

**PUBLIC QUESTIONS AND ANSWERS TO  
AUDIT AND GOVERNANCE COMMITTEE  
19 SEPTEMBER 2018**

Question 1

Mr R Stow, Rowleston

Herefordshire Council has a duty in s 27(1) of the Localism Act 2011 to “promote and maintain high standards of conduct by members and co-opted members of the authority”.

This statutory duty, the Nolan Principle of accountability, and the need to maintain public trust in councillors and local democracy, mean that sanctions properly imposed on a Councillor who has breached the code of conduct must be promptly enforced.

Herefordshire Council’s failure to enforce such sanctions will create public cynicism and distrust in the Council, and the perception that Herefordshire Councillors are completely unaccountable for their actions and behaviour.

Why has Herefordshire Council ignored repeated advice from their Independent Person for ten months, and failed to take any action to promptly enforce sanctions imposed on Councillors for proven misconduct?

Response

The council does not currently have any monitoring officer recommendations that have not been complied with.

Question 2

Mrs E Morawiecka, Breinton

At both the General Scrutiny and the Cabinet meetings on the Hereford Transport package, the only experts available to respond to questions and provide further information on the matter were employees of WSP and Balfour Beatty, none of whom had to declare any interests to these committees.

Both WSP & Balfour Beatty stood to gain additional contracts for at least a further £2.54million of work on the development of the Hereford “bypass” if a new route was to be selected, rather than be deferred or rejected.

Would the audit and governance committee please explain why there are no rules requiring declarations of interests, particularly pecuniary interests, for experts invited by the Council to speak at any council committees?

Response

The legal and constitutional requirements for declarations of interest at meetings do not apply to external attendees attending either to ask a question or to answer technical queries raised by the decision-makers.

The council has established contract procedure rules to set clear rules for the purchase of works, goods, services, consultancy, grants and concessions for the council and which are intended to promote good purchasing practice, public accountability and to deter bribery and corruption, in which the probity and transparency of the council's procurement process will be beyond reproach or challenge. The Audit and Governance Committee maintains an overview of the effectiveness of these procedure rules to ensure their continued effectiveness.

### Supplementary Question

One of the recommendations agreed at Cabinet on 27 June in connection with the Hereford transport package was that the director for economy, communities and corporate be authorised to take all necessary steps to progress detailed design and, consultation including commissioning external professional advisers as required to inform future decisions on the Hereford transport package to a maximum cost of £2.45m. To ensure that any evidence given at the cabinet and scrutiny meetings was unbiased and completely independent, would the audit and governance committee confirm that the two companies, WPS and BB, who provided expert witnesses did not stand to gain directly from any contracts that formed part of the extra £2.45m spend approved by the cabinet and that any works described in the recommendation have subsequently gone out for competitive tender?

### Answer

In accordance with the principles of good decision-making within the constitution, Cabinet decision making must pay regard to the professional advice from the council's officers. On certain highly specialised areas it is usual for officers to seek additional professional advice from consultants. The council's procurement and contractual terms ensure that contractors uphold the standards expected of those in public service. The information presented by BBLP and their consultants WSP at the cabinet meeting on 27 July was an unbiased presentation of the results of a technical assessment of possible bypass routes. Our contractors undertook this assessment in accordance with national guidance and standards and they provided an unbiased account of the work done, the recommended route and the reasons for this to both scrutiny and cabinet meetings. They also presented the feedback from the consultation earlier this year. This work concluded a preferred route and the basis for this recommendation was presented to cabinet and scrutiny in public meetings and the information presented is available on the council's website.

The £2.45m budget approved by cabinet is to develop the detailed design of this red route for further consultation and consideration by cabinet following consultation. In accordance with the council's contracts procedure rules, this design work will be commissioned through the public realm service delivery contract which was awarded to BBLP in 2013 following a competitive tendering process. The terms of that contract provide pricing mechanisms that drive continuous improvement, and through this and our robust contract management activity, we seek to ensure that sums payable continue to represent value for money when compared to the market.