

SUPPLEMENT TO THE AGENDA FOR

General scrutiny committee

Wednesday 18 July 2018

10.00 am

**Council Chamber, The Shire Hall, St Peter's Square, Hereford,
HR1 2HX**

Frequently Asked Questions and Answers

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Frequently Asked Questions and Answers on the Hereford Transport Package – General Scrutiny

Q 1: What is the deadline for submission of public questions to this meeting?

Ans 1: The deadline for submitting public questions to the general scrutiny meeting on 18 July is **5.00pm Thursday 12 July**. All council meetings which invite public questions have a standard deadline of no later than 5.00pm three clear working days before the day of the meeting.

Q2: Why can't Herefordshire Council extend the timeframes for members of the public to ask a question?

Ans 2: Questions must be provided in accordance with the constitution. There is no scope for any discretion on this matter. The council considered the procedure for questions at its meeting on 25 May 2018, only full council can change the constitution rules.

It is important to note that the constitutional rules have been applied to the timelines set for the general scrutiny meeting taking place on 18 July. There will be further opportunities to ask public questions at the cabinet meeting, 27 July.

Q 3: How do I find out about asking a question at a public meeting of Herefordshire Council?

Ans 3: The rules that govern questions that members of the public can ask at scrutiny committee meetings are outlined in the Council's constitution in paragraphs 4.5.97 to 4.5.110. The Council's constitution can be found on Herefordshire Council's public web-site at:

<http://councillors.herefordshire.gov.uk/ieListMeetings.aspx?bcr=1&CId=332&info=1>

Q4: Who decides if a question is rejected or allowed to go forward to a meeting?

Ans 4: It is not a function of the scrutiny committee to accept or reject questions from members of the public. The constitution provides that the monitoring officer is authorised to reject or accept questions in accordance with the following criteria:

- (a) it is longer than 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
- (d) where a question is asked at a meeting other than full Council not relating to the function of the committee or an item of the agenda;
- (e) it is defamatory, frivolous or offensive;
- (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;
- (g) it requires the disclosure of confidential or exempt information or relates to an identifiable individual;
- (h) it is from a council employee and the question is connected to their employment; or
- (i) it relates to a planning application or licensing application.

Q5: What does a council scrutiny committee do?

Ans 5: Overview and scrutiny committees were established in English and Welsh council by the [Local Government Act 2000](#). As set out in the Council's constitution, the role of the scrutiny committees is to help develop policy, to carry out reviews of council and other local services, and to hold decision makers to account for their actions and decisions.

General Scrutiny Committee has decided to call-in the Hereford Transport Package for pre-decision scrutiny to assure itself that the proposed decision is being taken in accordance with the council's principles of good decision making which are that:

When the council takes a decision it will:

- (a) be clear about what the council wants to happen, how it will be achieved, who is accountable for the decision and who is accountable for implementing it and monitoring implementation;
- (b) consult properly and have regard to the professional advice from its officers;
- (c) have regard to the public sector equality duty and respect for natural justice and human rights;
- (d) make the decision public unless there are good reasons for it not to be;

- (e) give due weight to all material considerations, only take relevant matters into account, and make sure the action is proportionate to what the council wants to happen;
- (f) explain what options were considered and give the reasons for the decision; and
- (g) follow proper procedures.

Q6: Why is the General Scrutiny Committee looking at the proposed by-pass route in addition to the forthcoming decision being taken by Cabinet on 27 July?

Ans 6: The General Scrutiny Committee has identified the Hereford by-pass as a forthcoming decision on the forward plan that is relevant to its remit. The committee has exercised its right to call in this cabinet decision in advance of it being taken. When a scrutiny committee has called-in a key decision from the forward plan before its due date, the decision cannot be called-in again after the final decision.

The committee have called in this decision because of the significant (county wide) community interest in the matter.

Q7: Will the scrutiny committee be looking at the same information as the cabinet?

Ans 7. The scrutiny committee will be considering the same evidence base and recommended route as to that being considered by the Cabinet on 27 July. The only additional information that it is expected will be published (on 19 July) with the cabinet papers will be the executive response to any recommendations made by the scrutiny committee at their 18 July meeting.

Q8: What exactly will the scrutiny committee be reviewing?

Ans 8: The purpose of the Committee meeting is:

Pre-decision call in is not intended to be a mechanism for voicing objection to or dislike of any particular decision; In accordance with the constitution it affords the opportunity for the committee:

- To consider the robustness of the evidence base;

- To consider whether the proposed recommendation to Cabinet is in accordance with the principles of good decision-making; and
- To determine any recommendations the committee wish the Cabinet to consider when making their decision.

Q9: What reports will be published ahead of the scrutiny and cabinet meeting?

Ans 9: There will be a number of substantial technical reports appended to the committee report. These reports will set out the bypass route selection process undertaken and the results which will include making a recommendation for cabinet to consider. These will also include a report detailing the feedback to the phase 2 consultation.