this Code apply to all Councillors of the Planning Committee and in similar ways to all other Councillors.

The Council's planning policies are adopted in the public interest for the benefit of the whole community rather than for any particular individual or interest group. Decisions are required to be taken in accordance with the current development plan and having regard to all material considerations. Each planning application is considered on its merits. However, planning decisions by their very nature are often contentious, with strong contrary views being expressed. Any decision can be the subject of detailed scrutiny or challenge. Failure to follow the requirements of this Code may result in sanctions under the Councillor Code of Conduct, or may be regarded by the Local Government Ombudsman as incompatible with good administration.

This code covers the conduct of both Councillors and Officers. It relates to the whole of the planning process, including policy formulation and development control, and all Councillors and Officers who come into contact with it. The code is designed to promote greater mutual support and understanding between Councillors and Officers to the benefit of all involved in the planning process. It is also designed to give the public greater confidence that Herefordshire Council discharges its planning responsibilities fairly and openly.

This code is set out in the form of a series of headings with a brief outline of the issues involved, followed by practical advice.

This code consists of three principal parts. The first relates to Members of the Committee. The second relates to all other Members of the Council and the third relates to Council officers

PART 1 - THE ROLE OF COUNCILLORS WHO ARE MEMBERS OF THE COMMITTEE

5.12.1.1 In making decisions on planning applications, **you will:**

- a act fairly and openly and without prejudice**
- b approach each application with an open mind**
- c carefully weigh up all the material planning considerations**
- d avoid inappropriate contact with interested parties**
- e ensure that valid reasons for decisions are clearly stated.**

5.12.1.2 **You will** be free to vote on planning applications as you consider appropriate (that is, without a Party 'whip'), deciding them in the light of all the relevant information, evidence and arguments. In accordance with the requirements of the Town and Country Planning Act, **you will** base your decisions on the provisions of the Herefordshire Local Plan Core Strategy 2011 - 2031 and all material planning considerations.

5.12.1.3 **You must not** give instructions to officers nor may you place pressure on officers in order to secure a particular recommendation on an application.

5.12.1.4 **You will not** use your position improperly to confer or secure for yourself, or for any other person, an advantage or disadvantage.

5.12.2 Discussions with applicants

5.12.2.1 **Pre-application meetings** with prospective applicants are encouraged, but, to avoid misunderstandings, they require a degree of formality. They **will normally involve officers**, and will follow the guidance in the following paragraph.

5.12.2.3 It will be made clear at pre-application meetings that:

- a Member or officers' initial views and advice are given on a without prejudice basis which will be consistent with the provisions of the current Local Plan Core Strategy and other adopted Council policies
- b no decisions may be made or advice given which would bind or otherwise compromise any planning decision
- c Members should avoid giving separate advice on the development plan, material considerations, or planning obligations

A written note is made of the discussion and will be made available for public inspection, subject to the usual rules about access to information, if and when an application is submitted.

5.12.2.5 **You may, following discussion with the appropriate planning officer, take part in organised post-submission meetings with applicants or other parties.** A note of any discussions will be taken and will be made available for public inspection, subject to the usual rules about access to information. It is recommended that at least one Planning Officer will be present at all such meetings.

5.12.3 Lobbying

5.12.3.2 Lobbying can take place by way of an approach to you, by telephone, or on a chance meeting, or by way of a request to see all or some of the Members of the Planning Committee. It is an essential part of the democratic process that members of the public should be able to make their views known to you. However, to avoid compromising your position before you have received all the relevant information, evidence and arguments, **members will:**

- a take care about expressing an opinion that may be taken as indicating that they have already made up their mind on the issue before they have taken into account all relevant considerations . **direct lobbyists or objectors to the planning officer, and**
- b **advise the head of regulatory and development management services as soon as possible of the existence of any substantial or abnormal lobbying activity.**

5.12.4 Site Inspections

- 5.12.4.1 Site Inspections by the committee can be helpful in reaching a decision on issues where site circumstances are clearly fundamental to the decision. This is true particularly when the issues concern, for example, visual impact, the character of an historic building or the effect of development on local amenity. However, site inspections are costly, cause delay to decisions and are an unsuitable place for holding a reasoned debate.

The criteria for holding site inspections are:

- a the character or appearance of the development itself is a fundamental planning consideration; or
- b a judgement is required on visual impact; or
- c the setting and surroundings are fundamental to the determination or to the conditions being considered, and cannot reasonably be made without visiting the site in question.

The chairman of the planning committee and the assistant director Environment and placewill determine which applications will be the subject of a prior site inspection. This does not prevent any member of the committee requesting a site inspection of a site at the committee meeting when it has not already been visited by this procedure.

- 5.12.4.2 Site Inspections should not be held when inspection of the site is irrelevant to the material conditions. Any member of the committee may request a site inspection, but reasons based on the above criteria must be stated, and will be minuted.
- 5.12.4.3 **The purpose of the site visit is fact finding.** Officers will be able to point out relevant features of the site and surroundings. You will be able to see the physical features of the site and ask questions through the chairman or the officers to seek clarification. Neither the applicant/agent nor third parties will be allowed to participate in the site inspection. The input of these parties is made at the committee meeting itself. At the discretion of the chairman of the planning committee the appropriate parish or town council may be invited to observe the inspection. In these

circumstances the parish or town council may not contribute to the opportunity to ask questions of officers on site.

- 5.12.4.4 **No discussion of the merits of the case is permitted at site inspections and all questions from you will be put through the chairman.**
- 5.12.4.5 The visiting party will stay together as a group. Wherever possible the party should arrive at and leave the site together.
- 5.12.4.6 As a member of the planning committee when on site visits you should not make any comments that could create an impression that you had already formed a view on the merits of the application. No decision on the application should be made until the meeting of the planning committee at which the application is to be considered, when they will have before them all necessary information to be able to make an informed decision, including any material facts arising from the site visit which the assistant director environment and place considers should be reported to the committee.
- 5.12.4.7 Conduct of visits
- a visits will be conducted in a formal manner.
 - b the chairman or vice-chairman will open the visit ~~meeting~~, and remind members of its purpose and conduct.
 - c Officers will highlight issues **relevant to site inspection**. If issues are raised which necessitate consultation with the applicant or his agent, this should be done after the close of the ~~meeting~~-visit and the outcome reported to the subsequent committee.
 - d Ward members will be invited to site inspections in their wards and asked to highlight local issues relevant to the site inspection.
 - e the chairman or vice-chairman will close the ~~meeting~~ visit.
- 5.12.4.8 General matters
- a No decision will be made concerning the application on site.
 - b no formal notes will be made.
 - c no hospitality will be accepted.
- 5.12.4.9 **If you find it necessary to visit a site alone (perhaps because it was not possible for you to attend a committee visit), you should view the site only from public vantage points, seek to avoid any discussion with interested parties, and, if there is such discussion, make it clear that no decision on the application will be taken until it has been discussed at committee.**
- 5.12.5 **Material submitted to committee**

- 5.12.5.1 If you receive material from or on behalf of an applicant or third party in connection with an application before a committee you should establish from the planning officers whether the material has been received by them. If it has not, you should make it available as soon as possible to the assistant director environment and place
- 5.12.5.2 Documents in connection with an application should all be dealt with in the officer's report to committee. Any additional information received after the preparation of that report up to noon on the day before the committee meeting will also be brought to the attention of the committee if it raises new and relevant material planning matters. Papers received after that time will normally be discounted, since time will not be available to check their accuracy or to give consideration to their implications. A printed committee update will be published to the council's website the evening before the meeting.
- 5.12.6 Declaration of interests at committee**
- 5.12.6.1 Interests need to be considered and declared as necessary in accordance with the code of conduct.
- 5.12.6.3 **If you declare a disclosable pecuniary interest, or an “other interest which relates to a financial interest** then under the code , you may attend a Planning Committee meeting only for the purposes of making representations, **provided** that the public are also allowed to attend the meeting for the same purpose. You must declare the nature of your interest at the start of the meeting. If you have such an interest you should notify the monitoring officer before the meeting that you wish to speak.
- 5.12.6.4 If you have such an interest the procedure in committee will be as follows. The planning officer will present the report. If you want to make representations, you take your place in the space allocated to public participation. You may make representations for no longer than three minutes (the time allocated to public participants at planning committee). Thereafter, you may take no further part in the debate or decision-making of the planning committee, and must immediately leave the meeting. You may not stay in the meeting or listen to any other public participation in respect of the application.
- 5.12.6.5 Withdrawal from the meeting involves physically leaving the meeting room. Moving to the public gallery is not sufficient. The chairman of the committee should suspend the proceedings of the committee briefly while you leave the committee room.
- 5.12.6.6 Where you have a dispensation granted by any appropriate person or body allowing you to speak and/or vote on a matter in respect of which a prejudicial interest has been declared, that dispensation applies also to this code, but you still need to declare the interest.

5.12.7 Cabinet members

5.12.7.1 There will be occasions when a cabinet member will wish to express comments on a particular application. This may include where the council is the applicant. Cabinet members are permitted to **speak at the planning committee meeting to speak for the item, but must then withdraw from the meeting while the application is discussed and determined.**

5.12.7.2 Where a cabinet member has a ward representation role, they may, at the discretion of the chairman, also speak as local member.

5.12.8 Planning committee members who serve on parish and town councils

5.12.8.1 Some councillors will be members of parish or town councils as well as Herefordshire councillors. In such circumstances members may express their views and vote at the respective meetings of both councils having regard to the information available to them at that time. Having voiced a view and/or voted at a parish council meeting will not of itself prevent involvement in decision making at planning committee. Prior indication of a view on matter does not amount to predetermination. Similarly members on the planning committee can attend parish meetings in their ward and speak about planning applications. Talking to constituents be they applicants or objectors is permitted it does not mean you have a closed mind. A committee member will not be taken to have a closed mind just because they may previously have done anything that directly or indirectly indicated what view they had, would have or might take. .

5.12.9 Voting at committee

5.12.9.1 **You will only be able to vote on an application before a committee if you have been present for the whole of the presentation of and discussion on the application.**

5.12.10 Decisions contrary to officer recommendations or to development plan policies

5.12.10.1 From time to time, there will be occasions when you or the planning committee disagree with the professional advice on an application given by the assistant director environment and place

5.12.10.2 The law requires that decisions should be taken in accordance with the development plans unless material considerations indicate otherwise (S38A Planning and ~~Compensation~~ Compulsory Purchase Act 2004)

5.12.10.3

5.12.10.5 If the Planning Committee makes a decision contrary to the officers' recommendation (whether for approval or refusal) a detailed minute of the Committee's reasons should be made and a copy placed on the application file. In this context Members should be prepared to explain in full their reason for not agreeing with the officers' recommendation. In so doing, Members should observe the 'Wednesbury principle' which

requires all relevant information (i.e. material considerations) to be taken into account and all irrelevant information (i.e. non-material matters) to be ignored.

5.12.11 Applications in which a member of the council has an interest

5.12.11.1 All applications which are submitted by or on behalf of a member of the council in their private capacity, by their partner, a member of their family or a close association, must be drawn to the attention of the assistant director environment and placed by the member in writing. If the member has a material interest in the outcome of the application or if the application is submitted by their partner, it will be determined by the planning committee and if you are a member of that committee **you must take no part in the determination of the application. You must declare a prejudicial interest and may only speak as the applicant or appoint an agent to speak on your behalf in accordance with the Planning Rules (Part 4 Section 8 paragraph 4.8.12 (Public Speaking at Planning Committees) f.**

5.12.11.3

5.12.11.4 If the application is from a member of your family or a close association, or you otherwise have a conflict of interest, then the chairman of the planning committee will appoint another member of the council to provide procedural and other advice and information to the applicant, and to the town or parish council concerned. If the application is also in your ward this member will speak at committee.

5.12.12 Hospitality

5.12.12.1 As a member of the council **you are strongly discouraged from receiving hospitality from people with an interest in any planning proposals.** If receipt of hospitality is unavoidable, you will ensure that it is of the minimum level and, if it exceeds the level to which the requirement for declarations of gifts and hospitality applies. You must declare the offer as soon as possible, in the register kept by the monitoring officer.

5.12.13 Training

5.12.13.1 As a member of the planning committee you are required to undergo training in planning procedures. This will normally take place within three months of appointment to the committee and at appropriate intervals thereafter. A record will be kept by the monitoring officer of the training you undertake. Members who have not undertaken the training, may not participate in meetings of the committee until such training has been completed.

PART 2 - THE ROLE OF COUNCILLORS WHO ARE NOT MEMBERS OF THE COMMITTEE

5.12.14.1

5.12.14.2 Non-committee members who are members for wards affected by an application represent their own views or that of their constituents as a consultee and will be consulted on the application invited to speak at the planning committee and attend any site inspections that take place in their ward.

5.12.14.3 Non-committee members should not lobby planning committee members in order to secure the outcome on a planning application that either they or their constituents seek. The ward member, the appropriate town or parish council and local residents will have the opportunity to present their views to the Planning Committee in accordance with the council's procedure for public speaking at the planning committee.

5.12.14.4 All council members may attend meetings of the council's planning committee even if they are not a member of the committee. You should not sit in the public gallery, but in the place reserved in the committee room for members of the council who are not Members of the Planning Committee.

PART 3 - THE ROLE OF OFFICERS

5.12.15.1 In making delegated decisions on applications, officers will:

- a act fairly and openly
- b approach each application with an open mind
- c carefully weigh up all the material planning considerations
- d avoid inappropriate contact with interested parties
- e ensure that reasons for decisions are clearly stated

5.12.15.2 In reporting to committee, officers will:

- a provide professional and impartial advice
- b make sure that all information necessary for a decision to be made is given
- c set the application in the context of the development plandocuments and all other material considerations
- d include the substance of objections and the views of people who have been consulted
- e provide a clear and accurate written analysis of the issues
- f give a clear recommendation

5.12.15.3 Record keeping should be complete and accurate. Every planning application file should contain an accurate account of events throughout its life. Particular care is to be taken with delegated decisions, which should be as well documented and recorded as those taken by members.

These principles apply equally to enforcement and development plan matters.

- 5.12.15.4 Any material planning information which is received after the written report has been prepared and before the cut-off time specified in paragraph 5.13.5.2 above will be presented orally to the Planning Committee by officers.
- 5.12.15.5 The assistant director environment and place in discussion with the Chairman of the Planning Committee, may withdraw any item from the agenda of the Planning Committee after the preparation of the report but before discussion by the Planning Committee if the circumstances of the consideration of an application change within that period.
- 5.12.15.6 Officers are responsible for carrying out the decisions of the Planning Committee, whether or not those decisions are in line with officer recommendations.

5.12.16 Discussions On Planning Applications

- 5.12.16.1 All officers taking part in pre-application or post-submission discussions with applicants, supporters or objectors should make it clear that decisions on planning applications are taken either:
- a by the elected Members in Committee, or
 - b in specific circumstances by the assistant director environment and place or by an officer to whom they have the power to delegate.
- 5.12.16.2 A written note will be made of all such meetings and may be distributed. The meeting note and any follow-up correspondence must be placed on the planning application file, in case an application is made following initial discussions.

5.12.17 Disclosures of Interest

- 5.12.17.1 Officers must play no part in the processing of any application in circumstances where there is, or would be perceived to be, a conflict between their personal or financial interests, those of their families or friends, and their professional duty. They must openly declare the existence of any such conflict in writing to the assistant director environment and place. Any interest the assistant director environment and place has in an application must be declared to the Monitoring Officer.

5.12.18 Applications Submitted by Officers

- 5.12.18.1 All applications submitted from officers who are employed in the planning service or work closely with it or is a senior manager as defined in the councils pay policy statement, or by a close family member such that the officer has a material interest in the application, must be reported to the

Planning Committee for a decision, rather than being dealt with in accordance with the scheme of delegation to officers. If the officer concerned is present at the meeting of the Planning Committee at which such an application is determined, they must leave the room during consideration of the application.

5.12.19 Hospitality

5.12.19.1 Officers may not receive gifts or hospitality beyond usual refreshment (such as tea or coffee) at a meeting, from people with an interest in a planning proposal.

5.12.20 Action on Decisions Taken Contrary to Professional Advice

5.12.20.1 In cases where an officer recommendation for approval has been overturned by Committee and an appeal is lodged:

- a officers will give full support to Members and any external witnesses in preparing evidence for any public inquiry, short of giving evidence themselves; and
- b officers will give evidence themselves only in exceptional circumstances, where their Code of Professional Conduct is not breached; and
- c where a hearing is to be held, with no cross-examination, officers may give evidence themselves, but this will normally be only if the officer concerned has not been involved in formulating the original recommendation ;and
- d officers must give full support to Member decisions which are appealed using the written representations procedures.

Left blank for: Councillor call for action

Public guide to participation

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.

Attending meetings

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 at xx, and also published in public offices of the council.

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.

Include paragraph on web/audio casting when available.

Why are some meetings private?

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.

Asking questions at meetings of the council

Which meetings can the public ask questions at?

Questions can be asked at public meetings of:

- Full Council
- Audit and governance committee
- Cabinet
- Employment panel
- Health and wellbeing board
- Overview and scrutiny committees

Who can ask questions?

Questions can be put by anyone living or working in Herefordshire.

What notice is required for questions?

A question must be delivered by email (councillorservices@herefordshire.gov.uk) by no later than 5pm two working days before the date of the meeting. Each question must provide the name and address of the questioner.

How many questions can be asked?

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.

What is the scope for questions?

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 or cabinet member and must relate either to something that the council is responsible for or that affects the county.

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 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.

What happens at the meeting?

Time is made available early on the agenda for any accepted questions to be dealt with. Copies of any questions 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.

The chairman will invite the questioner to put the question to the councillor named in the notice. If the questioner is unable to attend the meeting, the chairman will state that a written reply will be given.

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 can reject a supplementary question on any of the grounds detailed in the section above.

What form will the reply take?

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 be provided.

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.

Petitions

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.

What is the scope for petitions?

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).

How can a petition be submitted?

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.

The chairman 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's announcements, any petitions received will be formally passed to the relevant cabinet member or committee

chairman 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 XXX

What happens once a petition has been submitted?

All petitions sent or presented to the council will receive an acknowledgement within 10 working days of receipt explaining how we will respond.

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.

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.

What do councillors and officers do?

What councillors do....

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.

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.

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.

What council officers do....

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

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.

What can my councillor do for me?

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 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.

Decisions

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

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.

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.

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.

Are all decisions recorded and published?

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 £xxx 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.

Why is some information kept confidential?

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.

How long is information about decisions kept?

Generally the law requires information to be available for public inspection for six years from the date of the decision.

How do I find out about decisions taken by partnerships?

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.

What if I can't find the information I am looking for?

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: xxx

Other ways of getting involved

Planning

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 committee rather than a single officer.

If you have provided comments on a particular planning application which is considered by the planning 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.

Consultations

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 at xxx. You can also find information about past consultations there.

Overview and scrutiny reviews

You may request that a matter or concern be considered for inclusion in the future work programme of an overview and 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.

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.

Vote

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 xxx

Stand for election

If you are interested in standing for election as a parish councillor or as a Herefordshire councillor you can find out more at XXX.

Volunteer

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 Xxx.

Give feedback

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:

Find out more...

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.....

Freedom of information.....

Governance.....

Your councillor.....

Your parish council.....

Guide to roles and responsibilities of councillors

1. Summary

- 1.1 To serve all constituents within the ward, and the citizens of Herefordshire as a whole by acting as an effective advocate, campaigner and representative.
- 1.2 To promote the economic, social and environmental wellbeing of ward constituents and the those who live and work in the county as a whole, and to act in accordance with the high standards of probity in public life, seeking to serve the community without personal gain.
- 1.3 To be a corporate parent to looked after children and young people in the county.

2. Being effective

- 2.1 To be effective councillors should:
 - fully understand and act in accordance with the councillors' code of conduct and the general principles that govern councillors' conduct.
 - have a knowledge and understanding of the council's constitution.
 - have a knowledge and understanding of the council's organisation and management structure and who to ask for information and advice.
 - attend all meetings of bodies on which they serve together with seminars and training sessions on subjects of relevance to them and their particular areas of involvement and interest.
 - accept personal responsibility to take up opportunities for training and development that may be provided and generally to extend and broaden their knowledge of local government affairs through reading, discussion and enquiry.

3. Different roles for some councillors

- 3.1 Some councillors will undertake markedly different roles (e.g. the leader, cabinet member, committee chairman, scrutiny member etc). These differing roles are outlined in the role profiles at appendix 1 to this section.

4. Standards of conduct and probity

- 4.1 All councillors must agree to abide by the councillor code of conduct. Councillors will be given suitable training on taking office and receive ongoing support and briefings on this subject during their time in office.
- 4.2 Councillors must also abide by all the requirements of the council's own constitutional arrangements. Any breach of the codes in the constitution may constitute a breach of the councillor code of conduct and councillors should be aware of the procedures for dealing with complaints.
- 4.3 Councillors are expected to behave at all times in accordance with the high standards of personal conduct and in a manner that is consistent with the values of the council to achieve best value for residents and maintain public confidence in Herefordshire Council.

5. Working as part of the council

- 5.1 At meetings of the council and as a member of one or more of the different council bodies, councillors will be expected to contribute to the formulation and review of policies and strategies and the review and development of services and programmes as appropriate.
- 5.2 Councillors should be constructive and forward looking. An innovative and questioning approach is required.
- 5.3 The work of the council is conducted in a political environment. As a councillor, who may have been elected with the endorsement and backing of a political party, or who may be a member of a political group within the council, members will naturally wish to secure aims and objectives that match their political affiliation. A political approach is legitimate, however, councillors should guard against pursuing political objectives to the point that it impedes the effective management of the council's affairs and undermines peoples' confidence in the council's ability to exercise a leadership role in the wider community.
- 5.4 Councillors should have regard to the council's corporate plan and other council policies and strategies, especially when considering the quality and scope of services and weighing the merits of competing interests and demands upon the council budget.
- 5.5 When participating in overview and scrutiny activity councillors should have regard to the council's scrutiny procedure rules and

in particular the requirement to take an independent approach, seek consensus on outcomes, be constructive and not judgmental.

6. Community representative and advocate

- 6.1 Councillors should be aware of the needs, priorities and aspirations of their local community. To do this, they should make yourself known to those who live and work in their ward (your constituents). Councillors may wish to hold regular surgeries, publish newsletters or otherwise make themselves accessible. Liaise/consult extensively and meet with local groups and organisations including parish councils.
- 6.2 Councillors should represent the views of ward constituents and local groups. In doing so councillors should take careful note of the different, often conflicting, interests, and attempt to represent the community as a whole. Councillors should act as an advisor or advocate to local groups with a special interest, or generally provide advice and assistance on matters within their ward and the implications of particular courses of action.
- 6.3 Such a representational role must be undertaken responsibly. As politicians, councillors will naturally want to have regard to the views of voters and avoid, or at least minimise criticism by political opponents. Councillors do, however, have a wider responsibility to protect the council's interests and reputation and help reach the best decision.
- 6.4 Councillors should encourage constituents to raise matters of importance or personal concern and take appropriate action, either responding personally or ensuring a response is provided. Where necessary councillors should seek advice on any response made as they may be seen to be acting on behalf of the council as a whole.
- 6.5 Councillors should seek to foster a sense of civic pride within the community and encourage all citizens to develop and maintain a personal commitment to civic responsibility, and should avoid statements and actions that serve to undermine confidence in the institutions of local government without justification or good cause.

7. Working with others in the local community

- 7.1 Councillor are expected to work with partners and other organisations with which the council is actively involved.

- 7.2 If a councillor is appointed by the council representative on any outside bodies they will have a responsibility to explain the council's policies and position where appropriate and to listen to the views of others and report back to the council.
- 7.3 Councillors should play a leading role in explaining to others outside the council how the decision making process operates and the respective roles of members and officers have.
- 7.4 Councillors may also be involved in other local organisations, such as those in the voluntary sector, and should recognise that as an elected councillor others may regard statements they make as having council backing. Councillors should always make it clear when they are speaking in an individual capacity, and follow the council's approved communication protocols.

8. Accountability

- 8.1 The roles, duties and responsibilities outlined in this guide relate to the political or member level activities of the council. Accountability for a councillor's performance is through the political and electoral process.

Appendix 1: Member role profiles

All councillors:

Community leader

- Champion your ward
- Deal with casework
- Represent the community within the council and other agencies
- Campaign on local issues
- Keep in touch with constituents
- Able to engage with all groups within your community

Decision maker and influencer

- Actively contribute to the development and scrutiny of the council's policies, strategies, budget, and service delivery
- Attend meetings of full Council and any committees you are appointed to
- Work with partners and outside bodies as a representative of the council
- Act as a corporate parent for children and young people in the care of the council
- Liaise with town and parish councils

Day to day councillor

- Juggle roles and responsibilities
- Understand and interpret information
- Use ICT effectively
- Communicate using all types of media ensuring adherence to corporate guidance for media, social media and internet usage
- Use a communication style that takes into account different needs of different audiences
- Act as a facilitator.
- Take personal responsibility for continuous professional development to develop and build understanding, knowledge and skills to ensure that the role is undertaken as effectively as possible
- Interact with officers, partners, community and fellow councillors in accordance with the council's codes of conduct and behaviour.

Group leader

- Be the main spokesperson for members of their political group
- Act in a manner which is likely to promote rather than undermine the best interests of the county and ensure that members of their political group act in a similar manner
- Lead their group by ensuring that:
 - Members of their group abide by the council's codes of conduct
 - Adequate liaison takes place with other political groups to further the interests of the council
 - Adequate liaison takes place with members of the management board on all matters affecting the services provided or commissioned by them on behalf of the council
 - Regular briefings take place to ensure good communications takes place on all council matters to members of their group
 - If in opposition, engage in constructive criticism, alternatives or amendments offered by members of the group on proposed decisions of the cabinet where appropriate
- Work with their group to formulate overall policy and priorities for the group
- Represent the council on local, regional and national bodies as appropriate

Committee chairman:

- Understand the role of the committee
- Understand the role of the chairman
- Provide leadership and direction
- Provide effective meeting management
- Spend time with relevant officers to agree agendas and minutes
- Ensure all attendees have an opportunity to contribute to the meeting

Leader of the council

Leadership

- Provide an overall cohesive, corporate and strategic leadership and direction for the council
- Lead and chair the cabinet and ensure its overall effectiveness
- Lead in developing the council's partnerships with other organisations
- Work with portfolio holders to ensure effective delivery of services within their portfolios against the agreed policies of the council, and to ensure the delivery of the cabinet's responsibilities
- Ensure effective communication and explanation of all cabinet's decisions and recommendations to Council and the public
- Ensure that the cabinet manages the business of the council within the financial limits set by the council

Cabinet member

The cabinet is responsible for all council functions which are not the responsibility of any other part of the council, provided the decisions made are within the council's agreed policy and budget framework.

- Participate effectively as a cabinet member taking joint responsibility for all actions and be collectively accountable.
- Build good relationships with appropriate officers and work with them in developing policy
- Take a proactive approach to the early engagement of overview and scrutiny committees to help in policy development
- Give political direction to officers working within the portfolio
- Ensure up to date knowledge of related developments and policies at national, regional and local level
- Enhance the council's reputation through taking the national stage where possible and participating in regional and national networks
- Have an overview of performance management, efficiency and effectiveness of the portfolio
- Represent cabinet by attending scrutiny committees if requested in connection with any issues associated with the portfolio and consider scrutiny reports as required.
- Make executive decisions within the portfolio and in accordance with the principles of good decision-making
- Act as a strong, competent and persuasive figure to represent the portfolio and a figurehead in meetings with stakeholders
- Be prepared to take part in learning and development opportunities to ensure that the role is undertaken as effectively as possible
- Represent the council on external bodies and feedback to cabinet any issues of relevance and importance

Overall responsibility

- Ensure that cabinet exercises responsibility for the prudent management of the council's resources
- Have overall responsibility for the political management of the authority and the delivery of agreed council priorities, strategies and policies

Working with partners

- Be the main representative of the council, with others as appropriate, in dealing with the community, business, voluntary sector and other local and national organisations
- Ensure effective liaison with other political groups within the council

Scrutiny member

The overview and scrutiny committees, and any task groups they establish, review and scrutinise decisions made or actions taken by the cabinet. They may also be involved in policy development prior to decisions being taken by the cabinet. The committees may make reports and recommendations to full Council, cabinet or any relevant partner in connection with council or certain other public functions such as health.

- Assist with the development of an effective work programme
- Engage with all stages of the scrutiny process
- Lead the committee in prioritising its work so as to ensure effective scrutiny
- Develop a constructive relationship with cabinet, especially with relevant portfolio holders
- Develop a constructive relationship with members of management board in the areas that the committee scrutinises
- Be responsible for outputs and outcomes of scrutiny
- Receive evidence in an impartial manner
- Analyse information presented to the committee
- Make recommendations based on the committee's deliberation

Committee member

Council has established a number of committees through which functions which are not the responsibility of cabinet are fulfilled. Seats on these committees are allocated to political groups on a proportional basis and appointments to fill those seats are a matter for the relevant group leaders to determine. Members who are appointed to certain committees, such as planning and regulatory committee, are required to undertake training before taking up their seats.

- Maintain up to date knowledge of council and national policies and processes relevant to the work of the committee
- Attend meetings and, if unable to attend, liaise with your group leader or the monitoring officer to arrange a substitute
- Receive evidence in an impartial manner
- Analyse information presented to the committee
- Take decisions in accordance with the principles of good decision-making