

**Chief Executive's Office**

Chief Executive: N.M. Pringle

**To: All Members of Cabinet:  
R.J. Phillips (Leader)  
G.V. Hyde (Deputy Leader)  
Mrs. L.O. Barnett  
P.J. Edwards  
Mrs. J.P. French  
J.C. Mayson  
D.W. Rule MBE  
R.V. Stockton  
D.B. Wilcox  
R.M. Wilson**

Your Ref:

Our Ref: NMP/CD

Please ask for: Mr. N.M. Pringle

Direct Line/Extension: (01432) 260044

Fax: (01432) 340189

E-mail: npringle@herefordshire.gov.uk

14th October, 2004

Dear Councillor,

**MEETING OF CABINET  
THURSDAY, 21ST OCTOBER, 2004 AT 2.15 P.M.  
COUNCIL CHAMBER, BROCKINGTON, 35 HAFOD ROAD, HEREFORD**

**AGENDA (04/09)**

**1. APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

**2. DECLARATIONS OF INTEREST**

To receive any declarations of interest by members in respect of items on this agenda.

**3. BUDGET 2005/06 AND BEYOND**

To consider the implications for the budget for 2005/06 and beyond arising out of the Government's Comprehensive Spending Review 2004. *(Pages 1 - 14)*

**4. SERVICE IMPROVEMENT PROGRAMME**

To endorse the approach to the Service Improvement Programme in the context of the report elsewhere on the agenda on the Revenue Budget 2005/06 and the dependent savings planned from the Service Improvement Programme. *(Pages 15 - 18)*

**5. REVIEW OF THE CONSTITUTION**

To update the Constitution to reflect changing legislation and Council requirements. *(Pages 19 - 50)*

**6. LOCAL AREA FORUMS**

To receive feedback on the September 2004 round of Local Area Forums, to note issues raised by the community and to identify any areas for development of this consultative tool. *(Pages 51 - 60)*

**7. COMPREHENSIVE PERFORMANCE ASSESSMENT REVISED SCORE CARD**

To receive the latest information on the Comprehensive Performance Assessment process and to report on the publication of the revised score card which is due to be published towards the end of the current calendar year. *(Pages 61 - 64)*

**8. REVIEW OF MANAGEMENT OF THE OUTBREAK OF LEGIONNAIRES DISEASE IN HEREFORDSHIRE - NOVEMBER 2003**

To consider the recommendations of the Health Scrutiny Committee to the Executive following its review of the management of the outbreak of Legionnaires Disease in Hereford. *(Pages 65 - 72)*

**9. SERVICE LEVEL AGREEMENT WITH THE WEST MIDLANDS REGIONAL ASSEMBLY FOR THE DELIVERY OF REGIONAL PLANNING FUNCTIONS**

To decide on a proposed Service Level Agreement between the West Midlands Regional Assembly and the Council for the delivery of regional planning body functions for the period 2004/05. *(Pages 73 - 74)*

**10. HEREFORDSHIRE UNITARY DEVELOPMENT PLAN (UDP): REPRESENTATIONS TO THE REVISED DEPOSIT DRAFT**

To consider representations to the Revised Deposit Draft UDP. *(Pages 75 - 76)*

**11. PLANNING AND COMPULSORY PURCHASE ACT 2004: LOCAL DEVELOPMENT SCHEME**

To approve the Local Development Scheme. *(Pages 77 - 98)*

**12. HOME POINT HEREFORDSHIRE ALLOCATIONS POLICY**

To approve the adoption of a revised allocations policy through which the eligibility and relative priority of applicants for housing, advertised through the Home Point partnership, will be determined. *(Pages 99 - 124)*

**13. STRATEGIC MONITORING COMMITTEE**

To note the report of the Strategic Monitoring Committee to Council. (Report to follow)

Yours sincerely,

A handwritten signature in black ink, appearing to read "Neil Pringle". The signature is written in a cursive style with a large, looped initial "P".

**N.M. PRINGLE**  
**CHIEF EXECUTIVE**

Copies to: Chairman of the Council  
Chairman of Strategic Monitoring Committee  
Vice-Chairman of Strategic Monitoring Committee  
Chairmen of Scrutiny Committees  
Group Leaders  
Directors  
County Secretary and Solicitor  
County Treasurer



## **The Public's Rights to Information and Attendance at Meetings**

### **YOU HAVE A RIGHT TO:-**

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- 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 the Cabinet, 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.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50, for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

Please Note:

Agenda and individual reports can be made available in large print or on tape. Please contact the officer named below in advance of the meeting who will be pleased to deal with your request.

The Council Chamber where the meeting will be held is accessible for visitors in wheelchairs, for whom toilets are also available.

A public telephone is available in the reception area.

### **Public Transport links**

- Public transport access can be gained to Brockington via the service runs approximately every half hour from the 'Hopper' bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

If you have any questions about this Agenda, how the Council works or would like more information or wish to exercise your rights to access the information described above, you may do so either by telephoning Mrs Christine Dyer on 01432 260222 or by visiting in person during office hours (8.45 a.m. - 5.00 p.m. Monday - Thursday and 8.45 a.m. - 4.45 p.m. Friday) at the Council Offices, Brockington, 35 Hafod Road, Hereford.

# **COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

## **FIRE AND EMERGENCY EVACUATION PROCEDURE**

In the event of a fire or emergency the alarm bell will ring continuously.

You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point J which is located at the southern entrance to the car park. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.





## BUDGET 2005/06 AND BEYOND

### PROGRAMME AREA RESPONSIBILITY: CORPORATE STRATEGY AND FINANCE

CABINET

21ST OCTOBER 2004

---

#### Wards Affected

Countywide.

#### Purpose

To consider the implications for the budget for 2005/06 and beyond arising out of the government's Comprehensive Spending Review 2004.

#### Key Decision

This is not a key decision.

#### Reasons

Final decisions on the budget for 2005/06 will be taken by full Council.

#### Considerations

1. The County Treasurer wrote to all members following the publication of the Comprehensive Spending Review 2004 providing an overview and initial conclusions.
2. Further work has been undertaken to assess the potential impact locally. Appendix 1 provides a summary of the main points.
3. It is important to stress that details of the impact of the Revenue Support Grant will not be available until the Provisional Settlement announcement, which is expected towards the end of November. The assessment of the impact locally, therefore, can only be based on the headline details currently available at a national level.
4. The major elements to highlight are as follows:
  - A continuing under-estimation of the additional cost pressures inherent in providing services in a rural setting within Revenue Support Grant funding.
  - Significant transfers for areas previously funded by Specific Grant at no cost to the Council taxpayer. The position is best illustrated in the area of Social Care where expenditure amounting to some £2,500,000 in 2005/06 will be transferred, yet the Comprehensive Spending Review 2004 shows a lower increase in FSS, compared with CSR 2002 figures, of 1.4% (i.e. equivalent to some £500,000 in Herefordshire's case).
  - Continued use of out of date census data. In some cases 1991 data is still

---

Further information on the subject of this report is available from  
Mr I Hyson, County Treasurer, on (01432) 260235

being used, most notably in Social Care, to the detriment of the Council and amounting in broad terms to some £2,000,000.

- Continued under-funding of Waste Management.
  - Real terms reduction in Highways funding with an increase of only 2.5% in 2005/06 and a cash freeze in the two following years.
  - Discontinuance of £1,200,000 additional grant received last year and equivalent to 2% on Council Tax.
5. The impact of the above issues combine to produce the toughest local government finance settlement that Herefordshire Council has seen in its relatively short existence.
  6. It is clear from Government pronouncements in recent months that the expectation is for Council Tax increases to be in “low single figures”, the precise definition of which remains unclear. ODPM, however, has stated that the expectation is for the average increase to be less than that for last year, i.e. 5.9%. Capping will remain as the means by which Government will seek to ensure that such is the case.
  7. An update of the current budget, to produce what to all intents and purposes is the “standstill” base budget, is contained at Appendix 4.
  8. The gap between the potential increase in Council Tax at a “standstill” budget, incorporating the changes to revenue support grant, and a more acceptable planning figure of 5.5% produces a funding gap of £4,000,000. Assuming limited investment in key priorities of £1,000,000, the gap increases to £5,000,000.
  9. The Council’s current medium term financial plan is clearly undeliverable against that backdrop, although key priorities will need to continue to be reviewed.

## **Closing the gap**

10. As outlined in the recent briefing for all councillors, the potential for budget reductions, to be considered by the Budget Panel in November, will be assessed in accordance with the following targets:
  - **2.5% Efficiency target**
    - £1 million procurement.
    - £1 million service improvement programme.
  - **Service targets**
    - Education – central driven.
    - Social Care – investment and generating own investment.
    - Environment £1.5 million.
    - Policy and Community £1 million.
    - Support Services £0.5 million.

11. The Council is embarking on a major programme of consultation which will help inform the final budget decisions to be taken.

## **Risk Management**

Due consideration of budget pressures is required to ensure that financial resources are aligned to the Council's strategic priorities and ensure that the Council sets a balanced budget for 2005/06.

## **Alternative options**

None.

## **Consultees**

None.

## **Background Papers**

None.



## SPENDING REVIEW 2004

### Purpose

1. To outline the key issues for to consider resulting from the Spending Review 2004 announced by the Chancellor of the Exchequer on 12 July 2004.

### Considerations

2. The Spending Review 2004 (SR2004) sets out the Government's overall spending plans for the three years from 2005 to 2008. A major element of this review is to set out the funding plans for Local Authorities.
3. The headline figures announced are for all local authorities and these can be used to forecast Herefordshire's allocation. However such a forecast cannot easily take into account factors which affect the Formula Spending Share (FSS) methodology and hence the final allocation to Herefordshire Council. The national totals are set out on Annex 1 and the derived figures for Herefordshire are set out on Annex 2. The remainder of this report summarises the main issues to be considered.

### Key Points

4. A major consideration in SR2004 is the requirements of the Gershon review into public sector efficiency. An efficiency target for local government is the requirement to achieve savings of £6.45 billion by 2007/08, or 2.5% a year. 40% of these savings are expected to be delivered through schools, 10% through policing and 35% derived through procurement in other services.
5. Local government funding will rise by an average of 2.7% in real terms between 2005/06 and 2007/08. Investment through capital support and PFI will increase by an average of 4.8% in real terms over the same period. Inferred Council Tax increases would be 6.7%, 5.5% and 5.1% for each year nationally, but this includes Fire and Police Authority Precepts.
6. Three-year budget settlements will be provided to allow planning with greater certainty.
7. Full FSS passporting will continue for Schools. An increase in the weighting factor for sparsity in the Education FSS formula should benefit Herefordshire. Significant efficiency gains of £4.3 billion are expected to be generated within schools. This figure does not seem wholly consistent with that quoted in paragraph 4.
8. The increase of 2.7% in real terms in Social Care FSS is not considered sufficient to meet demand. Support is being provided to foster greater partnership with NHS and also to help people live at home.
9. There is a cash freeze on the Highways Maintenance FSS with a 2.5% inflation increase for 2005/06 with zero increase for future years.
10. Magistrates courts will be transferred out of the Local Authority revenue settlement.
11. £340 million added to the 2004/05 settlement by Government has been confirmed as being a one off contribution and the FSS budgets have been adjusted accordingly.

12. Waste continues to be significantly underfunded.

### **Efficiency**

13. The efficiency targets have been stated above. Barry Quirk, Chief Executive of Lewisham, has been appointed to work with local authorities, government departments and other partners on the efficiency agenda to share and promote best practice on the ground. £25 million is available over 2004/05 and 2005/06 to support innovative programmes and Regional Centres of Excellence to promote best practice in procurement and achieve efficiency savings by streamlining back office functions and transactional services. A further £20 million will be available over 2006/07 and 2007-08 through the Capacity Building Fund.
14. A requirement is to strengthen links between central and local government through local PSAs; piloting Local Area Agreements to provide a common framework for departments to deliver additional funding and devolve decision making; and the pooling of some "existing funds" (although it was not stated which funds) into a Safer and Stronger Communities Fund.

### **Education**

15. All schools will have a guaranteed three-year budget from 2006/07. Education funding will rise by an average of 5.2% between 2005/06 and 2007/08 and full passporting will continue to apply. Schools FSS minimum increase for 05/06 is 5.5% per pupil. There is no extra funding over that previously announced in SR2002.
16. Schools will receive either the announced School Standards Grant (SSG) rate for 2005-06 or an increase of 4% per pupil in their SSG whichever is higher.
17. SR2004 includes a pilot of the extension of nursery education to 12,000 2-year olds in disadvantaged areas, to provide 100,000 new childcare places by 2008 and to provide £100m for building new Children's Centres. 1,000 more specialist schools to be designated, alongside up to 200 more academies by 2010.
18. Dfes is proposing a larger increase to the sparsity unit cost in the primary FSS formula in 05/06 by placing a higher weighting on the Sparsity element of the formula and will be subject to consultation. Clearly this may advantage Herefordshire.
19. Dfes estimates the national average standstill cost pressures on schools in 2005/06 is 3.8% - 4%, plus additional cost pressure for primary and nursery schools of 0.8% to 1% specifically in relation to workforce reform.
20. Efficiency gains of at least £4.3 billion are expected by 2007/08. Frontline professionals in schools (teachers) will be expected to use their time more productively to generate around 40% of the total efficiency gains

## **Social Care**

21. The announcement for social services states that the Government plans to invest £1,827 million more by 2007/08 than in 2004/05, equalling annual growth of 2.7 per cent in real terms. However the LGA response is that this does not meet the sum estimated to be needed to deliver personal social services.
22. FSS figures would appear to include the Preserved Rights transfer planned in SR2002 and the second-stage Residential Allowance transfer. The Preserved Rights grant equates to £1.8 million for Herefordshire with a further £0.7m for Residential Allowances, equivalent to some 7% of the Social Care budget).
23. Health and social care will work together to prevent avoidable hospital admissions. This is supported by the provision of £60 million over two years to support 20 joint projects between councils and NHS partners to provide integrated care for older people and measures to prevent hospital admissions.
24. Greater numbers of older people will be supported to live at home. This is supported by setting a new PSA target to increase intensive home care to 34 % of those supported to live at home or in residential care, and 1% year on year increases in the proportion of older people helped to live at home in 2007 and 2008. An extra £60 million is provided in investment towards Extra Care housing to provide additional alternatives to residential care and support older people to live independently in their own homes.
25. A new preventative technology grant will provide £80m over two years to fund local councils to provide alarm technology to 160,000 vulnerable elderly, helping to keep them safe and out of hospital.
26. New pilot projects will be funded to encourage innovative joined-up preventative services for the elderly across the NHS and social care.

## **Highways & Transport**

27. The main element from SR2004 is that there is a cash freeze on the Highways Maintenance FSS.
28. SR2004 proposes a greater involvement of local authorities and regional bodies in the decision-making process over transport investment, aimed at creating a more integrated system of transport, spatial and economic planning and implementation.
29. Changes to the way bus services are produced and subsidised (in some circumstances) as part of a wider set of measures to deliver improved bus services. Councils will be encouraged to look closely at Quality Contracts to deliver their local bus strategy. For areas that choose to procure bus services through this route, the Bus Operator Grant will no longer be paid. Instead a parallel sum will be transferred directly to the council for procurement of bus services.
30. SR2004 maintains support for council private finance, where this continues to represent the best value for money method of procurement, with the provision of £755 million more in transport Private Finance Initiatives credits by 2007/08 than 2004/05;

31. New PSA Targets for Transport, including targets to reduce urban and inter-urban congestion; increase the use of local public transport across the country; reduce the number of adults and children killed or seriously injured in road accidents; and improve air quality and help tackle climate change.
32. For transport overall the Spending Review provides an average annual growth of 4.5 per cent real terms over the three-year period. This provides £1.6 billion additional funding 2006/07 and 2007/08 to continue meeting the long-term profile of public expenditure set out in the 10 Year Plan for transport. £0.5 billion is provided as the permanent annual uplift to the 10 Year Plan from 2006-07. £1.7 billion is provided as a transport reform package to cover the immediate pressures over 2005/06 and 2006/07.

### **Environmental, Protective & Cultural Services:**

33. ODPM has confirmed that the extra £100m provided in 2004/05 was just a one-off.
34. The Civil defence grant of £19.1 million will roll into FSS in 2005/06, an additional £20m will be added in each of the 3 years over SR2004. Therefore an additional £39.1 million will be added into the EPCS FSS announced for 2005/06.
35. Correspondence with the OPDM suggests that the control total for 2005/06 £11,217 million has already included the transfer for magistrates Courts. A Unified Courts Administration Agency will be set up from April 2005 which brings together the magistrate courts and other civil and crown courts within the Unified Courts Administration. Current funding for the Magistrates Courts Committee who are responsible for the administration of magistrates courts is through the local government revenue settlement. Therefore the creation of the new Agency will involve a transfer of funding out of the local government settlement into the new Agency. The amount of this transfer out of EPCS FSS is estimated to be £82 million.
36. There is also another set of transfer regarding to Critical Ordinary Watercourse (COW). Prior to 2004/05, districts have been given responsibilities for COW, but in 2004/05 the Environment Agency, on a case by case basis, has started to take charge of the maintenance & improvements of COW. Therefore for 2005/06, it is likely to cause a transfer of funding out of Shire Districts flood defense expenditures to EA. At the moment, this is not believed to affect Counties in any way.
37. Waste continues to be significantly underfunded.

### **Housing**

38. SR2004 specified a 50% increase in spending on social housing by 2008 but few other details were provided.

### **Capital Financing**

39. The Capital Financing element of FSS will increase by 16.7% in 2005/06. However this includes PFI Special Grant and further information is required to analysis this. It is estimated for Herefordshire that the Capital Financing FSS will increase in the region of 11% for 2005/06.



## **Conclusion**

40. The precise detail of the SR2004 announcement is continuing to be analysed and disseminated by each government department. As further information is released it will be considered and further reports produced.
41. There are more negatives than positives resulting from SR2004. The efficiency targets appears to be a major cause of concern and the potential impact upon service delivery will need to be carefully considered as the requirements become clearer but are likely to be significant.
42. The resources for Social Care and Highways are considered to be inadequate to meet need.
43. On the positive side above inflation increases for education is welcome, as will be the greater recognition of sparsity in the Education FSS. However passporting continues and this area continues to be prescriptive, even more so with the implications of the Gershon review.
44. The headline increase in Council Tax at FSS, of 6.7%, is higher than Government will find acceptable with the Gershon saving of 2.5% promoted as the means to achieve lower increases.

**SPENDING REVIEW 2004****ANNOUNCED BY THE CHANCELLOR OF THE EXCHEQUER ON 12 JULY 2004****TOTAL FORMULA SPENDING SHARES**

	2004/05	2005/06	2006/07	2007/08
	£m	£m	£m	£m
Education	26,402	27,963	29,863	31,663
Personal Social Services	12,427	13,569	14,249	14,889
Police	4,355	4,553	4,768	4,993
Fire	1,848	1,898	1,961	2,035
Highways Maintenance	2,004	2,054	2,054	2,054
Environmental, Protective & Cultural Services	11,152	11,217	11,606	12,040
Capital Financing + PFI special grant	2,802	3,269	3,599	3,924
<b>Total of all FSS + PFI Special Grant</b>	<b>60,990</b>	<b>64,522</b>	<b>68,099</b>	<b>71,597</b>
Specified bodies	50			
PFI Special grant	415			
Formula Grant	41,956			
Net AEF	42,421	44,706	47,184	49,608
Balance (by inference, Council Tax)	18,569	19,817	20,916	21,989
<b>SR2004 increases</b>				
Education		5.9%	6.8%	6.0%
Personal Social Services		9.2%	5.0%	4.5%
Police		4.5%	4.7%	4.7%
Fire		2.7%	3.3%	3.8%
Highways Maintenance		2.5%	0.0%	0.0%
Environmental, Protective & Cultural Services		0.6%	3.5%	3.7%
Capital Financing + PFI special grant		16.7%	10.1%	9.0%
<b>Total of all FSS + PFI special grant</b>		<b>5.8%</b>	<b>5.5%</b>	<b>5.1%</b>
Net AEF		5.4%	5.5%	5.1%
Balance (by inference, Council Tax)		6.7%	5.5%	5.1%

## ANNEX 2

### SPENDING REVIEW 2004

### HEREFORDSHIRE COUNCIL PROJECTED FSS

	Final 04/05	Per SR2002	Per SR2004	05/06	Per SR2004	06/07	Per SR2004	07/08
Education	84,054	6.1%	5.9%	89,013	6.8%	95,066	6.0%	100,770
Social Care	36,186	10.6%	9.2%	39,515	5.0%	41,491	4.5%	43,358
Fire	-	3.0%	2.7%	-	3.3%	-	3.8%	-
Highways	8,665	2.4%	2.5%	8,882	0.0%	8,882	0.0%	8,882
EPCS	36,603	3.3%	0.6%	36,822	3.5%	38,111	3.7%	39,521
Capital Financing	7,595	17.1%	16.7%	8,864	10.1%	9,759	9.0%	10,637
<b>Total FSS</b>	<b>173,103</b>	<b>6.7%</b>		<b>183,096</b>	<b>5.6%</b>	<b>193,309</b>	<b>5.1%</b>	<b>203,168</b>
<b>Net Aggregate External Finance</b>	<b>111,308</b>			<b>117,160</b>		<b>123,747</b>		<b>130,058</b>
<b>Locally Financed</b>	<b>61,796</b>	<b>6.1%</b>	<b>6.7%</b>	<b>65,936</b>	<b>5.5%</b>	<b>69,562</b>	<b>5.1%</b>	<b>73,110</b>

as per Spending Review 2004:

<b>for capital financing</b>	16.7%	10.1%	9.0%
<b>for total FSS (inc Police)</b>	5.8%	5.5%	5.1%
<b>for AEF</b>	5.4%	5.5%	5.1%
<b>for locally financed</b>	6.7%	5.5%	5.1%

### Spending Review baselines for 2005/06 by Service Block

FSS Block	SR2002 Baseline	Resource Equalisation	Transfers (see table below) £m	SR2004 Baseline
	£m	£m		£m
Education	26,827.900	0.000	1,134.571	27,962.471
PSS	11,855.994	1,100.000	613.000	13,568.994
Fire	1,702.600	195.000	0.000	1,897.600
Police	4,395.300	569.283	(411.373)	4,553.210
Highways	2,105.100	(40.000)	(11.415)	2,053.685
EPCS	10,023.559	2,230.000	(1,036.471)	11,217.088
Capital Finance (incl. PFI SG)	3,322.813	(40.000)	(14.234)	3,268.579
Total FSS	60,233.266	4,014.510	274.078	64,521.854
Net AEF	44,432.266	0.000	274.078	44,706.344

### Transfers by Service Block

Block	Transfer	Amount £m
Education 2003-04	Teachers' Pensions	634.571
	Grants transferring to FSS	500.000
<b>Total Education</b>		<b>1,134.571</b>
PSS 2003-04	Free Nursing Care	(330.000)
	Promoting Independence	155.000
	Residential Allowances	93.000
	Deferred Payments	40.000
	Children's Grant	525.000
	Residential Allowances	130.000
<b>Total PSS</b>		<b>613.000</b>
Police 2004-05	Various	(411.373)
<b>Total Police</b>		<b>(411.373)</b>
Highways 2003-04	GLA	(11.415)
<b>Total Highways</b>		<b>(11.415)</b>
EPCS 2003-04	Regional Planning Conferences	(6.000)
	Concessionary Fares	50.000
	Supporting People	(19.000)
	Enterprise Bill	8.612
	HB/CTB Admin	(161.000)
EPCS 2004-05	Local Access Forums	0.900
	Core grant NP transfer out	(7.230)
	Rights of Way magistrates courts	0.450
	WEEE- End of Life vehicles	20.120
	Flood- EA Levies	(319.300)
	Rent Allowance Payments	(516.000)
	GLA	(6.743)
	High Hedges	0.750
	Magistrates Courts	(82.030)
<b>Total EPCS</b>		<b>(1,036.471)</b>
Capital 2003-04	Detrunking	1.833
Capital 2004-05	Detrunking	3.533
	PFI Magistrates Courts	(19.600)
<b>Total Capital</b>		<b>(14.234)</b>
<b>Total Transfers</b>		<b>274.078</b>

**“STANDSTILL” BUDGET 2005/06**

	<b>Total £'000</b>	<b>Education £'000</b>	<b>Other Services £'000</b>
<b>Base Budget 2004/05</b>	<b>175,320</b>	<b>84,054</b>	<b>91,266</b>
Provision for Pay & Price increases	6,014	2,648	3,366
	<b>181,334</b>	<b>86,702</b>	<b>94,632</b>
<b><u>Other Items</u></b>			
Transfer of Preserved Rights Grant into FSS	1,782		1,782
Transfer of Residential Allowance into FSS	754		754
Transfer of Civil Defence Grant into FSS	72		72
Transfer of Magistrates Budget	(316)		(316)
Education Budget at FSS	2,311	2,311	
Capital Financing Costs	910		910
Waste Management & Disposal	911		911
Job Evaluation	805		805
Corporate	224		224
West Mercia Supplies Savings	(200)		(200)
2nd Homes Discount - increased council tax income	(300)		(300)
<b>Standstill Budget 2005/06</b>	<b>188,287</b>	<b>89,013</b>	<b>99,274</b>
<b>Council Tax increase at 'Standstill'</b>	<b>11.9%</b>		
<b>Estimated Savings required to keep Council Tax increase to 5.5%</b>	<b>£4.05 million</b>		



# SERVICE IMPROVEMENT PROGRAMME

## PROGRAMME AREA RESPONSIBILITY: CORPORATE STRATEGY AND FINANCE

CABINET

21ST OCTOBER, 2004

---

### Wards Affected

County-wide

### Purpose

To endorse the approach to the Service Improvement Programme in the context of the report elsewhere on the agenda on the revenue budget 2005/06 and the dependent savings planned from the Service Improvement Programme.

### Key Decision

This is not a Key Decision

### Recommendations

- THAT (a) the continuation of the Service Improvement Programme be endorsed;**
- (b) the Cabinet Member (Human Resources and Corporate Support Services) be authorised to act as lead Member in relation to the programme and to recognise specifically that this role falls within the scope of the Cabinet Member's current responsibilities;**
- and**
- (c) the Director of Policy and Community be authorised to act as lead Director on behalf of Chief Executive's Management Team**

### Reasons

The identification of savings through the Service Improvement Programme is identified as a key plank of the financial strategy for 2005/06 - 2007/08 and it is essential that Cabinet reviews the way that the programme is resourced if it is to deliver the financial objectives which Cabinet is in the course of establishing as part of its revenue budget strategy.

### Considerations

1. The Service Improvement Programme was established some 15 months ago and in many ways anticipated the more recent debate based on the Gershon review. The purpose of the Programme was to look outside the normal areas of efficiencies and to try to drive out efficiencies in process. It was established on a part-time basis with the Cabinet Member (Human Resources and Corporate Support Services) and the Director of Policy and Community informally accepting the lead roles in relation to the Programme.

2. The work of the Programme was underpinned by a small team of officers released on a part-time basis from Directorates and Departments across the authority.
3. The Programme was initially established to look at individual areas of operation service by service and initial feasibility work had established that there were significant savings to be found if the Council was rigorous about the process. In practice, it has proved hard to maintain the modest progress initially envisaged for the Programme and it will be important for Cabinet to commit in a far more corporate way to the rigours of a disciplined service by service Programme. That same commitment is equally applicable to the Chief Executive's Management Team. What is proposed therefore is the creation of a lead Member role and lead Director role as set out in the recommendations if the objectives of the Programme are to be met. It does mean that Cabinet would be investing in both the lead Member and lead Director authority in relation to the Service Improvement Programme even where it involved other portfolio holders.
4. The lead Member would report directly to the Leader and Deputy Leader of the Council and the lead Director would report directly to the Chief Executive in relation to the Service Improvement Programme.
5. Alongside those arrangements for the leadership of the Programme, it is also proposed to strengthen the approach to the Service Improvement Board. The previous Programme had worked through a Board established on a part-time basis drawing membership from each of the Directorates and Departments. Whilst this was initially successful and there has been strong commitment from some members of the Board there have been lengthy vacancies in relation to the appointments from some Directorates and Departments and even where appointments have been made there have been examples of poor attendance.
6. That poor attendance is in part explained by the fact that there has not been a realistic process of releasing some of those staff nominated to serve on the Board from their existing duties. That also needs to be addressed if the Project Board is to deliver in accordance with expectations.
7. In addition to the formal recommendations, it is therefore intended that the lead Member and lead Director should have the authority to establish a Board on the basis of an initial secondment from existing duties. That level of capacity is required if the Council is to create the capacity necessary to support the savings required in the context of the forthcoming budget round.
8. There may also be limited scope for augmenting the work of the Project Board with external consultancy and it is proposed that part of the Development Fund might be utilised subject to a recommendation by the lead Member and lead Director.

## **Alternative Options**

There were a number of alternative options but most involve either resourcing the Programme to a higher or lower level or resourcing in a different way. It would for example be possible to attempt to deliver the whole Programme through consultancy, although that course is not recommended.

## **Risk Management**

Failure to achieve the indicative targets set out in the budget papers would involve increasing the reductions in the Council's budget in 2005/06 which have to be achieved by



reductions in service. If the necessary authority is not given to the lead Member and lead Director then there is a risk that the Programme will prove to be too slow in its delivery with consequential failure to meet the budget targets.

## **Consultees**

None identified.

## **Background Papers**

None identified



## REVIEW OF THE CONSTITUTION

### PROGRAMME AREA RESPONSIBILITY: HUMAN RESOURCES AND CORPORATE SUPPORT SERVICES

CABINET

21ST OCTOBER, 2004

---

#### Wards Affected

County-wide

#### Purpose

To update the Constitution to reflect changing legislation and Council requirements.

#### Key Decision

This is not a Key Decision.

#### Recommendation

**THAT Cabinet consider the amendments set out in Annex 1 and the accompanying Appendices to this Report and recommend their approval to the Council.**

#### Reasons

To ensure the Constitution meets all legal and operational requirements.

#### Background

1. The Constitution was originally adopted by the Council in 1999 and combines all the required governance provisions for a local authority, together with the more traditional standing orders to regulate public meetings and decision making. The Constitution is divided into 14 Parts, each of which sets out a particular aspect of the Council's operation. More detailed procedures are set out in separate Rules and Protocols appended to the Constitution.
2. The County Secretary and Solicitor is responsible under Standing Order 1.4.5 for monitoring and evaluating the operation of the Constitution and making recommendations for improvement as necessary.
3. The Constitutional Review Working Group (CRWG) met on 30 June 2004 and 7 September 2004 to consider a number of recommended revisions from the County Secretary and Solicitor required either to reflect legislative requirements or to meet changing Council needs. The CRWG recommendations are set out in detail in the Recommendations annexed to this Report and summarised below.

---

Further information on the subject of this report is available from  
Marie Rosenthal, County Secretary and Solicitor on (01432) 260200

## Planning Committee Matters

4. There has been a review of arrangements for determining planning matters. Changes are recommended in the following areas:

### 4.1 Head of Planning Services' Powers of Referral

It is considered that the Head of Planning Services' power to refer applications which have been considered by the relevant Area Planning Sub-Committee to the main Planning Committee is too narrow. Currently as drafted, the referral power can only be exercised if:

- A crucial policy is at stake or;
- the sub-committee's view might not be defensible if challenged.

The recent Asda application has also indicated the need for the Head of Planning Services to decide not to make a referral if the application is likely to be the subject of a call-in to the Secretary of State for determination outside the authority. Having to refer such cases through main Planning Committee having been determined at the Area Sub-Committee does cause unnecessary delay and uncertainty not only for applicants but also for persons affected by the development.

It is therefore proposed that the referral power be redrafted to allow the Head of Planning Services:

to refer

- applications which have been considered by the relevant Area Planning Sub-Committee where that Area Planning Sub-Committee is minded to make a decision which is contrary to the officer recommendation and which, in the opinion of the Head of Planning Services, should be considered at a strategic county-wide level; and

not refer:

- applications which have been considered by the relevant Area Planning Sub-Committee where that Area Planning Sub-Committee are minded to make a decision which is contrary to officer recommendation and which are likely to be the subject of a call-in for the Secretary of State.

- 4.2 Concerns have been expressed that the current referral procedure is not fully explained nor is it sufficiently independent of the Council's Planning Service. The current procedure was agreed by the Council at its meeting on 27 October 2000 and a procedure for referral was put into force. However, the referral procedure itself does not currently form part of the Constitution nor is it explained in the Officer Scheme of Delegation for Planning Matters. It is recommended that the procedure formally comprise part of the Officer Scheme of Delegation at Appendix 18 of the Constitution so that all members and applicants are aware of the details of the procedure and the timescales within which it should work.

### 4.3 Council Schemes

The procedure for determining applications for planning permission in relation to the Council's own developments has been considered. It is recommended that

responsibility for determining planning applications submitted by the Council for its own schemes should be determined by the main Planning Committee to ensure consistency of treatment across the County. Local Members would be able to attend and speak at the Committee to represent local views as necessary.

#### 4.4 **Members' Planning Applications**

As reported to Council in March by the Standards Committee, the Court of Appeal case (Richardson and Orme -v- North Yorkshire County Council) (recently upheld by the House of Lords) requires the Council to reconsider certain sections of the Planning Code of Conduct as currently drawn. In particular, the section dealing with **Applications in which a Member of the Council has an interest**. The House of Lords has since confirmed the Judgement that Councillors are required to be properly excluded from meetings where they have a prejudicial interest under agency laws. Whilst whatever a person has power to do himself he may do by means of an agent, the converse position similarly holds good that what a person cannot do himself he cannot do by means of an agent. Paragraph 39 of the Planning Code of Conduct which allows councillors to appoint an agent who can speak on their behalf in relation to individual applications therefore needs to be redrafted as follows:

“39. **You must take no part in the determination of the application. You must declare a prejudicial interest and leave the meeting and not seek to influence any decision made.** ~~You may, however, appoint an agent who can speak subject to Standing Order 5.11 (Public Speaking at Meetings of Planning Committee and Area Planning Sub-Committees) on your behalf.~~”

There are also some consequential tidying up amendments required to paragraphs 25, 26, 36 and 37 of the Planning Code of Conduct as shown in Recommendation 5 of the Annex.

#### 4.5 **Supplementary Planning Guidance**

There is no statutory basis for adoption of Supplementary Planning Guidance (SPG). SPG is widely used in planning practice as another material consideration in development control. The only legal requirements for SPG are:

- It must be supplementary to UDP Policy and not contrary to it.
- It must have been the subject of public consultation.
- It must be formally adopted by the Council.

Current practice is for the Planning Committee to consider any SPG following public consultation and then refer the matter to the Cabinet Member for formal approval. It is recommended that this approval process be confirmed in the Constitution by addition to both the Planning Committee and Cabinet Member (Environment) Terms of Reference.

## **Council Procedures**

5. There has been a review of Council procedures and a number of changes are recommended:

### 5.1 **Formal Questions at Council**

Standing Order 4.25 allows Councillors to ask formal questions at Council meetings provided they deposit a copy of their question with the relevant Cabinet Member or Chairman and the County Secretary and Solicitor by no later than 10.30am on the last working day before the relevant Council meeting.

This can and does result in formal questions being asked about matters which appear as the subject of formal reports to Council later on in the Council Agenda. This has the potential to lead to duplication on discussion of items and is potentially confusing when items in reports are debated later on in the meeting.

To date, the Chairman has used his discretionary powers to regulate Council meetings to rule that formal questions relating to items which will be the subject of report be taken at that time in the meeting. It is recommended that this mechanism be written into the Standing Orders.

Also, Members have been making use of e-mail to ask questions and relying on officers to notify the relevant Cabinet Member or Committee Chairman. There is also the risk as demonstrated recently of questions not being passed promptly by officers to the County Secretary and Solicitor. It is recommended that revisions be made to Standing Order 4.25.1 to reflect these matters.

## **5.2 Current Delegations in Relation to Employee Matters**

5.2.1 The Local Authority (Standing Orders) (England) Regulations 2001 issued under the Local Government Act 2000 make it clear that the function of recruitment, selection and dismissal of Council employees must be discharged by the Chief Executive (as Head of Paid Service) or his nominee and not elected Members.

It is recommended that a new Standing Order be added to Part 12 of the Constitution to clarify the role of members in these matters.

5.2.2 Changes are also required to Appendix 6 of the Constitution which deals with Appointment and Discipline of Staff to meet the requirements of the Local Authority (Standing Orders) (England) Regulations 2001 and the Employment Act (Dispute Resolutions) Regulations 2004.

The changes include the involvement of Cabinet Members in the appointment and employment matters concerning the Chief Executive, Directors, County Secretary and Solicitor, County Treasurer and Heads of Service.

5.2.3 Standing Order 2.5.12 prohibits Cabinet Members from serving on the Employee Appeals Panel. This needs to be revised to reflect the Cabinet and Cabinet Member (Human Resources and Corporate Support Services) responsibility in relation to these matters as permitted by the 2001 Regulations.

## **5.3 Arrangements for Local Area Forums (LAFs)**

The current drafting of the Constitution describes the role and remit of each Forum by reference to a fixed geographical area defined by reference to a named group of wards and named councillors. There is a concern that this approach is too constrained as issues arise from time to time which cross ward and LAF boundaries. It is also hoped that the LAFs will be used by other organisations to consult local communities. It is therefore recommended that Part 10 of the Constitution be revised as set out in Appendix 2 to the Annex of this Report and that the reference to LAFs be deleted in Appendix 20 "Membership of Area Based Bodies".

#### **5.4 The Independent Remuneration Panel**

The Council is required to take into account the advice of its Independent Remuneration Panel (IRP) before considering any changes to the Members' Allowances Scheme. The current Scheme was originally introduced in March 2002 and revised by the Council in May 2003. It is recommended that the Council agree to review its current Members' Allowances Scheme during 2006/07 before the new Council is elected in May 2007.

This will require the IRP to be reconvened in early 2007. The current membership comprises two representatives from the business sector (Personnel Manager, Special Metals Wiggins Limited and HR Director, Sun Valley Foods Ltd); one representative from the voluntary sector (Hereford Volunteer Centre); two representatives from the media (Editor, Hereford Times and Editor, Hereford Journal); and one representative from Unison was agreed by the Council in 2001.

It is recommended that this membership be continued for a further 3 year period and the relevant individuals or their nominees or successors be invited to serve at the appropriate time to ensure continuity and to reflect the requirements of the legislation.

#### **5.5 Control of Borrowing, Investments or Capital Expenditure**

Regulations coming into force on 19 May 2004 provide that the function of formulating a plan or strategy for the control of a local authority's investments is a function not reserved to the Cabinet (Local Government Authorities (Function and Responsibilities) (Amendment) (England) Regulations 2004).

It is therefore recommended that this function remain with the Council and the definition of the "Budget" in the Constitution at SO 4.1.3 be amended to include "Investments".

Regulation 13.2 of the Council's Financial Regulation will also require consequential amendment.

#### **5.6 The Policy Framework**

These are the plans and the strategies of the Council which the Local Government Act 2000 requires to be decided by full Council. In line with Government guidance, the Framework currently includes the current Housing Investment Programme Strategy (HIP). The Council can decide to delegate approval of this matter to the Cabinet if so recommended. It is recommended that following the transfer of the Council's housing stock to Herefordshire Housing Limited and the fact that there is no longer a need to produce an annual housing strategy, this be deleted from the Policy Framework. There is a requirement to have a Housing Investment Strategy that GOWM is satisfied is "fit for purpose". It is recommended this become part of the Cabinet Member's (Social Care and Strategic Housing) responsibility with an amendment to SO 6.14.1.

#### **5.7 Regulatory Sub-Committee**

The Council needs to agree the composition of the Sub-Committee which has been created from Regulatory Committee to determine individual applications for liquor licensing, gaming permits, public entertainment licenses and cinema licenses within Herefordshire. It is recommended that Standing Order 9.3.3 is revised to provide for a sub-committee of three councillors from the Regulatory Committee.

## **Programme Panels**

6. The Constitutional Review Working Group (CRWG) have considered a proposal raised by Councillor Mrs M.D. Lloyd-Hayes at the Council meeting of 30 July 2004 that the Council agree to reinstate Programme Panels when it next considers amendments to the Constitution. In putting her case Councillor Mrs Lloyd-Hayes stated that Programme Panels had allowed all Members the opportunity to influence Cabinet Members on a variety of issues. She said she spoke for a number of the newer, less experienced Councillors who were either not aware that they could discuss ward issues directly with Cabinet Members or Scrutiny Chairmen, or were reluctant to do so. The CRWG have reviewed the history of the introduction and operation of Programme Panels whose role was now undertaken by the Scrutiny Committees. There was a reluctance on the part of the CRWG to recommend the reintroduction of Programme Panels as this was seen as adding more bureaucracy to the decision making process. It is acknowledged that more work needs to be done to keep all Members informed, by offering more briefing seminars and raising awareness of the role of the Scrutiny Committees in holding the Executive to account and contributing to policy development and determining what issues they should consider. A review of scrutiny activity for the year 2003/04 has recently been undertaken which will report shortly providing an opportunity to review progress to date and scope for improvement.

## **Children's Bill and Review of Cabinet and Scrutiny Portfolios Generally**

7. The Children's Bill 2003/4/5 is due to be enacted. It will require the Council to appoint a lead executive member for Children's Services in respect of the following functions:
  - Functions conferred on or exercisable by the Council as Local Education Authority.
  - Functions conferred on or exercisable by the Council and social services functions so far as those functions relate to children.
  - Functions conferred on the Council in relation to children formally in the Council's care.
  - The new functions of establishing new children's services.
  - Any functions exercisable by the Council on behalf of any NHS body so far as those functions relate to children.
8. In the light of these changing requirements, it is recommended that one Cabinet Member be identified to take lead responsibility for Children's Services pending the outcome of the operational review and the enactment of the Children's Bill and that the Strategic Monitoring Committee take responsibility for monitoring the Cabinet's response to the Children's Bill.
9. A number of minor modifications to the existing Cabinet portfolios are also recommended as shown at Recommendations 18 and 19 of the Annex.
10. **Health Scrutiny Joint Committees**



- 10.1 Under section 7 of the Health and Social Care Act 2001, NHS bodies are required to consult with the local authority overview and scrutiny committees on any proposal for “substantial variation” or “substantial development” of services. In cases where the NHS body needs to consult more than one local authority health scrutiny committee (because its proposals will affect the residents of more than one local authority area) those local authorities are **required** to form a joint committee.
- 10.2 The need for action at this time has been promoted by consideration being given to the provision of cancer services by the Cancer Network Board, responsible for overseeing the provision of cancer services across Gloucestershire, Herefordshire and South Worcestershire. If these discussions lead to proposals which would constitute substantial variations to services, although there is no definite indication at this stage that that will be the case, a Joint Committee will need to be established with the other two authorities with Health Scrutiny Responsibilities who are affected: Gloucestershire County Council and Worcestershire County Council. However, there are any number of situations which could arise requiring a Joint Committee to be established.
- 10.3 There is currently no provision for joint health scrutiny committees in the Constitution. The power to make such provision rests with the Council and the Council needs to authorise an amendment to the Constitution accordingly. It is therefore recommended that provision be made in the Constitution for the formation of health scrutiny joint committees to allow the Council to participate in joint committees with other local authorities when reviewing NHS services across a number of areas.
- 10.4 Constitutional issues which the Council needs to consider include appointment, membership, terms of reference and composition.
- 10.5 A complication arises in that the composition is not determined by local authorities themselves but by the patterns of service use of the health body that is proposing the changes to the service provision.
- 10.6 It appears that it would be feasible for a general set of rules governing the formation of any joint committee established in the area to be agreed. This will need time to prepare in consultation with other authorities. It is recommended, on the basis that the Council will approve these general principles, that arrangements for the establishment of specific joint committees including terms of reference be approved by the County Secretary and Solicitor after consultation with Group Leaders and the Chairman of the Health Scrutiny Committee.

## **Financial Regulations and Associated Amendments**

11. The current financial regulations have been in force for a number of years and a revised version of financial regulations reflecting a number of practical issues is recommended for approval.

## **Alternative Options**

There are no alternative options.

## **Risk Management**

The Constitution needs to reflect legal and operational requirements to avoid legal challenge to decision making.

## **Consultees**

Constitutional Review Working Group

Strategic Monitoring Committee

## **Background Papers**

- Making Joint Health Scrutiny Committees Work - DHN
- Government Guidance on Overview and Scrutiny of Health
- Health and Social Care Act 2001
- Directions to Local Authorities (Overview and Scrutiny Committee) 17 July 2003
- Herefordshire Council Planning Committee Minutes 2003/04
- Agenda and non-confidential Report to Constitutional Review Working Group – 30 June 2004 and 7 September 2004

**PROPOSED AMENDMENTS TO THE CONSTITUTION 2004/05**

<b>Matter</b>	<b>Amendment</b>
<b>Head of Planning Referrals</b>	<p>1. The referral power set out at SO 9.1.2.1 be redrafted to also allow the Head of Planning Services to:</p> <p>(i) refer applications which have been considered by the relevant Area Planning Sub-Committee where that Area Planning Sub-Committee is minded to make a decision which is contrary to the officer recommendation and which, in the opinion of the Head of Planning Services, should be considered at a strategic county-wide level; and</p> <p>(ii) not refer applications which have been considered by the relevant Area Planning Sub-Committee where that Area Planning Sub-Committee are minded to make a decision which is contrary to officer recommendation and which are likely to be the subject of a call-in for the Secretary of State.</p>
<b>Planning Committee Scheme of Delegation to incorporate Referral Procedure</b>	<p>2. That the referral procedure set out at Appendix 4 be agreed and included with the Planning Committee Scheme of Delegation to Officers within Appendix 18 of the Constitution.</p>
<b>Council Schemes</b>	<p>3. The Planning Committee's terms of reference to include "determine applications for planning permission in relation to decisions in respect of any application relating to the Council's own development or to the development of land owned by the Council" and that this function be deleted from the terms of reference of the Area Planning Sub-Committees as set out in SO 9.2.2.1.</p>
<b>Planning Code of Conduct</b>	<p>4. Paragraph 39 of the Planning Code of Conduct (Appendix 13 of the Constitution) be amended in the light of recent case law as follows:</p> <p>You must take no part in the determination of the application. You must declare a prejudicial interest and leave the meeting and not seek to influence any decision made. <del>You may, however, appoint an agent who can speak subject to Standing Order 5.11 (Public speaking at meetings of Planning Committee and Area Planning Sub-Committees) on your behalf.</del></p> <p>5. Tidying up amendments be made to paragraphs 25, 26, 36 and 37 of the Planning Code of Conduct, as follows:</p>

<p>“Material Submitted to Committee</p> <p>25 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 Planning Service.</p> <p>26 Relevant documents in connection with an application should all be dealt with in the officer’s report on Committee. Any additional information received after the preparation of that report up to 17.00 hours on the day before the Committee meeting will also be brought to the attention of the Committee <u>if they raise new and relevant material planning matters</u>. Papers received after that <del>time</del> will normally be discounted, since time will not be available to check their accuracy or to give consideration to their implications.</p> <p>Non Members of Planning Committee Attending Meetings</p> <p>36 You may attend meetings of the Council’s Planning Committees even if you are not a member <u>unless you have a prejudicial interest</u>. You may speak but not vote on items under the procedures laid down in the Constitution. When you attend any Planning 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. When you speak at the meeting, either the Chairman of the Committee in calling upon you to speak or you in speaking should make it clear upon what basis you are taking part in the meeting, and that you have no right to vote on the application concerned. The rules on declaring interests set out at paragraphs 27-30 of this Code apply at all times.</p> <p>Decisions Contrary to Officer Recommendations or to Development Plan Policies</p> <p>37 From time to time, there will be occasions when you or the Committee of which you are a Member disagree with the professional advice on an application given by the Head of Planning Services. In such cases the reasons for differing from the professional advice received should be specified in the resolution of the Committee, along with the reasons for refusing an application recommended for approval or the conditions to be imposed on any approval in a case recommended by officers for refusal. The same provisions apply to decisions taken contrary to Development Plan policies. <del>Decisions of Area Sub-Committees which depart from the Council’s Planning Policy or raise critical policy issues</del> These cases will be referred to the Head of Planning Services for <u>decision consideration</u> as to whether the decision on the application in question should be referred to the main Planning Committee for <del>further comment</del> <u>determination</u> in accordance with <u>the Council’s Constitution</u>.”</p>	<p>6. Approval of Supplementary Planning Guidance issued by the Council be added to the Terms of Reference of both the Planning Committee (at SO 9.1.2) and the Cabinet Member (Environment) (at SO 6.10.1.1)</p>
<p><b>Supplementary Planning Guidance</b></p>	

**CABINET  
21 OCTOBER 2004  
REVIEW OF THE CONSTITUTION**

**ANNEX 1**

<p><b>Formal Questions at Council</b></p>	<p>7. The following revisions be made to Standing Order 4.25.1:</p> <p>(a) "You may, as long as a copy of the question is deposited in writing or by e-mail with the County Secretary and Solicitor (or his/her nominated officer) by no later than 10.30am on the last working day before the relevant Council meeting, ask a Cabinet Member or Committee Chairman a question relevant to a matter in relation to which the Council has powers or duties or which affects the County; any such questions to be asked in accordance with the provisions of Standing Order 4.13.</p> <p>(b) Where the Chairman believes that a reply to a question can more conveniently be given by the relevant Cabinet Member or Committee Chairman as part of a report before Council elsewhere on the agenda, the Chairman shall rule that the question be put as part of that report at the appropriate time."</p>
<p><b>General Employment of Officers and Employees</b></p>	<p>8. Standing Order 12.13 be added to clarify the role of Members, as follows:</p> <p>"12.13 General Employment</p> <p>The function of recruitment, selection and dismissal of officers will be discharged, on behalf of the Council, by the Chief Executive, as Head of Paid Service, or by an officer nominated by him/her in accordance with the requirements of Appendix 6."</p>
<p><b>Appointment and Discipline of Staff</b></p>	<p>9. The amendments to Appendix 6 of the Constitution as shown in Appendix 1 to this Annex be approved.</p>
<p><b>Employee Appeals Panel</b></p>	<p>10. Standing Order 25.1.2 be revised as follows:</p> <p>No Member of the Cabinet should hold a seat on a Committee, other than the Planning Committee, the appropriate Area Planning Sub-Committee, the Appointments Committee and the Employee Appeals Panels, but may serve on the Voluntary Sector Grants Panel and, as appropriate, other bodies established to carry out executive functions.</p>
<p><b>Local Area Forums (LAFs)</b></p>	<p>11. Part 10 of the Constitution be revised as set out in Appendix 2 to this Annex and that the reference to LAFs be deleted in Appendix 20 "Membership of Area Based Bodies".</p>
<p><b>Independent Remuneration Panel</b></p>	<p>12. The current membership of the Independent Remuneration Panel be continued for a further three year period and the relevant individuals or their nominees or successors be invited to serve at the appropriate time to ensure continuity and to reflect the requirements of the Legislation and Appendix 15 of the Constitution be revised to include these details.</p>

**CABINET  
21 OCTOBER 2004  
REVIEW OF THE CONSTITUTION**

**ANNEX 1**

	to reflect the requirements of the legislation and Appendix 15 of the Constitution be revised to include these details.
<b>Definition of Budget</b>	<p><b>13.</b> The definition of the “Budget” at Standing Order 4.1.3 be amended to include “investments”; and Regulation 13.2 of the Council’s Financial Regulations be amended as follows:</p> <p>“The investment or utilisation of capital money in hand or other accumulations, including trust money, and the sale or realisation of all investments shall be carried out by the County Treasurer in accordance with such policy as the Council shall determine.”</p>
<b>Policy Framework – Renewal of Housing Investment Programme</b>	<p><b>14.</b> The Housing Investment Programme be removed from the Policy Framework and its approval be added to the terms of reference of the Cabinet Member (Social Care and Strategic Housing).</p>
<b>Regulatory Sub-Committee</b>	<p><b>15.</b> Standing Order 9.3.3 be amended as follows:</p> <p>“9.3.3.2 Composition</p> <p>The Regulatory Sub-Committee will consist of three Councillors drawn from the membership of the Regulatory Committee.”</p>
<b>Programme Panels</b>	<p><b>16.</b> That Programme Panels not be re-instated but that the future development of the role of the Scrutiny Committees be explored as part of the annual review of scrutiny and consideration be given to incorporating significant issues in the relevant committees’ work programme with a view to involving members in issues of local interest.</p>
<b>Cabinet and Scrutiny Portfolios for Children</b>	<p><b>17.</b> An existing Cabinet Member be designated lead member for Children’s Services on an interim basis with the following additional functions:</p> <ul style="list-style-type: none"> <li>• Functions conferred on or exercisable by the Council as Local Education Authority.</li> <li>• Functions conferred on or exercisable by the Council and social services functions so far as those functions relate to children.</li> <li>• Functions conferred on the Council in relation to children formally in the Council’s care.</li> <li>• The new functions of establishing new children’s services.</li> <li>• Any functions exercisable by the Council on behalf of any NHS body so far as those functions relate to children.</li> </ul>

**CABINET  
21 OCTOBER 2004  
REVIEW OF THE CONSTITUTION**

**ANNEX 1**

<p><b>Farmers Markets</b></p>	<p><b>18.</b> Responsibility for Farmers' Markets transfers from the Cabinet Member (Economic Development, Markets and Property) to the Cabinet Member (Rural Regeneration and Smallholdings).</p>
<p><b>Revenue and Benefit, WMS and General Procurement of Goods and Services</b></p>	<p><b>19.</b> Responsibility for the revenues and benefits service, purchasing and joint arrangements with West Mercia Supplies and arrangements for the procurement of goods and services for the Council transfers from the Leader to the Cabinet Member (Human Resources and Corporate Support Services);</p>
<p><b>Health Scrutiny Joint Committees</b></p>	<p><b>20.</b> The County Secretary and Solicitor be authorised to agree, in consultation with neighbouring authorities, a general set of rules governing the formation of any joint committee, in consultation with Group Leaders.</p>
<p><b>Financial Regulation and Associated Amendments</b></p>	<p><b>21.</b> that:</p> <ul style="list-style-type: none"> <li>(a) the terms of reference of the Statutory Accounts Committee be amended to read "To approve the Council's accounts and associated reports each year"; and</li> <li>(b) the revised Financial Regulations as attached at Appendix 3 to this Annex be approved.</li> </ul>





## APPOINTMENT AND DISCIPLINE OF STAFF

### 1. INTRODUCTION

- 1.1 In this Appendix "Director", for the purpose of this Appendix, applies to the following officers of the Council:
- a. Chief Executive (Head of Paid Service)
  - b. Director of Education
  - c. Director of Environment
  - d. Director of Policy and Community
  - e. Director of Social Care and Strategic Housing
  - f. County Secretary and Solicitor (Monitoring Officer)
  - g. County Treasurer (Section 151 Officer)

This Appendix (except paragraphs 8 and 9) shall not apply to teachers.

### 2. DIRECTORS - APPOINTMENTS

- 2.1 When a vacancy occurs in any of the posts mentioned in paragraph 1.1 the Chief Executive, after consultation with the relevant Cabinet Member, shall review the terms and conditions of employment attaching to the post and determine if any alterations are required.
- 2.2 The Chief Executive shall arrange for the post to be advertised in a manner designed to attract the maximum interest from suitably qualified persons following consultation with the relevant Cabinet Member.
- 2.3 The Chief Executive in consultation with the relevant Cabinet Member or the Leader, shall:
- a. Agree a statement specifying the duties of the vacant post, the qualifications and qualities sought in the person to be appointed, and a copy of this documentation shall be supplied to any person on request;
  - b. Make arrangements for the shortlisting and appointment of applicants by a Panel of Members to which appointments will be made by the Chief Executive in consultation with political group leaders. The composition of the Panel shall, as near as may be, reflect the rules on proportionality between the political groups on the Council and must include at least one member of the Cabinet. In addition to the powers for

shortlisting and appointments, the Panel shall also have responsibility as required to determine the terms and conditions of Director's contracts of employment. The Chief Executive will be invited to advise the Panel.

- c. Following the shortlisting described in **2.3.b** above, interviews shall be conducted by a Panel of Members which, as near as may be, shall reflect the rules on proportionality between the political groups on the Council. The appointments to the Panel will be made by the Chief Executive in consultation with political group leaders. The Chief Executive and Head of Personnel Human Resources will be invited to advise the Appointments Panel save in the case of the appointment to the post of Chief Executive when the Head of Personnel Human Resources and the Monitoring Officer shall be invited to attend to give advice on personnel and procedural issues respectively.
- d. The Panel shall submit to every member of the Cabinet for comment by a specified date and time the name of the candidate recommended for appointment save that additionally in the case of ~~Chief Executive~~ the Head of Paid Service, Monitoring Officer and Section 151 Officer, the name of the candidate recommended for appointment shall be submitted to the Council for appointment.

2.4 An offer of employment as Director shall only be made where no material or well-founded objection has been received by the Chief Executive from the Leader on behalf of the Cabinet within the specified time limit.

### **3. DIRECTORS - DISMISSAL OR OTHER DISCIPLINARY ACTION RELATING TO ALLEGED MISCONDUCT**

- 3.1 Save in the case of the Head of Paid Service, Monitoring Officer and Section 151 Officer, Any question of dismissal, non-renewal of contract, or disciplinary action relating to alleged misconduct in regard to any Director shall be determined by a Panel convened in accordance with paragraph 2.3(b) ~~the Council on the recommendation of a Special Committee convened by the Chairman of Council and comprising the Chairman of the Council, the Leader of the Council and the relevant Cabinet Member, together with not less than one and not more than two other Councillors selected by the Leader of the Council in accordance with the rules of "political proportionality" required by Section 15 of the Local Government and Housing Act 1989.~~
- 3.2 No disciplinary action, other than suspension on full pay for a period not exceeding two months for the purpose of investigating the alleged misconduct occasioning the action, shall be taken against the Chief Executive, Monitoring Officer and Section 151 Officer, otherwise than in accordance with a recommendation to the Council for a decision in a report made by a designated independent person under Regulation 3 of the Local Authorities (Standing Orders) Regulations 1993 and Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigation of alleged misconduct).
- 3.3 Any Director subject to possible dismissal or other disciplinary action shall have the right to be informed as to the basis of any action which may be taken and to appear before the Special Committee Panel (see 3.1 above) ~~prior to a recommendation being made to~~

~~Council.~~

- 3.4 The Director concerned shall also have the right to ~~appear before the Council (at a meeting at which consideration will be given to the passing of any resolution under Section 100A(4) of the Local Government Act 1972) when the report of the Special Committee is received.~~appeal in accordance with the Employment Act 2000 (Dispute Resolution) Regulations 2004 to a Special Committee convened by the Chairman of the Council and comprising the Chairman of the Council, the Leader of the Council and the relevant Cabinet Member, together with not less than one and not more than two other Councillors in accordance with the rules of "political proportionality" required by Section 15 of the Local Government and Housing Act 1989.
- 3.5 ~~The Panel or Special Committee (as the case may be) shall submit to every Member of Cabinet for comment by a specified date and time the name of the Director recommended for dismissal.~~
- 3.6 ~~Notice of dismissal shall only be given where no well-founded objection has been received by the Chief Executive from the Leader on behalf of the Cabinet.~~

**4. APPOINTMENTS PROCEDURE**

- 4.1 Every appointment other than is mentioned in paragraph 1.1 shall be made in accordance with the Council's appointments procedure incorporated in the Personnel Handbook.
- 4.2 ~~Appointment of officers below deputy chief officer is the responsibility of the Head of Paid service or his/her nominee and may not be made by councillors.~~

**5. VACANCIES TO BE ADVERTISED**

- 5.1 All vacancies shall be publicly advertised, except where otherwise determined by the Chief Executive following consultation with the Leader.

**6. VOTING ON APPOINTMENTS**

- 6.1 Where two or more candidates are being interviewed for an appointment to a post ~~under~~with the Council, and there is not a majority of votes cast at the relevant meeting 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.

**7. PAYMENT OF EXPENSES**

- 7.1 Every candidate, who attends for interview in connection with any vacant appointment, shall be reimbursed their expenses in accordance with the conditions of service approved by the appropriate Joint Industrial Council or other similar Negotiating Committee as amended, adopted or varied by the Council. In the event of no scale of allowance having been prescribed, the candidate shall be paid their actual and reasonable travelling and out-of-pocket expenses.

## 8. CANVASSING OF COUNCILLORS

- 8.1 Canvassing of Councillors or of co-opted members of any committee or other body directly or indirectly, for any appointment under the Council, shall disqualify the candidate concerned for the appointment. This requirement shall be stated in any application form issued.
- 8.2 A Councillor or a co-opted member of a committee or other body shall not solicit for any person any appointment under the Council, but shall not be precluded from giving a written testimonial, where named as a referee by the candidate, of a candidate's ability, experience or character ~~to the Chairman of the body concerned.~~

## 9. RELATIVES OF COUNCILLORS OR OFFICERS

- 9.1 Every candidate for any employment by the Council who knows that they are related to any Councillor, any co-opted member of a committee or other body or senior officer of the Council, shall disclose that relationship in their application. Failure to do so shall render the candidate disqualified for the appointment and, if appointed, liable to dismissal. The intent of this paragraph must be made clear in any form of application for a relevant appointment or, where no such form is issued, be notified to every shortlisted candidate prior to interview.
- 9.2 Every Councillor, co-opted member of a committee or other body and senior officer of the Council, shall inform the County Secretary and Solicitor in writing of any relationship known to them to exist between themselves and any person whom they know is a candidate for an appointment under 9.1 above, as soon as they are aware of that person's candidature. The County Secretary and Solicitor shall report any such disclosure to the persons or body making the appointment. No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.
- 9.3 For the purpose of this Appendix, 'senior officer' means Director, Head of Service and any other officer holding an appointment on Principal Officer's Grade 1 equivalent or above, and persons shall be deemed to be related if they are the spouse, parent, grandparent, child (including step child and adopted child), grandchild, brother, sister, uncle, aunt, nephew, niece or first cousin of an existing Councillor, or senior officer or of the partner of such a person.

## 10. SUSPENSION AND DISMISSAL OF STAFF

10.1 Councillors will not be involved in the dismissal of any officer below deputy chief officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Council's disciplinary, capability and related procedures or as adopted from time to time to allow a right of appeal to members in respect of disciplinary action.

10.42 The following paragraphs (10.23 – 10.67) are subject to:

- a. Any conditions of service approved by the National Joint Council for Local Government Services as amended, adopted or varied by the Council;

- b. Any conditions of service approved by the Joint Negotiating Committees for Local Authorities' Services (Building, Civil Engineering and Engineering Craftsmen) as amended, adopted or varied by the Council;
- c. Any conditions of service approved by the Joint Negotiating Committee for Youth Workers and Community Centre Wardens as amended, adopted or varied by the Council;
- d. Any conditions of service agreed between the Council of Local Education Authorities and the recognised trades unions in relation to teaching staff in schools as amended, adopted or varied by the Council, and also to any provisions relating to teaching staff in the Articles of Government of such establishments;
- e. Any special conditions of service prescribed by the Articles of Government of colleges and Voluntary Aided schools in relation to non-teaching staff in such establishments;

10.23 \_A Director shall have the power to dismiss any employee:-

- a. Who is employed under a fixed-term or temporary contract of employment which is about to expire;
- b. Whose post is or is about to become redundant;
- c. On the expiry of an agreed probationary period where performance of their duties has been unsatisfactory;
- d. Who has been medically certified to be incapable of discharging their duties by reason of ill-health; or
- e. Who has reached normal retirement age.

10.34 A Director, or any member of their staff nominated by them for the purpose of this Appendix, shall have the power to suspend any employee suspected of potential gross negligence or gross misconduct where such suspension shall, in the opinion of the Director or nominated officer,

- a. Be necessary to enable the alleged negligence or misconduct to be investigated, or
- b. Be otherwise desirable in the interests of the Council or the employee.

10.45 During any such period of suspension, the employee shall be entitled to full salary or wages, subject to any agreement to the contrary that they may reach with the Council.

10.56 A Director, or any member of their staff nominated by them for the purpose of this Appendix, shall have the power:-

- a. To dismiss with due notice any employee whose standards of conduct or efficiency are unsatisfactory;

- b. To dismiss any employee without notice where satisfied on reasonable enquiry that the employee has been guilty of gross misconduct;

~~Subject to consultation with the County Secretary and Solicitor.~~

- 10.67 Any employee dismissed in pursuance of paragraph 10.56 shall have a right of appeal as described in the Council's Disciplinary Procedure. Where a dismissal is confirmed by the Employee Appeals Panel, the employee shall not be entitled to payment of salary or wages in respect of the period between the date of the dismissal and the date of the appeal if he or she was dismissed under paragraph 10.56.b above, or in respect of the period (if any) between the expiry of the notice and the date of the appeal if he or she was dismissed under paragraph 10.56.a above. Where an appeal against dismissal is upheld, the employee shall be entitled to payment of salary or wages in respect of any such period.

#### 11. APPOINTMENT AND DISMISSAL OF DEPUTY CHIEF OFFICERS (HEADS OF SERVICE)

- 11.1 The appointment of Deputy Chief Officers is the responsibility of the Chief Executive as Head of Paid Service or his / her nominee.
- 11.2 The Chief Executive shall submit to every member of Cabinet for comment by a specified date and time the name of the candidate recommended for appointment as Deputy Chief Officer.
- 11.3 An offer of employment of a Deputy Chief Officer shall only be made where no material or well-founded objection has been received by the Chief Executive from the Leader on behalf of the Cabinet within the specified time limit.
- 11.4 The Chief Executive shall submit to every member of Cabinet for comment by a specified date and time the name of any Deputy Chief Officer recommended for dismissal.
- 11.5 The dismissal of a Deputy Chief Officer shall only be made where no material or well-founded objection has been received by the Chief Executive from the Leader on behalf of the Cabinet within the specified time limit.

## PART 10

# LOCAL AREA FORUMS

### 10.1 COMPOSITION

**10.1.1** The Council has a policy of helping to build and sustain local communities. It is the Council's Policy to consult widely and to work within those communities.

**10.1.2** The Council will ~~designate areas for establish~~ Local Area Forums (LAFs) to undertake these roles across Herefordshire. Local Area Forums will meet on a regular basis at locations around the County to ensure ease of access for all. Local Area Forums will be designated by reference to wards. Councillors for those wards will become members of the relevant LAF. There will be occasions where the interests of a particular ward relate to more than one LAF; in these circumstances the Ward Member will also be eligible to attend and participate in an adjacent LAF.

**10.1.3** ~~Membership of each LAF will be decided by the Council as set out above.~~ The Leader of the Council, or a Cabinet Member nominated by him/her to act on his/her behalf will have the right to participate in each of the LAFs. The role of the Leader or Cabinet Member so nominated will be to hear the views of the LAF and when applicable represent the Cabinet's views to them.

**10.1.4** ~~The ward composition and Councillor Membership of the LAFs is shown at Appendix 20.~~ There will be six LAFs meeting in the following areas:

- Central Herefordshire
- East Herefordshire
- Golden Valley
- Hereford
- North Herefordshire
- Ross on Wye

**10.1.5** The Chairman of each LAF will be a Herefordshire Councillor and will be appointed by Group Leaders.

### 10.2 TERMS OF REFERENCE

**10.2.1** The principal roles of a Local Area Forum will be :

- To consider the impact of Council policies and services on the area;
- To consider the impact of policies and services provided by other public bodies, Council partners and other organisations operating in Herefordshire.
- To propose to the Cabinet, policy and service delivery modifications to better serve the needs of the local area;
- To act as a focus for the area, co-ordinating local efforts where appropriate and acting as one of Herefordshire's means of consultation on policy and service delivery and other proposals.

### **10.3 CONDUCT OF BUSINESS ETC**

**10.3.1** Whilst conforming with Standing Order **5.8.3** with regard to notice etc., each LAF will develop its own method of working, following any legal and good practice requirements for the conduct of meetings. The Cabinet will from time to time issue procedural advice on the management of the Forums.

**10.3.2** The LAF is not a decision making body and generally speaking, there will be no formal votes taken. A consensus of opinion will be reported to Cabinet, where appropriate.

**10.3.3** In the event of the Chairman of the LAF not being present the Councillors present will elect a Chairman for that meeting from amongst their number.



## FINANCIAL REGULATIONS

### 1. General

- 1.1 These Regulations apply to all Directorates and officers of the Council except where arrangements are made under the scheme for the Local Management of Schools.
- 1.2 The County Treasurer will be responsible under the general direction of the Cabinet for determining the basis for all accounting procedures and financial records of the Council and for exercising a currency provision and check over all financial matters, including handling cash and stores or other Council property.
- 1.3 Reference in these regulations to the County Treasurer will also include any officer nominated by the County Treasurer to act on his or her behalf for the relevant regulation.
- 1.4 Directors will consult the County Treasurer with respect to any matter within their area of responsibility that is liable to materially affect the finances of the Council before any provisional or other commitment is incurred or before reporting the matter to a Cabinet Member.
- 1.5 Every appropriate report to Cabinet Members will contain a statement setting out the financial implications of the recommendation proposed.
- 1.6 Directors will be responsible for supplying the County Treasurer with all information necessary for the proper administration of the Council's financial affairs. Directors will allow the County Treasurer, and his or her authorised representatives, access to all documents and records they keep.
- 1.7 The following divisions of duties will be observed in the allocation of financial responsibilities to staff:
  - (a) The duties of providing information regarding money due to or from the Council (including calculating, checking and recording) will be separated as completely as possible from the duties of collecting or dispersing of such money;
  - (b) Officers charged with the duty of examining and checking the accounts of each transaction will not themselves be engaged in any of those transactions.
- 1.8 These Regulations will be read in conjunction with the overall Financial Standing Orders and any resolutions that the Council may pass from time to time.

### 2. Annual Estimates and Budget

- 2.1 The Directors and the County Treasurer shall jointly prepare estimates of income and expenditure on the Revenue Account and estimates of receipts and payments on the Capital Account.
- 2.2 The County Treasurer will specify the format of estimates, the details required as part of the process and the date that they will be completed.

### 3. Financial Planning

- 3.1 Any report for a project or policy of a capital nature will include details of:
  - (a) The estimated cost of the proposal;
  - (b) Any phasing of the capital expenditure;

- (c) The proposed method of financing, whether by loan, revenue or otherwise;
  - (d) The effect on the revenue estimates in the first and subsequent years;
  - (e) The additional staff and grades required both initially and ultimately;
  - (f) An assessment and measurement, where possible, of the need for a scheme and the benefits it will produce; and
  - (g) Alternative approaches to meeting the need should be indicated and evaluated.
- 3.2 These assessments are the responsibility of the Director and the County Treasurer, with appropriate input from the Management Team, as necessary.

#### **4. Budgetary Control**

- 4.1 Directors will be responsible for budgetary control of the estimates relevant to their Directorate and, after consultation with the County Treasurer, will keep the relevant Cabinet Member informed of any significant variations.
- 4.2 Directors have authority to vary expenditure between individual budget heads:
- (a) Within a programme area within their Directorate;
  - (b) Between services within their Directorate, after consulting with the County Treasurer;
  - (c) Within a programme area across directorates, with the agreement of all Directors concerned and the County Treasurer.
- 4.3 The County Treasurer will furnish each Director with periodic statements of income and expenditure under each head of approved estimate: along with other relevant information.
- 4.4 It is the duty of Directors to ensure that responsibility for budgetary control is allocated to appropriate officers in their Directorates.

#### **5. Accounts for Payment**

- 5.1 Directors will be responsible for ensuring the examination, verification and certification of all invoices and accounts relating to their Directorate.
- 5.2 In exercise of this responsibility Directors will authorise responsible officers in their Directorate to certify accounts in their own names on the Director's behalf.
- 5.3 Directors will provide a specimen signature to the County Treasurer of each authorised officer along with details of the limitations of the officer's authority. The relevant Director should review such authorisations and limitations from time to time.
- 5.4 Any changes to such limitations, in particular the removal of authority, will be notified to the County Treasurer or Audit Services immediately.
- 5.5 All accounts after being certified will be passed to the County Treasurer's Payment Section for payment or paid in accordance with arrangements made or approved by the County Treasurer.
- 5.6 Electronic or computerised systems for the certification and authorisation of payments may be utilised if approved by the County Treasurer. In such cases each Director will authorise a list of officers who may use the system and their respective limits of authority.

- 5.7 All bills should be paid promptly in accordance with good business practice, normally within 30 days, and having due regard to the requirements of the Payment of Commercial Debts (Interest) Act 1998. In order to ensure that this regulation is adhered to, Directors will arrange that all invoices received in their Directorates be dated-stamped upon day of receipt.
- 5.8 Before certifying an account, the certifying officers will satisfy themselves that the following requirements have been complied with. Certification will include responsibility for ensuring that:
- (a) Goods have been received, examined and approved as to quality and quantity or that work or services have been performed satisfactorily;
  - (b) Where appropriate, an official order has been issued and that the account conforms with it;
  - (c) The expenditure has been correctly allocated, and is within the sum available under the appropriate head in the revenue or capital budget;
  - (d) The prices, extensions, calculations, trade discounts, other allowances, credits and tax are correct and in conformity with any tender, quotation or contract;
  - (e) Appropriate entries have been made in inventories, stores, records or stock books as required; and
  - (f) The account has not been previously passed for payment in whole or in part and that it is a proper liability of the Council.

## **6. Banking Arrangements**

- 6.1 All arrangements with the Council's Bank concerning the Council's bank accounts and for the ordering and issue of cheques will be made by, or under arrangements approved by, the County Treasurer. The County Treasurer will be authorised to open and operate such banking accounts, as he or she may consider necessary. This authority will include the power to give the necessary directions to the Bank as to signatures for withdrawals. The County Treasurer will report periodically to the Cabinet or the Statutory Accounts Committee as to the opening or closing of such accounts.
- 6.2 All cheques, including National Giro payment forms will be ordered only on the authority of the County Treasurer who will satisfy himself or herself that proper arrangements are in place for their safe custody.

## **7. Contracts for Building, Construction or Engineering Work**

- 7.1 All contracts on behalf of the Council will be subject to the Council's Standing Orders for the Regulation of Contracts. Directors will ensure that all contracts entered into are promptly recorded onto a suitable register as prescribed by the County Secretary and Solicitor.
- 7.2 Where contracts provide for payment to be made by instalments the appropriate Director will arrange for the keeping of a Contracts Register to show the state of account on each contract between the Council and the contractor, together with any other payments and the related professional fees.

- 7.3 **Staged payments or instalments made to contractors** on account of contracts will be made on certificates signed by the appropriate Director or an officer authorised by the Director. All certificates will show:
- o The total amount of the contract;
  - o The value of the work executed to date;
  - o Retention money;
  - o Amount paid to date; and
  - o Amount now certified as due.
- 7.4 **Additions, omissions and other variations to a contract or project will be recorded on an appropriate form and signed as accepted by the relevant Director or an officer authorised by that Director.**
- 7.5 Directors shall ensure that the final certificate of payment of any contract will not be issued until the appropriate officer, private architect, engineer or consultant has verified all vouchers and documents relating to prime cost and provisional sums and all other relevant documents if required. The final certificate will not be issued if:
- (a) **The Director has any reason to doubt any financial matter, in which case the Director should consult with the County Treasurer;**
  - (b) Any question of principle arises, in which case the Director should bring the matter to the attention of the Council or appropriate Cabinet Member.
- 7.6 **The County Treasurer will from time to time instruct Internal Audit to examine final accounts of specific or randomly chosen contracts so that he or she may be satisfied that suitable controls are in place and working.**
- 7.7 Claims from contractors in respect of matters not clearly within the terms of any existing contract will be referred to the County Secretary and Solicitor for consideration of the Council's legal liability and, where necessary, to the County Treasurer for financial consideration before a settlement is reached.
- 7.8 Whenever possible, contractors will be required to retain all accounts, vouchers and documents relating to the contract so that they may be produced if required by the **County Secretary and Solicitor or the County Treasurer** until such time as the accounts of the Council have been audited.
- 7.9 It will be the duty of the County Secretary and Solicitor to monitor arrangements that are in place to ensure that:
- (a) All contract documents, including plans, specifications, bills of quantity; bonds, etc. are kept in safe custody;
  - (b) All insurances, which the contractor is required to effect, are duly entered into and renewed until the handing over of the contract works.
- 8. Imprest Accounts**
- 8.1 **Imprest Accounts are advances of cash (petty cash) or special bank accounts from which officers can make small payments. The "Imprest System" requires that expenditure be reimbursed on a regular basis to ensure the imprest is always in credit.**
- 8.2 The County Treasurer will provide imprest accounts, as appropriate, for officers of the Council. All such accounts will be maintained on the imprest system.
- 8.3 **Imprest accounts will not be overdrawn except with the express consent of the County Treasurer.**

- 8.4 No income received on behalf of the Council may be paid into an imprest account but must be banked or paid to the Authority, as provided elsewhere in these Regulations, unless the County Treasurer agrees otherwise.
- 8.5 Payment will be limited to minor items of expenditure with a maximum transaction value set by the County Treasurer from time to time (set at £50 in December 2002). A receipted voucher will support all transactions.
- 8.6 An officer responsible for an imprest account will, if so requested, give to the County Treasurer a certificate as to the state of the imprest advance.
- 8.7 On ceasing to be an imprest holder, the officer will account to the County Treasurer for the amount advanced.

## **9 Income**

- 9.1 The collection and recording of all accounts and money due to the Council will be carried out in accordance with arrangements made or agreed by the County Treasurer. All income shall be collected through debtor accounts unless an alternative procedure is agreed with the County Treasurer.
- 9.2 The County Treasurer will have the right to inspect any documents or other evidence in connection with such accounts and collections.
- 9.3 All receipt books; tickets and other such documents will be supplied by or agreed in writing by the County Treasurer. The County Treasurer will monitor all such forms and be satisfied that they are appropriate.
- 9.4 No officer will give a receipt for money received on any form other than an official receipt form. An official receipt will be issued whenever possible and in all cases where cash is received.
- 9.5 All money received by an officer of the Council will be properly safeguarded and promptly paid over to the County Treasurer or an officer nominated by him or her or paid into Bank for the credit of the Council's fund. Each officer who receives money on behalf of the Council will keep an accurate and chronological account of the receipts and deposits with the County Treasurer or the Council's Bank.
- 9.6 Personal cheques will not be cashed out of the money held on behalf of the Council.
- 9.7 No debtor owing more than £5,000 will be excused the payment of money properly due to the Council except upon a specific or general recommendation of the Cabinet Member responsible for the service affected and adopted by the Council. The County Treasurer may authorise the writing-off of amounts not exceeding £5,000 on the recommendation of the relevant Director. The County Treasurer will periodically present a schedule of write-offs to the Cabinet.

## **10. Insurances**

- 10.1 The County Treasurer will affect all insurance cover and negotiate all claims in consultation with the relevant Director and County Secretary and Solicitor where appropriate.
- 10.2 Directors will give prompt notification to the County Treasurer of all new risks, properties, vehicles and other assets that that are required to be insured or any alterations affecting existing insurances.

- 10.3 Directors will promptly notify the County Treasurer in writing of any actual or potential loss, liability or damage or any event likely to lead to an insurance claim by or against the Council.

#### **11. Internal Audit**

- 11.1 The County Treasurer or his authorised representative will have authority at all reasonable times to enter on any Council premises or land, and will have access to all records, documents and correspondence relating to any financial and other transactions of the Council and will be entitled to require such information and explanations as he or she considers necessary. He or she may require any employee to produce and surrender cash, stores or any other Council property under the employee's control.
- 11.2 The County Treasurer will be notified immediately by the relevant Director of any circumstances that may suggest the possibility of irregularity affecting cash, stores or other property or any suspected irregularity in the exercise of the Council's functions. The County Treasurer will make such investigation as he thinks proper, and liaise with external parties to the extent that he or she considers appropriate.
- 11.3 On receipt of an audit report, the auditee will reply within one month in the format stated by the Audit Section, unless otherwise agreed with the County Treasurer or his or her representative.
- 11.4 The County Treasurer will submit an annual report to the Cabinet detailing internal audit activity for the previous year and report significant findings or areas of concern.
- 11.5 The County Treasurer will produce an Annual Statement of Internal Control for inclusion with the Annual Statement of Accounts.

#### **12. Inventories**

- 12.1 Directors will be responsible for the maintenance of inventories of furniture, fittings and equipment, plant and machinery and other moveable property under their jurisdiction as may be required by and in a form approved by the County Treasurer.
- 12.2 Directors will be responsible for maintaining an annual check of all items on an inventory and for taking action in relation to surpluses and deficits. Any irregularities will be reported to the County Treasurer.

#### **13. Loans, Leasing and Investments**

- 13.1 The County Treasurer will borrow as necessary to finance the approved capital programme and deal with all matters in connection with the raising or repayment of loans and is authorised to borrow for meeting expenses pending the receipt of revenues.
- 13.2 The investment or utilisation of capital money in hand and other accumulations, including trust money, and the sale or realisation of all investments will be carried out by the County Treasurer in accordance with such policy as the Council will determine.
- 13.3 All investments and all borrowing will be made in the name of the Council or the appropriate trust when the Council is acting as trustee, and the security will be lodged with the County Treasurer, County Secretary and Solicitor or the Council's Banker as deemed most appropriate by the County Treasurer.

13.4 Directors will not enter into financial leasing arrangements except with the consent of the County Treasurer.

**14. Orders for Work, Goods and Services**

14.1 Orders will not be issued for goods, work or services unless the cost is covered by an approved budget.

14.2 All orders given on behalf of the Council will be in a written or electronic form approved by the County Treasurer and County Secretary and Solicitor. All orders are to be authorised by officers nominated by the appropriate Director who will be responsible for official orders issued from his or her Directorate. Orders given verbally will be confirmed by written or electronic order as appropriate as soon as possible.

14.3 Official written or electronic orders will be issued for all work, goods or services to be supplied to the Council except where a written contract is required or is operative for supplies of public utility services, periodical payments such as rent or rates, for petty cash purchases or for such other expenditure as the County Treasurer may approve.

14.4 Each order will conform to the directions of the Council with respect to central purchasing and the standardisation of supplies and materials and with respect to Contract Standing Orders.

14.5 Written orders will be marked with invoice details when relevant accounts are passed for payment. When an electronic procurement system is in use an appropriate entry will be made in when payment is authorised.

**15. Salaries, Wages and Pensions**

15.1 The payment of all salaries, wages, pensions, compensations and other emoluments to all employees or former employees of the Council will be made by the County Treasurer or an agent approved by him or her.

15.2 Directors will ensure that Human Resources are promptly informed of any changes that affect the payment of such emoluments, in particular:

- o Appointments, resignations, dismissals, suspensions, secondments and transfers;
- o Absences from duty for sickness or other reasons apart from approved leave;
- o Changes in remuneration, other than normal increments and pay awards and agreements in general application;
- o Information necessary to maintain records of service for superannuation, income tax, national insurance, etc.

All such information will be passed in a form prescribed by the Head of Human Resources, who in turn will ensure that Payroll Services are informed of the changes as promptly as possible and in a form agreed by the County Treasurer.

15.3 Appointments of all employees will be made in accordance with the personnel policies of the Council and the approved establishments, grades and rates of pay.

15.4 All time records or other pay documents will be in a form approved by the County Secretary and Solicitor and County Treasurer. All such documents will be certified by or on behalf of the relevant Director. The names of officers authorised to sign such

records will be sent to the County Treasurer by each Director together with specimen signatures and will be amended on the occasion of any change.

- 15.5 Each Director will be responsible for the maintenance of a record, in a form recommended by the Head of Human Resources, showing the annual leave entitlement due to and the actual leave taken by each employee in his or her Directorate.

## **16. Stocks and Stores**

- 16.1 Directors will be responsible for the care and custody of the stocks and stores of their Directorate, and will ensure that the stocks are not held in excess of reasonable requirements.
- 16.2 Directors will arrange for periodical test checks of stocks by persons other than storekeepers and will ensure that all stocks are checked at least once in every year.
- 16.3 The County Treasurer will be entitled to receive from each Director such information as is required in relation to stores for accounting, costing and financial records. Directors may dispose of surplus materials, stores or equipment in a suitable manner after consultation with the County Treasurer.
- 16.4 Any deficiencies will be notified to the County Treasurer whose agreement will be sought prior to their being written off.

## **17. Travelling and Subsistence Allowances**

- 17.1 All claims for payment of car allowances, subsistence allowances, travelling and incidental expenses will be made duly certified in a form approved by the County Treasurer.
- 17.2 The certification by or on behalf of the Director will be taken to mean that the certifying officer is satisfied that the journeys were authorised, the expenses are necessarily incurred and the allowances properly payable by the Council.

## **18. Unofficial Funds**

- 18.1 For the purpose of the following Regulations an unofficial fund will be taken to mean any fund, other than an official fund of the Council, which is controlled wholly or in part by an officer by reason of his or her employment by the Council.
- 18.2 Any employee of the Council will inform their Director of their association with any unofficial fund and will indicate the position they hold with regard to that fund.
- 18.3 Upon notification, the Director will record the name of the employee, the name of the fund, and the purpose for which it has been established. He or she will satisfy him or herself, as far as possible, that proper accounts of the funds activities are kept, that receipts are banked in the name of the fund and that an independent audit is carried out at annual intervals.
- 18.4 The employee concerned will be required to supply a copy of the accounts and balance sheet for each accounting period to the relevant Director.
- 18.5 The County Treasurer or his authorised representative will be empowered to examine the accounts and records of the fund if held by a Council employee and to ask for such explanations and information as may be necessary.



## APPENDIX 18 – PLANNING COMMITTEE SCHEME OF DELEGATION

### AREA PLANNING SUB-COMMITTEES – REFERRAL PROCEDURE

1. Where an Area Planning Sub-Committee is minded to make a decision which is contrary to recommendation and where there is a crucial policy at stake, or where the Sub-Committees view might not be defensible if challenged, consideration will be given to whether there should be a referral to main Planning Committee.
2. That decision will be taken at the conclusion of the debate, i.e. after the initial vote has been taken.
3. In order to ensure consistency of approach, the decision to make a referral will be taken by the Head of Planning Services.
4. The role of the senior planning officer present at the Area Planning Sub-Committee will be confined to indicating whether or not he/she would be minded to refer the matter to the Head of Planning Services for consideration to be given to referral.
5. In order to establish a consistent pattern to the approach of the definition of “a crucial policy at stake” or “where the Sub-Committee’s view might not be defensible if challenged” the Head of Planning Services will be required to consult the County Secretary and Solicitor before taking the final decision to refer the matter to Planning Committee.
6. If Members are minded to make a decision contrary to the officer recommendation, the resolution to be moved before the vote is taken will have to reflect the restriction on the Area Planning Sub-Committee’s delegated power as follows:

*[Subject to no further objections raising additional material planning considerations being received by the [insert date – end of the consultation period]]:*

*The [Northern] [Southern] [Central] Area Planning Sub-Committee is minded to [approve] [refuse] the application subject to the [conditions] [reasons for refusal] set out below (and any further [conditions] [reasons for refusal] felt to be necessary by the Head of Planning Services) provided that the Head of Planning Services does not refer the application to the Planning Committee.*

*If the Head of Planning Services does not refer the application to the Planning Committee, officers named in the Scheme of Delegation to Officers be instructed to [approve] [refuse] the application subject to such [conditions] [reasons for refusal] referred to above.*

7. In most cases, the decision whether or not to reference up the Area Planning Sub-Committee decision will be taken by informal consultation between the officers concerned, the object being to ensure that the decision is taken and the applicant and Local Member(s) are notified within 5 working days.
8. In particularly complex cases, it may be necessary for brief written reports to be prepared by the legal advisor who attended the Area Planning Sub-Committee and the senior planning officer who indicated that the matter would be referred to the Head of Planning Services for consideration to be given to reference up. Even in

more complex cases, the emphasis should be on resolving the issue within 5 working days.

9. Once the senior planning officer has indicated the intention to refer the matter to the Head of Planning Services then the decision should be based on professional planning guidance with such legal guidance as may be appropriate. It would be contrary to the concept of Planning Committees as quasi judicial committees for there to be further consultation with Members of the Planning or Area Planning Sub-Committee.
10. If the decision is not to refer the issue to Planning Committee then the Area Sub-Committee decision will become a substantive decision and will be issued.
11. If a decision is taken to refer the matter then it will be placed on the Planning Committee agenda with appropriate supporting reports.
12. The Head of Planning Services will notify the decision to the applicant (if to refer), Local Member(s) and the Chairman of the Area Planning Sub-Committee.

**September 2004**



## LOCAL AREA FORUMS

### PROGRAMME AREA RESPONSIBILITY: CORPORATE STRATEGY AND FINANCE

CABINET

21ST OCTOBER, 2004

---

#### Wards Affected

County-wide

#### Purpose

To receive feedback on the September 2004 round of Local Area Forums, to note issues raised by the community and to identify any areas for development of this consultative tool.

#### Key Decision

This is not a Key Decision

#### Recommendation

**THAT the report be noted.**

#### Reasons

Cabinet agreed the principles for new arrangements for LAFs in October 2003. Issues raised at the meetings are to be relayed to Cabinet after each round of Local Area Forums.

#### Considerations

##### 1. Background

The LAFs were held at a variety of locations over a three week period in September. The meetings were arranged through Member Services within the County Secretary and Solicitors Department. Agenda items included presentations by both internal and external parties. Each meeting lasted for approximately 2 hours, with the exception of Ross-on-Wye which lasted for a period in excess of two and a half hours, and which was brought to a close at 10.15 pm. All agendas included a presentation on; The Local Transport Plan, The Licensing Act and Patient and Public Involvement in Health (PPIH), additional local agenda items varied and were as follows:

- *Central Herefordshire - Planning Consultation Procedures*
- *Hereford City- Evening and Sunday Bus Services*
- *Ross-on-Wye –Tanyard Lane Development*
- *North Herefordshire - Primary School Provision in Leominster*

---

Further information on the subject of this report is available from  
Marie Rosenthal, County Secretary and Solicitor on (01432) 260200

On average, between 15-20 members of the public attended each meeting, with two exceptions, Bromyard with 2 members of the public and Ross-on-Wye, which had in excess of 85 members of the public.

## 2. **General Issues**

A report on the general practical problems encountered during this round of meetings was given to the Leader and a set of proposals were discussed and agreed with the Leader and the Chairmen of the LAFs.

## 3. **Summary of Agenda Items and Presentations**

**Patient and Public Involvement Forums** - Jane McCabe, Marcus Allen, Adrian Pudsey, Andrew Willis.

Presentations centred on the role and remit of Patient and Public Involvement Forums and gave contact details for anyone interested in becoming involved.

**Licensing Act** - Andy Tector, Suzanne Laughland.

The presentations focused upon the implications of the act and the changes involved, the implementation process and the timescales for this, Government objectives and planned outcomes and the important participation role of local residents within the application process.

**Transport Plan** - Steve Burgess, Richard Ball.

The presentation involved a discussion about the current transport plan and the positive outcomes and targets that had been achieved with road safety, the allocation of the current budget and the progress of various projects. Consultation and feedback was sought for the plan for 2006/7 - 2010/11.

## 4. **Local Interest Agenda Items**

**North Herefordshire – Primary School Provision in Leominster**, George Salmon.

The presentation looked at current Primary School provision and whether a new additional primary school was required given the proposed new housing developments and the projected pupil numbers.

**Hereford City - Evening and Sunday Bus Services**, Jim Davis

The changes to the services were explained, and the role of the Bus Companies within this decision. The tensions between commercial operation and community needs were discussed and also the problems of getting bus companies to tender for less used services.

**Ross-on-Wye – Tanyard Lane Planning Brief**, Chris Botwright

The presentation focused on the proposals for Tanyard Lane in the light of the Unitary Development Plan. Identified issues were highlighted as:

Requirement for affordable housing, access to and from the site, open spaces, adjacent amenities, views of the church, flood areas, surface water drainage and Developer contributions towards road development and recreational facilities. Time scales for the planning process and representations were outlined and details of consultations with other agencies e.g. Welsh Water. A summary of comments, which had been received was given and included concerns about 3 storey buildings, hedgerow maintenance, pedestrian links and brick walling and general concern over whether the sewage system in Ross-on-Wye was able to cope with the extra housing. Mark Sachet, representing Persimmon Homes, responded to the areas of concern.

### **Central Herefordshire - Planning, Alan Poole.**

A presentation about procedures and timescales involved with planning applications and representations/complaints.

#### **5. Summary of the Issues Raised at Meetings**

Appendix 1 provides a summary of the issues raised at individual Local Area Forum meetings.

#### **6. The Future**

- To improve the publicity and attendance at the Local Area Forums it is proposed that an email contact database for parish magazines/local newspapers, primary schools, village shops/post offices, libraries and surgeries is compiled. This will be used for forwarding agendas/posters. Anyone wishing to provide their own personal email address will be sent agendas.
- Generally there will be a maximum of three items on each agenda. Agenda items need to be notified to the Laf Co-ordinator six weeks prior to the meeting, this includes external organisations. Presentations should be prepared in powerpoint and contain relevant local issues as well as general county wide detail. There is to be a maximum of six slides, allowing for a 5 -10 minute presentation. These should be with the Laf Co-ordinator three weeks prior to the meeting.
- Ward Members are to play a vital role in championing the Laf meetings and will liaise with the community and Parish Councils. Members will manage public expectation by advising constituents of the purpose and limitations of the Lafs.
- Issues raised at meetings will be replied to either by letter or with a statement at the next meeting, depending on the nature of the query. All enquiries will be logged and the Laf Co-ordinator will check that follow up is made.
- Chairmen will be briefed on agenda items and advised on any possible contentious items allowing for appropriate planning for the LAF meeting.
- In future only bottled water, rather than tea and coffee will be provided at the meetings.

#### **Alternative Options**

There are no alternative options.

#### **Risk Management**

None.

#### **Consultees**

Local Area Forums Chairmen.

#### **Background Papers**

None identified.



Summary of the issues raised at Local Area Forum meetings.

<b>North Herefordshire</b>	Councillors Present: WLS Bowen, JHR Goodwin, D Rule, RV Stockton, J Stone, RM Wilson.
<i>Chairman's Announcements</i>	Initially a response was given to questions taken from the previous meeting regarding Brierley Court. The application was refused on 12 May 2004 and an appeal date is likely for June 2005. A new planning application was made on 10 August 2004.
<i>PPIH</i>	<ul style="list-style-type: none"> <li>• How to become involved and the selection criteria.</li> </ul>
<i>Licensing Act</i>	<ul style="list-style-type: none"> <li>• Implications of the act for Parish Hall Committees offering premises for entertainment.</li> <li>• Changes to personal occasional licenses.</li> <li>• Farmers markets and the tasting and retail of wines and the time scales involved in the change.</li> </ul>
<i>Transport Plan</i>	<ul style="list-style-type: none"> <li>• Concerns about traffic flow through Pembridge, and local support for a bypass.</li> <li>• Railways and station access, bus travel and how to encourage it as a sustainable transport mode.</li> <li>• Traffic calming schemes outside schools and the need for more (out of 103 schools only 5/6 have this).</li> <li>• The refurbishment of the bus station but the lack of shelters. (This will be taken back to Officers for further consideration).</li> </ul>
<i>Local Interest Agenda Item Education</i>	<ul style="list-style-type: none"> <li>• Travelling distances for children and the effect on traffic/safety.</li> </ul>
<b>Other Issues</b>	<ul style="list-style-type: none"> <li>• Electoral Roll - copy held at Leominster Library, which was out of date (2002).</li> <li>• Distribution of Agendas for LAFs.</li> <li>• Meeting venues and the provision of loop systems for the hard of hearing.</li> </ul>

<b>East Herefordshire</b>	Councillors Present: P Edwards, PE Harling, B Hunt, R Mills.
<i>Chairman's Announcements</i>	None
<i>PPIH</i>	<ul style="list-style-type: none"> <li>• Contact details and a list of meetings requested. (Marcus Allen to provide follow up).</li> </ul>
<i>Licensing Act</i>	<ul style="list-style-type: none"> <li>• Licences for Village Halls and the likely fees involved (Victoria Woodland to provide response).</li> <li>• Concerns about noise nuisance and the impact of the act on this.</li> </ul>
<i>Transport Plan</i>	<ul style="list-style-type: none"> <li>• Concerns about rail providers and the problems with services and track development.</li> <li>• The Newtown Crossroad and the time taken to carry out works.</li> <li>• Sign placements which force pedestrians onto the roadway, this will be referred back for comment and action.</li> <li>• Concern about Herefordshire Jarvis Services.</li> </ul>

<b>Hereford City</b>	Councillors Present: Mrs WU Attfield, Mrs P Andrews, Mrs SPA Daniels, P Edwards, DJ Fleet, Mrs JP French, Mrs GA Powell, R Preece, WJ Walling, RM Wilson.
<i>Chairman's Announcements</i>	None
<i>PPIH</i>	As for other LAFs
<i>Licensing Act</i>	<ul style="list-style-type: none"> <li>• Control of unsociable behaviour and noise nuisance.</li> <li>• The greater powers afforded by the act for the police and the council to intervene.</li> </ul>
<i>Transport Plan</i>	<p>The congestion due to impeded traffic flow through Hereford was of great concern. Comments centred on the possibility of a by pass for Hereford.</p> <ul style="list-style-type: none"> <li>• Complaints about the Newtown Crossroad works and the delays, and more generally concerns about Herefordshire Jarvis Services.</li> <li>• Plans for the Rotherwas Access Road and funding issues.</li> <li>• Competitive tendering processes were explained.</li> </ul>



	<p>The Chairman asked for a priority list of concerns which were:</p> <ul style="list-style-type: none"> <li>➤ Congestion</li> <li>➤ Park &amp; Ride Scheme</li> <li>➤ Consideration of City centre and areas for pedestrian use only.</li> </ul> <p>Majority consensus was that pedestrian only areas in the city centre were a good idea and the use of speed cameras along with concerns about road safety, in particular accidents on the A49.</p>
<p><i>Local Interest Agenda Item Evening &amp; Sunday Bus Services</i></p>	<ul style="list-style-type: none"> <li>• Problems with the Westfaling Street bus service.</li> <li>• The impact of the changes to the bus service, which went via the cemetery, for residents.</li> <li>• Problems with school journeys (Scudamore Primary School) and the lack of provision for children especially in poor weather.</li> <li>• Request to vary existing bus routes in order to address some of these problems.</li> <li>• Concerns about behaviour and supervision on school buses.</li> </ul>

<b>Ross-on Wye</b>	Councillors Present: G Davis, Mrs J Davis, Mrs AE Gray, D Rule, RM Wilson.
<i>Chairman's Announcements</i>	None
<i>PPIH</i>	As for other LAFs
<i>Licensing Act</i>	<ul style="list-style-type: none"> <li>• How will complaints be dealt with.</li> <li>• Will there be out of hours monitoring for reported problems.</li> <li>• How will policies be used to guide nuisance away from problem areas.</li> <li>• Occasional licences</li> <li>• Enforcement policies and the role of the police within this.</li> <li>• Concerns about litter and general unsociable behaviour.</li> </ul>
<i>Transport Plan</i>	<p>Many comments about the volume of heavy transport passing through Ross, and the need to view all future planning applications in the light of this.</p> <ul style="list-style-type: none"> <li>• Concerns about the maintenance of highways.</li> <li>• The lack of footpaths and crossing points was seen as a disincentive to people wishing to walk / cycle.</li> <li>• Problems with disabled access due to citing of drains.</li> <li>• Cycle paths for Ross and good quality road surface maintenance to enable safer cycling.</li> <li>• The quality of repair work was raised and the procedures for checking this were queried.</li> </ul>
<i>Local Interest</i> <i>Agenda Item</i> <i>Tanyard Lane</i> <i>Development</i>	<p>There were many concerns and representations about the development and in brief these focused on:</p> <ul style="list-style-type: none"> <li>• Increased traffic, noise and disturbance to existing residents, lack of employment opportunities for new residents, worries about hedgerow maintenance, provision for increased sewage output and existing problems with current sewage system, parking allocations, density of proposed housing and the situation of types of buildings i.e. problems with 3 storey homes overlooking existing bungalows.</li> </ul>

<b>Golden Valley</b>	Councillors Present: Cllr JC Mayson, DC Taylor, PG Turpin, RM Wilson,
<i>Chairman's Announcements</i>	None
<i>PPIH</i>	As for other LAFs
<i>Licensing Act</i>	<p>The same questions were raised as in previous LAF meetings, but additionally:</p> <ul style="list-style-type: none"> <li>• Queries about licensing requirements for charitable events such as liquor raffle prizes etc.</li> <li>• Officers to respond to query about occasional licences and notification requirements.</li> </ul>
<i>Transport Plan</i>	<p>Many concerns voiced about the volume of traffic using the new bridge at Bridge Sollars and the unsuitable road linking this to Madley.</p> <ul style="list-style-type: none"> <li>• Perceived serious safety issues</li> <li>• Requests from a resident for signs to highlight a concealed entrance.</li> </ul> <p>Other concerns included;</p> <ul style="list-style-type: none"> <li>• Dangerous bend in the parish of Eaton Bishop.</li> <li>• Poor road surfaces causing problems for agricultural vehicles.</li> <li>• Future development plans for roadways and the impact on local residents.</li> <li>• Weight limits for the new bridge at Bridge Sollars, collapsing kerbs, flooding issues, lack of passing points for agricultural vehicles.</li> </ul>
<i>Other</i>	<ul style="list-style-type: none"> <li>• Council expenditure in rural areas as compared with the city and suburbs.</li> <li>• Request for a presentation about the changes in personal care allowances and the current review processes for adult services in social care.</li> </ul>

<b>Central Herefordshire</b>	Councillors Present: KG Grumbley, JGS Guthrie, RI Matthews, Mrs SJ Robertson, DB Wilcox.
<i>Chairman's Announcements</i>	None
<i>PPIH</i>	As Before
<i>Licensing Act</i>	<ul style="list-style-type: none"> <li>• Comment about revenues to implement changes.</li> <li>• Concern about under age drinking/binge drinking.</li> </ul>
<i>Transport Plan</i>	<ul style="list-style-type: none"> <li>• Park and Ride schemes.</li> <li>• Improvement for pedestrians within city centre.</li> <li>• Concerns about Roman Road and future control for traffic flow especially at Canon Pyon / Kington junction.</li> <li>• Concern about Widemarsh Street.</li> <li>• Exhibition to be held on 2 November at Stretton Sugwas Primary School on the new Roman Road and its effect on residents.</li> </ul>
<i>Local Interest Agenda Item</i> <i>Planning Consultation Procedures</i>	<ul style="list-style-type: none"> <li>• Planning permissions for utility companies.</li> <li>• Asda Store application and the implication for traffic flow.</li> <li>• Notification for Parish Councils.</li> <li>• Conservation areas.</li> <li>• The system of area planning committees as opposed to a centralised authority.</li> </ul>
<i>Other</i>	<ul style="list-style-type: none"> <li>• Concern that not all Councillors were present and response to this was requested.</li> </ul>

# COMPREHENSIVE PERFORMANCE ASSESSMENT - REVISED SCORE CARD

## PROGRAMME AREA RESPONSIBILITY: AUDIT AND PERFORMANCE MANAGEMENT

CABINET

21ST OCTOBER, 2004

---

### Wards Affected

County-wide

### Purpose

To receive the latest information on the Comprehensive Performance Assessment process and to report on the publication of the revised score card which is due to be published towards the end of the current calendar year.

### Key Decision

This is not a Key Decision

### Recommendation

**THAT the arrangements for the publication of the revised score card be noted and Cabinet indicates that if, in due course, the Council qualifies for a proportionate Corporate Assessment then the opportunity for a proportionate Corporate Assessment be not taken up.**

### Reasons

Cabinet needs to be in a position to respond quickly when the revised score card is published and to be able to liaise with its external auditors who are likely to seek an early indication of the Council's intent.

### Considerations

1. The Audit Commission has recently written to authorities explaining the arrangements it intends to make for interim revision to the Comprehensive Performance Assessment (CPA) scores pending the introduction of the Commission's proposals for a revised full Comprehensive Performance Assessment from September 2005 onwards.
2. Cabinet will recall that, as reported last year, there was significant pressure from those authorities who had either shown significant improvements in performance since the last Comprehensive Performance Assessment or whose scores had been artificially depressed because of the rules that surrounded the process in relation to particular areas of service. Herefordshire Council remains in a position where it would potentially be affected by such provision because the Council is operating at a level which is very close to the threshold on service performance between Good and Excellent authorities. However, it should be noted that the Audit Commission's scheme does not permit an authority to be categorised Excellent if it continues to

have a score of 1 within the Environment block.

3. On the information currently available to the Council, it would appear that the Council's service score will improve although it is important to emphasise that this can only be confirmed when the revised score card is received in December. There are some elements of the score card which are still not available to the Council. The Audit Commission assessment process is a complex one but there does seem to be every prospect of an improvement in the Environment score.
4. The Audit Commission plainly does not have the capacity to undertake a revised Comprehensive Performance Assessment for every authority that improves sufficiently in service terms and thus moves into the next category. The Commission was unwilling, for reasons which can be readily understood, to reclassify authorities on the basis of a change to the service score alone. It had therefore developed the concept of a proportionate Corporate Assessment in circumstances where the service score threshold is achieved. It has, however, set a higher threshold in terms of the Corporate Assessment which will have to be achieved if the authority is to be reclassified. The Council's Corporate Assessment score whilst categorised Good remains below the revised threshold which the Audit Commission would employ in undertaking a proportionate Corporate Assessment.
5. The judgment which, therefore, has to be made is whether the Council would be willing to pursue an opportunity for a proportionate Corporate Assessment if the thresholds previously described are achieved. There are a number of elements to that judgement. Perhaps one of the most important is whether such a revised assessment would add to the Council's own improvement process. Cabinet has received regular reports on progress on the Improvement Plan and it is clear from those reports that sound progress continues to be made. That is reflected in improving service scores. However, there remain significant elements of the Improvement Plan which will not be wholly completed and for which there will not be evidence of practice for the last full financial year. Consideration also has to be given to the weight of inspection which the Council has already faced in the current year and the prospect that the Council could face an early Joint Area Review and, therefore, an early Corporate Performance Assessment once the new regime is established after September 2005.
6. On balance, therefore, it is felt that a proportionate re-assessment would make insufficient contribution to the Council's improvement planning to justify the inevitable disruption of further inspection. Rather it would benefit to concentrate on consolidating those improvements in time for the revised Comprehensive Performance Assessment in 2005 and beyond. For that reason, it is not felt that the opportunity for proportionate re-assessment should be taken should the improvement to the service score make the Council eligible.

## **Alternative Options**

### **Alternative Option 1**

The alternative option is to proceed with a proportionate Corporate Assessment should the Council be eligible.

## **Risk Management**

The risks centre on the management of the Council's reputation. It would assist the Council's reputation if it was to be re-classified as Excellent. It might, however, diminish

commitment to the Improvement Plan and would be potentially confusing to the community in Herefordshire if the Council was unable to maintain that score as part of the post-September 2005 Comprehensive Performance Assessment process.

## **Consultees**

This report has not been the subject of consultation.

## **Background Papers**

Letter from the Audit Commission dated 4th October, 2004.





# REVIEW OF MANAGEMENT OF THE OUTBREAK OF LEGIONNAIRES DISEASE IN HEREFORSHIRE

## PROGRAMME AREA RESPONSIBILITY: CORPORATE STRATEGY AND FINANCE

CABINET

21ST OCTOBER, 2004

---

### Wards Affected

County-wide.

### Purpose

To consider the recommendations of the Health Scrutiny Committee to the Executive following its review of the management of the outbreak of Legionnaires Disease in Herefordshire.

### Key Decision

This is not a key decision.

### Recommendation

**That the recommendations within the Council's remit be considered.**

### Reasons

The Council needs to determine how it can contribute to preventing a future outbreak of Legionnaires Disease, or managing an outbreak should one occur.

### Background

1. An outbreak of legionnaires disease was declared in Herefordshire on 6th November, 2003. The outbreak was declared over on 8th December 2003, with 28 associated cases and two deaths.
2. The Council's Health Scrutiny Committee decided that it was incumbent upon it to review the response to the outbreak of Legionnaires Disease in Hereford City should be added to the work programme. It was acknowledged that this would be complementary to and not a substitute for the more detailed review which would doubtless be undertaken by NHS bodies and others.
3. The Committee deferred its review, aware that a report on lessons learned was being prepared by the Health Protection Agency (HPA) and that this would be a key piece of evidence for the Review. A draft report from the HPA was made available to the Committee in mid-June 2004 and the Committee concluded its review on 29th July. The Committee's final report was circulated to those to whom its recommendations were addressed on 12th August, 2004.

4. A copy of the report has been circulated separately to Members of the Cabinet and is available to the public on request. A copy of the recommendations is attached as Appendix 1.

## **Developments**

5. To date the Chairman of the Health Scrutiny Committee has received responses from the Herefordshire Primary Care Trust (PCT) who accepted the recommendations as they apply to the PCT, and the Health Protection Agency whose response is attached at Appendix 2.
6. The Committee was advised in preparing its report that the Chief Medical Officer had been supportive of the findings arising from the review under the leadership of the Health Protection Agency and had approved a plan for their dissemination.
7. The Department of Health has also reported favourably on the lessons from the successful handling of the Legionnaires outbreak in Hereford, particularly around the Primary Care Trust's preparedness and leadership.
8. In terms of the recommendations which directly relate to this Council, the Head of Environmental Health and Trading Standards has commented as follows:
  - Recommendation (a): We are pleased that the Committee considered the outbreak had essentially been well handled and that the Committee wished the staff to be congratulated. I have passed on the Committee's congratulations to the staff involved.
  - Recommendation (b): Consideration of this issue is in part dependent upon the Council's decisions in relation to its future accommodation.
  - Recommendation (c): Work has already commenced on establishing a protocol between the local authority and the Health Protection Agency.
  - Recommendation (e): Work has commenced on a generic Outbreak Control Plan. Current Emergency Plans are being reviewed as this work will be ongoing. It will be included in future Service Delivery Plans.
  - Recommendation (f): Representations to Central Government are being drawn up to outline concerns about changes to the Environmental Protection Act 1990 being brought about by the introduction of the new Integrated Pollution Prevention Control (IPPC) regime.
  - Recommendation (g): Representations to Central Government are being drawn up to request that Legionnaires' Disease is brought within the scope of the Public Health (Control of Disease) Act, as is the case in Scotland.
  - Recommendations (h), (k), (m) and (n): These recommendations will be included in the Division's Service Planning process for 2005/06 and where there is a priority for immediate action or the changes can be accommodated simply will be included in current working practices.
9. In respect of recommendation (i) the Head of Policy and Communication has advised that the principle of issuing joint press releases remains valid and is important in demonstrating that all the agencies are working together. The Public Relations Officer is in the process of reviewing and revising the communications

guidance/protocol contained in the Emergency Plan in order to highlight the need to consider when the Council needs to start communicating its own message and therefore move away from issuing joint press releases.

## **Alternative Options**

The Council could choose not to accept the report and determine a range of other approaches.

## **Risk Management**

Aside from the personal cost there are significant practical implications for the Council and the Community in managing an outbreak of this type and it is important that everything is done to prevent a re-occurrence.

## **Consultees**

None identified.

## **Background Papers**

None identified.

**RECOMMENDATIONS MADE BY THE HEALTH SCRUTINY COMMITTEE FOLLOWING ITS REVIEW OF THE OUTBREAK OF LEGIONNAIRES DISEASE IN HEREFODSHIRE – NOVEMBER 2003**

- a) That first and foremost the consensus of the agencies involved that the outbreak had essentially been well handled be welcomed and those involved be congratulated on their professionalism;
- b) That the agencies involved give further consideration to identifying appropriate accommodation for an Outbreak Team;
- c) That a protocol for managing outbreaks clearly defining the respective roles of agencies involved be developed and implemented;
- d) That the Health Protection Agency be requested to confirm that mechanisms have been put in place to ensure that the changes to a number of systems and practices identified by Dr Kirrage are implemented;
- e) That Cabinet be recommended to make arrangements to ensure that, as recommended in the report by the Environmental Health Service: current emergency plans are revisited to establish whether one or more cover adequately the actions to be followed, roles to be adopted etc, in the case of another such outbreak or incident;
- f) That Cabinet be recommended to make representations to Government to address concerns in the report by the Environmental Health Service that changes relating to certain industrial processes will remove some powers from the Service, hampering future responses;
- g) That Cabinet be recommended to make representations to Government requesting that the disease be made notifiable and brought into the scope of the Public Health (Control of Disease) Act and make available powers contained therein;
- h) That Cabinet be recommended to make arrangements and set milestones to ensure that, as recommended in the report by the Environmental Health Service: the learning points that emerged from review of actions etc carried out by EHTS along with other learning points produced by the HPA be carefully considered, prioritised, resource need identified, action plan developed and actioned;
- i) That the appropriateness or otherwise of issuing joint press releases should be borne in mind in any future incident;
- j) That Dr Kirrage's comments that systems are now in place to detect and respond to a slowly emerging threat and funding earmarked to enhance early warning surveillance systems be welcomed;
- k) That the need for regular training sessions with local emergency services including Herefordshire Council be noted;
- l) That the Primary Care Trust and the NHS Hospitals Trust note the scope for collaborative working in communicating with Health staff;
- m) That the Council's Environmental Health Service should review its

**registers of wet cooling systems at least every three years; and**

- n) That representations be made resisting any reduction in the Environmental Health Service's powers suggesting that if these prove unsuccessful a request be made for a protocol to be put in place with the Environment Agency to enable any response to an incident to draw on local knowledge.**



Health Protection Agency

Regional Director's Office  
(Local and Regional Services  
West Midlands)

9<sup>th</sup> Floor Ladywood House  
45/46 Stephenson Street  
Birmingham  
B2 4DY

Tel +44 (0)121 634 8710  
Fax +44 (0)121 634 8702

Councillor WJS Thomas  
Chairman, Health Scrutiny Committee  
County of Herefordshire District Council  
PO Box 240  
Hereford  
HR1 1ZT  
28<sup>th</sup> September 2004

Dear Councillor Thomas

### **Review of the management of the Hereford legionnaires' disease outbreak**

Thank you for your letter of 29<sup>th</sup> July, received 16<sup>th</sup> August, and my apologies for the delay in responding.

First can I thank you and your committee for the thoroughness of your scrutiny of this issue, and for the constructive way in which the findings and recommendations are reflected. As you will note from the systematic way we undertook our own de-briefing, with partners, the Agency is keen to continue to learn the lessons from such incidents to improve the service we offer, and we have indeed acted on these, as described below.

I will pick up not only on those of your recommendations that are relevant to the Agency, but would also like to comment on a number of the observations made by your committee, in order:

#### ***Page 3, final paragraph***

As you observe, the HPA now has a Regional Communication Manager who, working as part of a national network of HPA communications manager, provides the Agency with round-the-clock media handling support. We work in partnership with the PCTs, through the SHA-wide communications network to ensure that public health messages are effectively communicated both during incidents, and indeed proactively; and to ensure a "joined up" and sustainable health sector media response.

#### ***Page 4, 3<sup>rd</sup> paragraph***

Roles and responsibilities of the HPA and the PCT in respect of health protection are described in the Memorandum of Understanding between the two organisations.

#### ***Page 4 5<sup>th</sup> paragraph***

The HPA has shared the lessons learned with the national group of Regional Directors of

Public Health, and at the recent extremely well attended national conference of the Health Protection Agency. The lessons are also being shared by the Department of Health with the NHS “top team” – the 28 Strategic Health Authority Chief Executives covering England.

***Page 4, 8<sup>th</sup> paragraph***

It is essential that outbreak control and major incident plans are generic enough to be adaptable to whichever organism we are dealing with, and these are in place within PCTs. We have however recognised that it would be valuable to have a specific Memorandum of Understanding between the HPA, the Health and Safety Executive and Local Authorities covering organisational roles in the event of a legionella incident, and we intend to convene a partnership group to develop this.

***Page 5, paragraph 8***

In another recent incident we demonstrated the success of establishing the sort of infrastructure and capacity we had in Hereford very early in the gestation of a potential outbreak. The existence of the HPA at both local and regional level provides us with the surge capacity to respond in this way during hours and, from the beginning of October 2004 we will have three specialist HPA out-of-hours rotas across the West Midlands region (one covering each of the three Strategic Health Authority areas) to provide a round-the-clock specialist health protection capability and inbuilt surge capacity.

***Page 5, paragraph 9***

The establishment of the HPA brings with it an increased robustness of response to public health incidents, allowing, as demonstrated in Hereford, the mobilisation of local, regional and national expertise and capacity. We recognise, however, the need to work hard to ensure that partners understand the revised arrangements and new roles. The local HPA structure is now established, with Dr Kirrage as the Health Protection Unit Director for Herefordshire and Worcestershire.

We look forward to further developing the potential for joint training and development with local partners, including Herefordshire Council.

The HPA’s early warning systems about incidents operates at local, regional and national level through the notifications received by the local Health Protection Units from doctors and laboratories, a regionwide laboratory surveillance system, a co-ordinated cascade of alert messages, and through weekly teleconferences with a widely circulated output. This region is also taking a national lead in the use of information from NHS Direct; to develop early warning systems based on self reported symptoms. As necessary, these alerts lead to the triggering of various systems of increased vigilance, surveillance and response.

***Page 6, penultimate paragraph***

I would echo your praise of the way in which the Council’s Environmental Health Service dealt with this incident. The ability to quickly marshal the necessary and significant amount of manpower and expertise to undertake timely inspection and sampling was instrumental in limiting the morbidity and mortality associated with this outbreak. Such manpower and expertise is not universally available in all areas, and this remains a source of concern to us.

***Recommendations:***

- a) I am delighted that your committee recognises that this outbreak was essentially handled well by the partner agencies. That, too, is my conclusion following the debriefing and wide discussions we have had in the aftermath.

c); d) and j) I trust that I have, in my comments above, addressed these recommendations.

Please do not hesitate to come back to me if I can be of further assistance.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Sue Ibbotson', with a stylized flourish above the name.

Dr Sue Ibbotson FFPHM  
Regional Director  
HPA West Midlands

cc Dr D Kirrage

Dr M Deakin, Director of Public Health, West Midlands South Strategic Health Authority



# **SERVICE LEVEL AGREEMENT WITH THE WEST MIDLANDS REGIONAL ASSEMBLY FOR THE DELIVERY OF REGIONAL PLANNING FUNCTIONS**

## **PROGRAMME AREA RESPONSIBILITY: ENVIRONMENT**

**CABINET**

**21ST OCTOBER, 2004**

---

### **Wards Affected**

County wide

### **Purpose**

To agree a proposed Service Level Agreement between the West Midlands Regional Assembly and the Council for the delivery of regional planning body functions for the period 2004/5.

### **Key Decision**

This is not a key decision.

### **Recommendation**

**THAT the Service Level Agreement be entered into and the Conformity Protocol be adopted.**

### **Reasons**

To ensure that the Council's involvement in regional planning is properly specified.

### **Considerations**

1. The Regional Planning Partnership has agreed that strategic planning authorities should be invited to support the delivery of the Regional Assembly's role as Regional Planning Body (RPB). A proposed Service Level Agreement has now been issued by the Assembly to define this delivery role.
2. Two categories of support for the RPB are identified.
3. The first comprises work which will be funded by the RPB. This refers to the Council's anticipated role within a new procedure which has been developed to ensure that local authority Development Plan Documents (DPDs) and regionally significant planning applications are in general conformity with the Regional Spatial Strategy. The Regional Planning Partnership have adopted this 'conformity protocol' and recommended its adoption by planning authorities in the region. Under the protocol, the unitary authorities of Herefordshire, Telford and Wrekin and Stoke will adopt a process of mutual scrutiny. Herefordshire Council will act as an advisor to the RPB in the case of Borough of Telford and Wrekin DPDs/regionally significant planning applications. For this work, the RPB propose an allocation to the Council of £2,000.

---

Further information on the subject of this report is available from  
David Nicholson, Forward Planning Manager on 01432 261952

4. The cost of operating the protocol will need to be monitored in order to ensure that the allocation is sufficient to cover the additional work. The position will need to be reviewed in subsequent years and this is provided for within the Agreement.
5. The second category comprises work which will not be funded by the RPB, referring to cases where authorities continue to deliver functions that they have previously performed at a sub-regional level. For Herefordshire Council, this entails continuing participation in regional and sub-regional planning through existing working structures and timetables. A partial review of the Spatial Strategy is to commence next year, and the the provision of monitoring data continues on an annual basis. In close liaison with Shropshire County Council, the Council also advises the Assembly on the inter-relationship of the West Midlands region with Wales, particularly where formal consultations arise.
6. The Agreement requires a named representative and this should be the Head of Planning Services.

## **Risk Management**

There are no significant risks associated with entering into the Service Level Agreement.

## **Consultees**

None

## **Background Papers**

Regional Planning Guidance for the West Midlands (RPG11) June 2004.

# HEREFORDSHIRE UNITARY DEVELOPMENT PLAN (UDP): REPRESENTATIONS TO THE REVISED DEPOSIT DRAFT

## PROGRAMME AREA RESPONSIBILITY: ENVIRONMENT

**CABINET**

**21ST OCTOBER, 2004**

---

### **Wards Affected**

County wide

### **Purpose**

To consider representations to the Revised Deposit Draft UDP.

### **Key Decision**

This is not a key decision.

### **Recommendation**

- THAT (a) changes to the Revised Deposit Draft Plan as recommended by the UDP Group be agreed; and**
- (b) the Cabinet Member (Environment) be authorised to agree any potential changes to the Plan arising at Inquiry, prior to their consideration by Council in the usual way if recommended by the Inspector as modifications to the Plan.**

### **Reasons**

All duly made representations to the Plan at this stage have to be considered by the local planning authority.

### **Considerations**

1. Following consideration by Cabinet in September, the UDP Group has met to consider all the representations made during the UDP's revised deposit period in May/June 2004. The views of local members on representations affecting sites in their wards have been sought as part of this process.
2. The purpose of considering representations at this stage is to establish a formal response, so that the Council's position at Inquiry is clear.
3. In the majority of cases, it is recommended by the UDP Group that no further changes be sought to the Plan. The representations concerned will go forward to the Inquiry and will be considered by the Inspector with the Council's case being put forward on the basis of the Plan as it stands.

---

Further information on the subject of this report is available from David Nicholson, Forward Planning Manager on 01432 261952

4. In a limited number of cases, it is recommended that the Inspector is asked to recommend a modification to the Plan. Other than minor changes designed to correct typographical or mapping errors or to clarify the Plan, these are:
  - To allow more up to date flooding information to be included (policy DR7 and proposal maps)
  - To include reference to flood risk assessments being required in low/medium risk areas (policy DR7 and in respect of various proposals in the Edgar Street Grid area)
  - To strengthen the reference to a possible extension of the Roman Road improvement works to the A438 Brecon Road
5. In addition, three cases have arise where it would be prudent to give objectors and others who may be affected a chance to comment, and these are:
  - To reduce the area of employment land north of the B4355 at Kington (policy E3)
  - To take forward the existing commitment to provide a landscape buffer between residential development and the Model Farm employment proposal at Ross-on-Wye by protecting land on the proposals map for this purpose between the two land uses under policy HBA9
  - To amend mineral and waste policies (policies M3, W1 and associated reasoned justification, and reasoned justification to policy S9).
6. Cabinet is asked to agree the changes set out above, which will be taken forward via the Council's submissions to the Inquiry.
7. Finally, there will be occasions when potential changes arise in discussion at the Inquiry. A mechanism is needed to consider and approve such changes, and it is recommended that the Cabinet Member (Environment) be authorised to do this for the purposes of the Inquiry. Changes put forward will be considered by the Inspector before the Council is asked to agree any resultant modifications.

## **Risk Management**

Consideration of representations to the Revised Deposit Draft Plan is a statutory requirement in the plan making process with the risk of High Court challenge if this aspect is not discharged thoroughly.

## **Consultees**

None

## **Background Papers**

Herefordshire Unitary Development Plan: Revised Deposit Draft, May 2004

# PLANNING AND COMPULSORY PURCHASE ACT 2004: LOCAL DEVELOPMENT SCHEME

## PROGRAMME AREA RESPONSIBILITY: ENVIRONMENT

CABINET

21ST OCTOBER, 2004

---

### Wards Affected

County wide

### Purpose

To approve the enclosed Local Development Scheme.

### Key Decision

This is not a key decision.

### Recommendation

**THAT the enclosed Local Development Scheme be approved.**

### Reasons

To meet a statutory requirement of the Planning and Compulsory Purchase Act 2004.

### Considerations

1. The Planning and Compulsory Purchase Act 2004 introduces a new system of development planning. This provides for local planning authorities to set out their land use planning policies in a series of 'local development documents'. Together with other supporting documents, these will make up what is known as the Local Development Framework.
2. As part of the new system, local planning authorities must within six months prepare, adopt and submit to the Secretary of State a document known as a Local Development Scheme (LDS). The LDS is a public statement of the local planning authority's programme, over three years, for the production of local development documents.
3. The enclosed Scheme has been prepared to meet the requirements of the Act, accompanying regulations and guidance, which came into force in September.
4. The Scheme reflects the fact that the new system will be subject to a transitional period of several years as plans in preparation are completed. There are specific arrangements in place to provide for this. The UDP will continue to adoption under the existing procedures. These provide, unlike those in the new system, for a non-binding Inspector's report to be made to the Council following the Inquiry. On adoption, the UDP will be 'saved' for a three year period; selected policies may be

---

Further information on the subject of this report is available from  
David Nicholson, Forward Planning Manager on 01432 261952

continued beyond this point.

5. The Scheme proposes a programme for the preparation of two new documents as part of the Framework, namely the Statement of Community Involvement (SCI) and Core Strategy. Both are statutory requirements.
6. Other Framework documents to be brought forward through future reviews of the Scheme include site specific allocations, an adopted proposals map, area action plans, other development plan documents, and supplementary planning documents. An annual monitoring report must also be prepared and submitted to the Secretary of State.
7. The new system gives greater emphasis to the role of the Regional Spatial Strategy (formerly Regional Planning Guidance). This now enjoys development plan status in the determination of planning applications, and local development documents have to be in 'general conformity' with it. Links between local development documents and the Community Strategy (Herefordshire Plan) also receive more attention.
8. It is envisaged that the Local Development Framework will form part of the Council's Policy Framework and the Scheme sets out responsibilities for approving documents within the new system. These will need to be incorporated into the Council's constitution. It is proposed that Cabinet be responsible for approving the Scheme itself, following consultation with Planning Committee, and this is reflected in the recommendation.

## **Risk Management**

Preparation and adoption of the Local Development Scheme is a statutory requirement.

## **Consultees**

Planning Committee 1 October 2004

Government Office for the West Midlands

Planning Inspectorate

## **Background Papers**

Planning Policy Statement 12: Local Development Frameworks



**Herefordshire Council**

# **LOCAL DEVELOPMENT SCHEME**

**December 2004**

## Contents

	Page
1 Introduction	1
The Local Development Scheme	1
What's in the Scheme	1
National, regional and local contexts	1
2 The new system	3
3 Local Development Documents	5
Saved plans	5
Herefordshire Unitary Development Plan	5
New Local Development Documents	6
Future work	6
Joint working	6
Schedule of new Local Development Documents	7
Programme of Local Development Documents	8
Local Development Document profiles	9
4 Supplementary Planning Guidance	11
Supplementary Planning Guidance to the Local Plans	11
Interim Supplementary Planning Guidance to the UDP	11
Supplementary Planning Guidance in preparation	12
5 Supporting Statement	13
How the Local Development Documents work together	13
Evidence base	13
Sustainability appraisal and strategic environmental assessment	15
Delivering the Framework	15
Council procedures for approval	16
Monitoring and review	16



## 1. Introduction

### *The Local Development Scheme*

This is the Council's first Local Development Scheme - an accessible guide to the Council's planning policies. The Scheme is part of a new system of development planning, introduced by the Planning and Compulsory Purchase Act 2004. This provides for planning policies to be set out in a portfolio of documents which together will provide the Local Development Framework for an area.

Over the next few years, the Council's planning policies - presently set out in the Structure Plan, Local Plans and the emerging Unitary Development Plan, together with supporting Supplementary Planning Guidance, will be reviewed and taken forward into the new system.

This Scheme explains how the Council will organise and manage its forward planning work over the next three years as it establishes a Local Development Framework for Herefordshire.

### *What's in the Scheme*

In the Scheme you'll find:

- A section explaining some of the terms used in the new system (section 2);
- A section setting out all the documents which form or will form part of the Local Development Framework in the period covered by this Scheme (section 3). Existing Plans, either adopted or in preparation, will be 'saved' as part of the Framework for a transitional period. This means they will still be used to determine planning applications. Two new local development documents are proposed. For these, the Scheme includes a schedule and profiles setting out the main stages in their preparation, including the arrangements for community involvement;
- A section dealing with Supplementary Planning Guidance, explaining how this will be treated in the transition to the new system (Section 4); and
- A supporting statement, which explains how all these documents work together and how the Council will manage their preparation (section 5).

### *National, regional and local contexts*

The Council's planning policies have been developed within a strong context of spatial planning policies.

At national level, the Government's Planning Policy Statements set out national policies on key land use matters.

At regional level, the Regional Spatial Strategy was published as Regional Planning Guidance for the West Midlands (RPG11) in June 2004. The Regional Spatial Strategy runs to 2021. This end date will also be used by the new planning documents which the Council will begin to prepare within the period of this Scheme. Section 3 gives more detail on how existing Plans and proposed local development documents fit within the new Regional Spatial Strategy. Other regional policy documents, such as the Regional Housing and Economic Strategies and the Regional Sustainable Development Framework, have spatial dimensions and will need to be taken into account.

At local level, the Council's planning policies need to reflect and influence the Community Strategy, the Herefordshire Plan, as well as other local plans and strategies including the Local Transport Plan and the Economic Development and Housing Strategies.

## 2. The new system

This section is a brief guide to some of the main terms used in the new system and this Scheme. The new system provides for the Council to prepare a series of Local Development Documents (LDDs), collectively forming the Local Development Framework (LDF).

There are several types of LDDs. The most important are Development Plan Documents (DPDs), with a key role in the determination of planning applications. Supplementary Planning Documents (SPDs) offer further detail in support of DPD policies and proposals. Finally, there is the Statement of Community Involvement (SCI), which sets out how the Council will involve the community.

These and other terms are explained below.

AMR	Annual Monitoring Report	The Council's annual report to Government on progress in preparing the documents set out in the LDS, and on how far planning policies are being achieved.
-	Community Strategy/Plan	Drawn up by local partnerships to show how local areas will address social, economic and environmental issues. The Herefordshire Plan, drawn up by the Herefordshire Partnership, is the community strategy for the County.
DPD	Development Plan Document	The most important documents within the Local Development Framework, subject to independent examination and with 'development plan' status in the determination of planning applications. DPDs include: <ul style="list-style-type: none"><li>• Core Strategy</li><li>• Site specific allocations of land</li><li>• Area Action plans</li><li>• Proposals maps</li></ul>
LDF	Local Development Framework	A portfolio of LDDs which collectively set out the spatial strategy for the Council's area, balancing land use pressures arising from economic, social and environmental demands.
LDD	Local Development Document	DPDs, SPDs and the SCI are all Local Development Documents, collectively forming the LDF.
LDS	Local Development Scheme	The LDS sets out a 3 year programme for preparing LDDs.
RSS	Regional Spatial Strategy	Provides a spatial framework to inform the preparation of LDDs and Local Transport Plans by

local authorities, and of other strategies and programmes that have a bearing on land use, in order to deliver a coherent framework for regional development.

SA	Sustainability Appraisal	An assessment of the economic, social and environmental impacts of the policies and proposals in LDDs.
SCI	Statement of Community Involvement	Explains to local communities and other stakeholders how and when they will be involved in the preparation of LDDs. Subject to independent examination.
SEA	Strategic Environmental Assessment	An assessment of the environmental impacts of the policies and proposals in LDDs.
SPD	Supplementary Planning Document	These give more detail about the policies and proposals in DPDs. As a Local Development Document, they form part of the Framework, but do not have the status of DPDs.
SPG	Supplementary Planning Guidance	Prepared to offer more detailed guidance to Local Plans and the Unitary Development Plan, either by the Council itself or by local communities in the form of Village Design Statements/Parish Plans. Will be superseded by SPDs as the new system is introduced.

More details can found on the Office of the Deputy Prime Minister's website at [www.odpm.gov.uk](http://www.odpm.gov.uk).

### 3. Local Development Documents

#### *Saved plans*

The following 'old style' Plans form part of the Framework until they are superseded by adoption of the Herefordshire Unitary Development Plan. They have the status of Development Plan Documents. They are:

- Hereford and Worcester County Structure Plan 1993
- The County of Hereford and Worcester Minerals Local Plan 1997
- Malvern Hills District Local Plan 1998
- Hereford Local Plan 1996
- South Herefordshire District Local Plan 1999
- Leominster District Local Plan (Herefordshire) 1998

#### *Herefordshire Unitary Development Plan*

The Herefordshire Unitary Development Plan (UDP) is intended to be adopted in December 2006, replacing the six Plans listed above. Objections to the Plan will be considered at a public local inquiry commencing in February 2005. The Plan will be progressed and adopted under the 'old style' procedures, with a modifications stage anticipated in 2006 following receipt of the non-binding Inspector's report.

The UDP has been prepared to ensure consistency with emerging Planning Policy Statements and has been drawn up in parallel with work on the new Regional Spatial Strategy, RPG11. Its policies and proposals have been developed to be consistent with those in the Regional Spatial Strategy for the period up to 2011 (the end date of the UDP). This particularly applies to the provision of housing overall and the Plan's housing strategy; to the Plan's employment policies, intended to help achieve rural renaissance, and to Plan housing, city centre and transport proposals designed to support and reflect Hereford's role within the Strategy as a sub-regional foci. Similarly the Plan's general policies on matters such as design, transport and the environment reflect principles set out in the Strategy. Throughout, the UDP has a strong emphasis on the delivery of sustainable development in Herefordshire, reflecting both the Regional Spatial Strategy and the ambitions of the community strategy, the Herefordshire Plan.

When adopted, the UDP will have the status of a Development Plan Document. It will be operative as part of the Framework for a three year period from the date of adoption. Discussions will be held with the Government Office as to whether the life of selected UDP policies can be extended beyond the three year period, taking into account the close links that exist between UDP policies and the Regional Spatial Strategy and the Herefordshire Plan. These policies will be identified through a future review of this Scheme.

This Scheme includes proposals for the preparation of a new Core Strategy, and this will replace the UDP's Part I policies when it is adopted.

### *New Local Development Documents*

This first Scheme reflects the work required to progress the Unitary Development Plan to adoption. Nonetheless, it is important to begin work on key aspects of the new system. Two documents, the Statement of Community Involvement and the Core Strategy, have been identified as important building blocks on which an early start should be made. They are listed in the following Schedule, Programme and Profiles.

### *Future work*

It is important to look beyond the three year period covered by this Scheme and to indicate in general terms what work is proposed. This will be further detailed in future reviews of the Scheme (see section 5). At this stage, it is envisaged that Development Plan Documents dealing with the following areas will be considered for preparation, in order to take forward the Core Strategy DPD and replace selected policies in the Unitary Development Plan:

- Generic development control policies
- Housing land allocations
- Employment land allocations
- Proposals Map.

Initially, the Proposals Map will comprise those Maps in the saved Plans, to be replaced on adoption by the UDP Proposals Maps. The Map will be updated over time as new Local Development Documents are adopted.

The land use and spatial planning components of Village Design Statements and Parish Plans may be adopted as Supplementary Planning Documents, and thus form part of the Local Development Framework. To be considered for adoption on this basis, Statements/Plans need to comply with the conformity requirements of the new system and have undergone the requisite community involvement and sustainability appraisal. The Council will work with Parish Councils and others in moving Statements/Parish Plans forward and will offer further guidance and advice as to the best way to proceed as the new system is brought into being.

### *Joint working*

It is not envisaged that any joint working with other local planning authorities in the preparation of local development documents will be required. Liaison with the Brecon Beacons National Park Authority will continue in respect of cross boundary planning issues arising at Hay-on-Wye/Cusop. Due regard will be paid to emerging LDFs for adjoining authority areas and to the Wales Spatial Plan in drawing up local development documents.

Document title	Status	Brief description	Chain of conformity	Pre-submission community involvement	Publication of draft	Submission to S of S	Proposed Date for adoption
Statement of Community Involvement	Local development document, subject to independent examination	Sets out standards and approach to involving the community in the production of the LDF	Must be in conformity with regulations	October - November 2005	N/A	June 2006	May 2007
Core Strategy	Development Plan Document (DPD)	Sets out the vision and objectives for the LDF, together with spatial strategy.	Must be in general conformity with RSS All other LDDs to be in conformity with Core Strategy	Issues and preferred options consultation, September - October 2006	N/A	September 2007	November 2008

### Schedule of new Local Development Documents

	2005												2006												2007												2008												
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	
<b>Statement of Community Involvement</b>																																																	
Scoping and initial drafting																																																	
Presubmission community involvement																																																	
Preparation of submission document																																																	
Submission																																																	
Public consultation																																																	
Examination																																																	
Receipt of report																																																	
Adoption																																																	
<b>Core Strategy</b>																																																	
Evidence gathering and option drafting																																																	
Issues and preferred option consultation																																																	
Preparation of submission document																																																	
Submission																																																	
Public consultation																																																	
Examination																																																	
Receipt of report																																																	
Adoption																																																	

**Programme of Local Development Documents**



## Local Development Document profiles

### Statement of Community Involvement

#### Document details

Role and subject	Sets out the Council's standards and approach for the involvement of the community and stakeholders in the production of the Local Development Framework
Geographic coverage	County wide - and involves stakeholders outside Herefordshire
Status	Local development document, subject to independent examination
Chain of conformity	Must be in conformity with regulations

#### Timetable

Commencement, scoping and initial drafting	June - September 2005
Pre-submission community involvement and engagement with stakeholders (6 week period)	October - November 2005
Preparation of submission document	December - May 2006
Submission to Secretary of State	June 2006
Public consultation on submitted Statement (6 week period)	June - July 2006
Examination	January 2007
Receipt of report	March 2007
Adoption	May 2007

#### Arrangements for production

Lead service	Forward Planning, Planning Services
Management arrangements	Executive decision (Cabinet, following consultation with Planning Committee)
Resources	In house resources and existing budgets supplemented by Planning Delivery Grant. Consultants may be used to advise on overall approach and specific techniques in the initial stages.

Involving stakeholders and the community	The SCI will build on existing consultation work undertaken by the Council and will be set within the framework provided by the Strategy for Community Involvement. In addition the SCI will link to work with partners in the Herefordshire Partnership, providing links to community planning processes and hard to reach groups through the emerging Community Development Strategy.
--	---

## Core Strategy

### Document details

Role and subject	Sets out the vision and objectives for the Local Development Framework, together with a spatial strategy, illustrated on a key diagram, for the period up to 2021 (in line with the Regional Spatial Strategy).
Geographic coverage	County wide
Status	Development Plan Document
Chain of conformity	Must be in general conformity with the Regional Spatial Strategy

### Timetable

Commencement, evidence gathering and initial drafting of options, with stakeholder involvement	June 2005 - August 2006
Issues and preferred option consultation, including SA/SEA (6 week period)	September - October 2006
Preparation of submission DPD, including SA/SEA	November 2006 - September 2007
Submission to Secretary of State	September 2007
Public consultation on submitted DPD (6 week period)	September - October 2007
Examination	April 2008
Receipt of report	September 2008
Adoption	November 2008

### Arrangements for production

Lead service	Forward Planning, Planning Services
Management arrangements	Council to approve Issues and Preferred Option consultation document; submission DPD, including consideration of representations arising from the Issues and Preferred Option consultation; and to adopt, all following proposal by Executive.
Resources	In house resources and existing budgets supplemented by Planning Delivery Grant.
Involving stakeholders and the community	As defined in the Statement of Community Involvement

## 4. Supplementary Planning Guidance

### *Supplementary Planning Guidance to the Local Plans*

The Council has published a number of documents which provide supplementary guidance to planning policies in the existing Local Plans. These are:

- Reuse and adaptation of traditional rural buildings SPG (October 2000)
- Provision of affordable housing SPG (March 2001, updated 2004)
- Moreton on Lugg Development Brief (April 1999)
- Leominster Industrial Estate Development Brief (May 1999)
- Village Design Statements for Colwall, Cradley and Storridge, Leintwardine and Much Marcle.

These documents do not form part of the Local Development Framework and at this stage it is not intended that they will be converted to Supplementary Planning Documents. They will remain as SPG to the relevant 'saved' Plan which they supplement. All have benefited from a range of consultation processes, which are detailed within them.

### *Interim Supplementary Planning Guidance to the UDP*

Other documents were published in July 2004 as interim SPG to planning policies in the UDP. They are:

- Design and development requirements SPG
- Reuse and adaptation of rural buildings SPG
- Biodiversity SPG
- Landscape Character Assessment SPG

A site development brief for land opposite Sutton St Nicholas Primary School was published in November 2003.

Local communities have brought forward Village Design Statements and Parish Plans for adoption as interim SPG to the UDP:

- Village Design Statement for Ewyas Harold
- Parish Plans for Belmont Rural, Bishopstone Group Parish, Middleton on the Hill and Leysters, Pembridge and the Border Group of Parishes, Weobley and Wellington.

The above documents do not form part of the Local Development Framework and at this stage it is not intended that they will be converted to Supplementary Planning Documents. They will continue to be used as interim SPG to the UDP. They have benefited from a range of consultation processes, which are detailed within them. Material in existing SPG may be incorporated into local development documents in due course.

*Supplementary Planning Guidance in preparation*

A number of site development briefs are being prepared to offer planning guidance to UDP allocations and proposals. These documents are:

- Tanyard Lane, Ross-on-Wye, Development Brief
- Frome Valley Haulage Depot, Bishops Frome, Development Brief
- SPG included within Rotherwas Management Plan

In addition, the Unitary Development Plan identifies further areas where guidance is required:

- Planning obligations
- Open space and recreation provision
- Transport infrastructure and design
- Site development briefs

A number of parishes are working on Parish Plans within Herefordshire although their timing is not known with sufficient certainty to identify individual documents and the timings associated with them within the Scheme. Similar considerations apply to Conservation Area character appraisals.

Consideration will be given to how best to take these emerging and proposed documents forward as the new system is brought into being.

## 5. Supporting statement

### *How the Local Development Documents work together*

The diagram overleaf illustrates how the various documents discussed in this Scheme will work together to provide a Local Development Framework for Herefordshire.

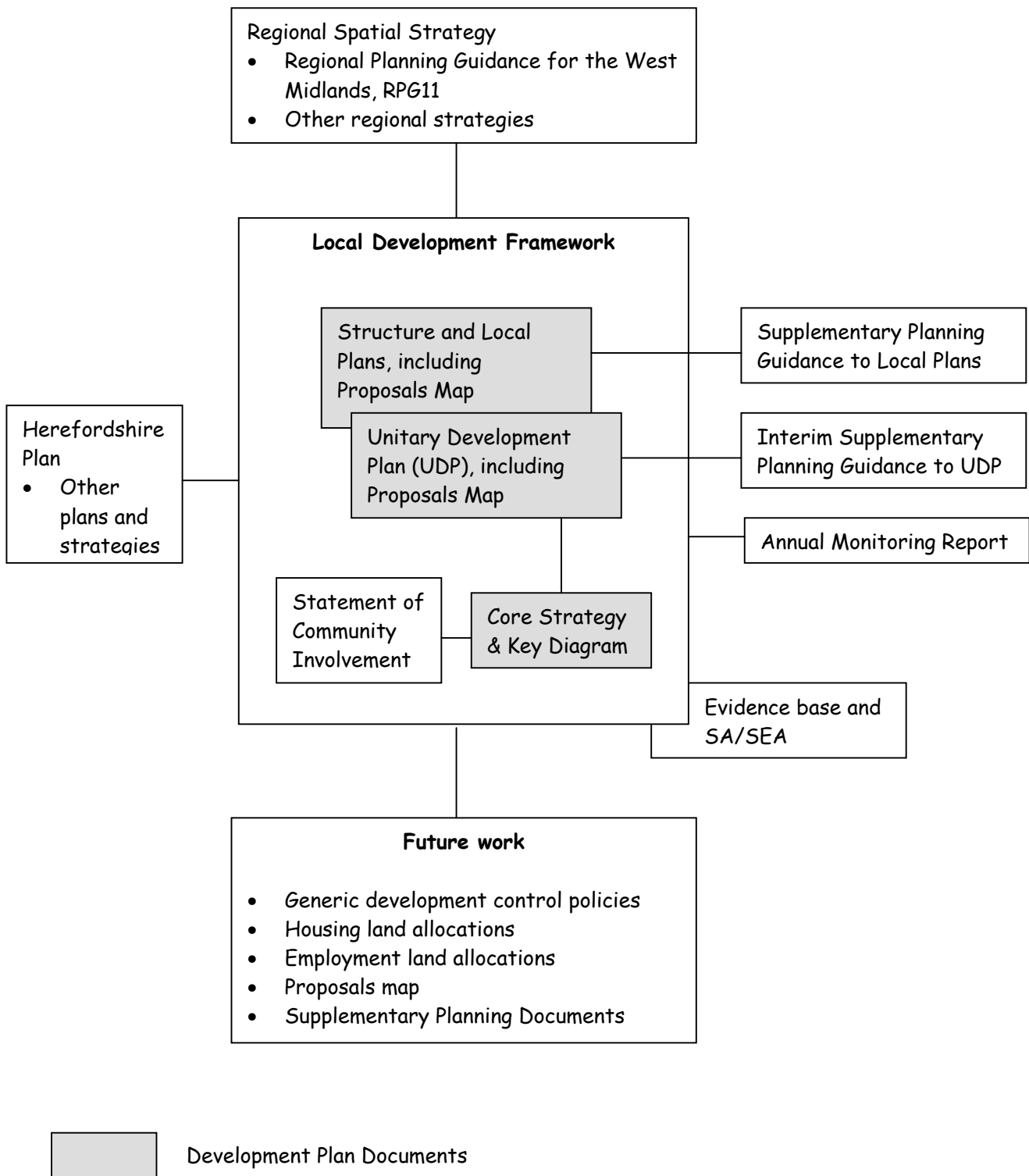
### *Evidence base*

The Council already has a well established evidence base to use in developing its Framework. Much of this has been developed in drawing up the UDP and has been published as background papers during the UDP process. The evidence base has been further developed in responding to monitoring requirements on the Regional Spatial Strategy, and comprises the following resources and technical studies:

<b>Title</b>	<b>Current edition</b>	<b>How the evidence base will be managed</b>
Housing Land Study	2003-2004 study	Annual review
Housing Needs Studies	County wide study 2001. Studies for individual settlements as resources permit	Rolling programme of studies based on settlements
Urban capacity study	2004 review of original study in 2001	Monitored through Housing Land Study
National Land Use Database (NLUD)	2003 submission to national database	Annual review
Employment Land Study	2003-2004 study	Annual review
Open space study (PPG17)	Study in preparation using consultants	Periodic review
Regional monitoring of offices, retail, hotels/leisure, minerals and waste	Regional Planning Guidance Annual Monitoring report, 2004	Annual return to Regional Planning Body

Through the Annual Monitoring report (AMR) the Council will review the need to update these studies and to undertake or commission new work. Evidence on other topic areas will be obtained from other sources as required.

The evidence base feeds into and is supplemented by information collected for other Council and Herefordshire Partnership Strategies, including the Housing Strategy and the Economic Development Strategy.



**The Local Development Framework for Herefordshire**

### *Sustainability appraisal and strategic environmental assessment*

Local Development Documents have to be prepared with a view to contributing to the achievement of sustainable development - the simple idea of seeking a better quality of life for everyone, now and for future generations. Planning authorities also have to meet the requirements of the European Union Directive on strategic environmental assessment (SEA). Sustainability appraisal (SA) is a systematic and iterative appraisal process, incorporating the requirements of the SEA Directive. The appraisal process has an important role to play in the production of Local Development Documents, ensuring that policies reflect sustainable development principles by providing information on the potential social, environmental and economic effects of policies. SA is an integral part of the production of both DPDs and SPDs from the outset, and at specific stages in the process of producing these documents appraisal reports will be produced to accompany for instance the submission of DPDs to the Secretary of State.

The Unitary Development Plan has been subject to SA at each stage of its production, with the most recent report comprising an appraisal of the Revised Deposit Draft in 2004. The SEA Directive will apply to the UDP if (as is expected) it is not adopted by 21 July 2006. In that event consideration will be required as to the need for further appraisal work to be undertaken to meet the requirements of the Directive.

### *Delivering the Framework*

The planning policies set out in the Local Development Framework will be delivered in many ways. The refusal or grant of planning permission, and the use of planning conditions and obligations, will remain one of the most important means by which the Council's planning policies are implemented. However the new emphasis on a spatial planning approach - which seeks to reconcile competing demands for land in a planned way - means that working with others has become more important.

Here, the link between the documents comprising the LDF and the Herefordshire Plan - the Community Strategy - is all important. The Framework is a key mechanism for delivering the land use aspects of the Plan, but also provides a long term spatial context within which the Herefordshire Plan can be progressed.

The Herefordshire Plan is itself progressed through a series of Ambition Groups comprising representatives from partner organisations. The Groups deal with the full range of economic, social and environmental matters arising in the County. Land use implications arise in many of the Groups - for instance, in terms of regeneration initiatives, economic development, housing, health, education, waste, energy, and environmental protection.

The need to recognise the link between land use planning policy and the Herefordshire Plan has long been recognised. The UDP is already set firmly within the overall Community Strategy approach, sharing a vision with the Herefordshire Plan and helping to deliver the achievements of several Ambition Groups. These close links will be continued and strengthened as the LDF is established. The SCI for instance will build on existing community consultations undertaken by the Herefordshire Partnership and link to the work of the Community Development Ambition Group.

### *Council procedures for approval*

The Local Development Framework forms part of the Council's overall Policy Framework as defined in the Constitution, including the Unitary Development Plan. The Executive (Cabinet including the Leader of the Council) has responsibility for proposing elements of the Policy Framework to Council, with the Cabinet Member (Environment) having responsibility for planning and land use matters (excluding development control, which is reserved to Planning Committee and the Area Planning Sub-Committees). The following responsibilities for approving documents within the new system have been defined within the Council's Constitution. These reflect the conformity arrangements applying to different documents within the Framework, and the fact that documents differ both in the extent to which they define policy and are used by Planning Committee/Area Planning Sub-Committees in the determination of planning applications.

Development Plan Documents: Council, following proposal by Cabinet

Supplementary Planning Documents: Cabinet, following consultation with Planning Committee. Where SPD's concern site specific matters being set out in advance of a planning application, e.g. development briefs, Planning Committee only.

Statement of Community Involvement: Cabinet, following consultation with Planning Committee

Local Development Scheme: Cabinet, following consultation with Planning Committee.

### *Monitoring and review*

The new system incorporates an Annual Monitoring Report - the AMR. This must be compiled on a financial year basis and submitted to the Government Office by the end of the calendar year. The AMR tracks progress against the targets and milestones set out in this scheme for producing LDDs, and the extent to which policies in LDDs are being achieved.

The Council has produced annual reports on housing and employment land availability for a number of years and these will be developed over time to meet the requirements of the new system. Each year a report will be submitted to the Council's Cabinet via the Planning Committee that will:

- Specify to what extent the timescales set out in the LDS for the production of LDDs are being met
- Review the extent to which policies within LDDs are being achieved, focussing initially on key policy areas where information is available and where national, regional or local targets have been set.
- In particular, to reflect the Government's Sustainable Communities Plan, the AMR will report on the number of dwellings built in Herefordshire during the period covered by the Report and relate this to relevant LDD policies
- Consider whether any policies need amendment because they are not working as intended or are not achieving sustainable development objectives and, if so, suggest ways to achieve this



- Provide an up to date report on the status of 'saved' Structure and Local Plans and the Unitary Development Plan
- Consider the need to review the LDS in the light of the AMR. The Scheme will be revised each time the list of Local Development Documents changes, either by addition of a new proposed Document or through significant revision to the timetable for the preparation of a Local Development Document.

Monitoring is undertaken within the Forward Planning section of the Council. The Herefordshire Partnership carry out a monitoring exercise against the ambitions and aims of the Herefordshire Plan which is published as a regular 'State of Herefordshire' Report. Over time, the monitoring of planning policies set out in the AMR will need to be aligned with that carried out on the Herefordshire Plan, reflecting the role of the LDF as the key delivery mechanism for those Herefordshire Plan ambitions with a spatial dimension.



# HOME POINT HEREFORDSHIRE ALLOCATIONS POLICY

## PROGRAMME AREA RESPONSIBILITY: SOCIAL CARE AND STRATEGIC HOUSING

CABINET

21ST OCTOBER, 2004

---

### Wards Affected

County-wide

### Purpose

To approve the adoption of a revised allocations policy through which the eligibility and relative priority of applicants for housing, advertised through the Home Point partnership, will be determined. The scheme is also the means by which the Council will discharge its duty under the homeless legislation.

### Key Decision

This is a Key Decision because it is significant in terms of its effect on communities living or working in an area comprising one or more wards. It was included in the Forward Plan.

### Recommendation

- THAT (a) the adoption of the policies set out in the revised allocations scheme be agreed; and**
- (b) the Home Point team initiates an action plan to implement the new policy.**

### Reasons

Although the Council no longer has any housing stock, it needs to be able to make nominations to Registered Social Landlords (RSLs) in order to discharge its homelessness duty.

Where an authority makes allocations of its own stock or nominates applicants to Registered Social Landlords (RSLs) it must have a scheme for registering applicants for housing and specifying how preference between applicants will be determined.

The Home Point partnership is the means adopted by the Council and a number of Registered Social Landlords (RSLs) to determine the priority of applicants through a jointly operated choice based lettings scheme.

### Considerations

1. The review of the Home Point allocation scheme and resulting draft revised policy have been prompted by a need to ensure that Herefordshire Council is able to fully discharge any duties owed to homeless households under Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002). This is only possible where

---

Further information on the subject of this report is available from  
Richard Gabb, Head of Strategic Housing Services on 01432 261902

the local authority operates an allocations policy that meets the requirements of Part VI of the Housing Act 1996 (as amended by the Homelessness Act 2002).

2. In Herefordshire, the Council has entered into a partnership with five of the largest RSLs operating within the County, to create a Common Housing Register, operating under Choice-Based Lettings principles. Each of the partners, therefore, do not hold their own waiting lists and rely on Home Point for the registration and prioritisation of applicants. Home Point does not actually allocate the housing, once it is determined who has greatest priority for a property that has been advertised through Home Point, the relevant landlord will then decide, using their own eligibility criteria, whether to make an allocation.
3. There are certain mandatory requirements which must be met in the framing of an allocations policy as adopted by a local authority, whether as part of a common housing register, or not.

- The scheme must be in writing specifying how preference will be determined and the procedure to be followed in the allocation of housing.
- Allocation of housing can only be made in accordance with the scheme – therefore it must cover all eventualities.
- The scheme must be open to all who are not excluded from an allocation – however the categories of those who can be excluded are significantly reduced by the Homelessness Act 2002.
- It must exclude from allocation those whose immigration status makes them ineligible.
- The scheme must be able to take into account multiple categories of need so that a composite assessment of needs can be made.
- The scheme must grant “reasonable preference” to the following categories of applicant:

*Those who are homeless – within the meaning given in Part VII of the Housing Act 1996*

*Those who are owed specific duties under Part VII of the Housing Act 1996*

*Those occupying insanitary, overcrowded or otherwise unsatisfactory housing*

*Those who need to move on medical or welfare grounds*

*Those who need to move to a specific area within the district, where a failure to grant a move would cause hardship to themselves or others*

- The scheme must be published and available for inspection free of charge at the main office of the authority, and available for purchase for a reasonable charge. A summary of the scheme must be available free of charge.
- The scheme must treat transfer applicants the same as new applicants, including those seeking to transfer from secure housing with another local authority.
- The scheme must include a statement of the authority’s policy in relation to

offering choice in the allocation of housing.

- Where an authority makes nominations to RSLs, consultation with those RSLs is required before adopting a scheme or making significant alterations.

4. Following discussions between Strategic Housing staff and partner RSLs to the Home Point scheme, it was determined that within the constraints of the legislation the scheme needed to allow for the achievement of the following specific goals:-

- To include a mechanism that will allow for the discharge of the local authority's duty to those homeless applicants who are accepted for housing under the provision of Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002);
- To facilitate the process whereby care leavers can obtain accommodation as part of a planned move-on procedure;
- To ensure that where an urgent need for accommodation is identified by social services this need can be met – there would be strict conditions relating to referral under this heading;
- To facilitate the effective planned move-on of occupants in supported housing schemes;
- To enable the allocations policy to reflect the composite needs of applicants;
- To allow for direct allocation of properties outside the normal choice based procedure in very limited circumstances – such as referrals under witness protection or Multi Agency Protection Panel schemes;
- To take account of connection with Herefordshire in the determination of preference within the scheme;
- To exclude from eligibility for an allocation those who have been guilty of unacceptable behaviour making them unsuitable to be a tenant, and where applicants are not excluded to allow for behaviour affecting suitability to be taken into account when determining preference;
- To review the position in relation to priority given to homeless households to seek to achieve a greater balance of allocations;
- To seek to use the scheme to minimise the use of temporary accommodation for those who are homeless, and to minimise the incidence of repeat homelessness;
- To enable the use of Section 106 agreements and local lettings policies where appropriate;
- To ensure that there is clarity about the retention of allocations criteria by RSLs, and clarity of the distinction between the Home Point scheme for determining preference and the actual allocation of properties by RSLs – and to identify where there may be conflict between RSL policies and the Home Point scheme;
- To improve the application form to ensure that it is clear about why information is sought.

5. Overarching the above considerations is the need to ensure the scheme builds upon the strengths of the existing choice-based lettings scheme operating in Herefordshire. The scheme has therefore been designed to ensure continued simplicity and transparency for both applicants and the partnership.
6. Implementing the changes will be a challenging process. Home Point staff have commenced work to identify and plan the commissioning of both administrative and IT changes to facilitate the introduction of this amended policy. The process will include the undertaking of a Register Review during which existing applicants will be contacted to determine whether they have an ongoing need for housing. Applicants who respond will subsequently be re-banded in accordance with the new policy but will retain any previously determined waiting time.
7. It should be noted that one consequence of the adoption of this policy will be to facilitate a more rigorous approach to discharging the homelessness duty and, it is hoped, the freeing-up of temporary accommodation. However, this will result in a short-term increase in the proportion of lettings going to homeless applicants. Over time, this position should balance out to match current levels.

## **Alternative Options**

The Council is obliged to have a scheme to enable the discharge of its duty to homeless households. Discretion exists in the relative priority awarded to applicants, set out in the attached Allocations Policy as allowed under Part VI of the Housing Act 1996, as amended by the Homelessness Act 2002.

## **Risk Management**

Failure to adopt a policy compliant with Part VI of the above Act exposes the authority to the possibility of legal challenge.

The proposed policy allows for the discharge of the homelessness duty. In the absence of such a policy there would be further increasing pressure on temporary accommodation provision.

## **Consultees**

In preparing the policy, the following organisations were consulted:-

- Home Point Partnership Board
- Home Point partner RSLs housing staff
- Strategic Housing Staff
- Representatives from Social Care (Children's Services and Adults services)
- Herefordshire's Homelessness Forum
- Other RSLs operating in Herefordshire

## **Background Papers**

None.

# **Home Point Herefordshire Allocations Policy**

## Introduction

Herefordshire Council no longer holds any housing stock, having carried out a transfer of its entire housing stock to Herefordshire Housing Ltd, a registered social landlord (RSL). In addition to Herefordshire Housing, there are a number of other RSLs operating in Herefordshire.

The Home Point partnership is the means adopted by the Council and a number of Registered Social Landlords (RSLs) to determine allocation of housing stock through a jointly operated choice based lettings scheme. The following are members of the Home Point partnership, which operates under a partnership agreement:

Herefordshire Council  
Herefordshire Housing Ltd  
Bromford Housing Group  
Elgar Housing Association  
Marches Housing Association  
St John Kemble Hereford Housing Association

The partnership funds the operation of Home Point Herefordshire to maintain a housing register, determine priority amongst those seeking social housing in Herefordshire, and advertise properties of member RSLs that become available for letting. Home Point does not actually allocate the housing. Once it is determined who has greatest priority for a property that has been advertised through Home Point, the relevant landlord will then decide, using their own eligibility criteria, whether to make an allocation.

## Aims of the Allocation Policy

The demand for, and indeed need for, social housing exceeds available supply in the county. Therefore this housing allocation scheme endeavours to meet the following aims:

- ◆ To allow for the greatest degree of choice possible in the allocation of public housing;
- ◆ To ensure that those who have the greatest need of housing have the greatest opportunity to secure it;
- ◆ To help contribute to the development of sustainable communities;
- ◆ To help the Council meet other identified strategic aims – including those surrounding Supporting People, prevention of homelessness etc.
- ◆ To assist in achieving mobility for existing tenants;
- ◆ To make the best use of available housing resources;



- ◆ To ensure that local people have priority in the allocation of housing in the county;
- ◆ To contribute to mobility within social housing;
- ◆ To promote independence;
- ◆ To contribute towards tackling social exclusion and poverty by creating an open and accessible system for allocating social housing;
- ◆ To contribute towards tackling discrimination;
- ◆ To enable the authority to meet its statutory duties – including where duties are owed to homeless households under Part VII of the Housing Act 1996;
- ◆ To ensure simplicity and transparency whilst minimising subjectivity;
- ◆ To contribute towards the meeting of strategic aims of partner RSLs.

## Statement of Choice

Herefordshire Council and the partner RSLs involved in the Home Point selection scheme are committed to offering the greatest choice possible in the allocation of social housing in the county, whilst ensuring that such choice is compatible with ensuring that housing goes to those with the greatest need.

There will be certain situations where choice cannot be offered in the allocation of housing – such as where an RSL needs to make a management move as a matter of urgency. These circumstances are detailed within the scheme.

With the exception of these very limited circumstances, housing will only be allocated to applicants who bid for a specific property, and all applicants have the opportunity to bid for properties they are entitled to be considered for, having regard to household size and eligibility.

This enables those seeking housing in Herefordshire to identify the level of priority they are awarded within the allocation scheme, to develop awareness of the availability of accommodation suitable to their needs within the county, and to make an informed decision balancing their need for accommodation with the availability of properties meeting their requirements. Consequently applicants can decide whether to wait until they have sufficient priority to obtain the ideal property, or whether to lower their sights and bid for properties they are more likely to have a chance of obtaining. It will also enable applicants to make an informed choice about whether they wish to seek alternative solutions to their housing needs.

Within this it must be recognised however that there is very high demand for affordable social housing in Herefordshire, and that this demand cannot currently be fully met from available resources. Consequently only those in the greatest housing need are likely to obtain social housing, which means that the degree of choice in housing will always be limited.

Whilst keen to encourage and facilitate mobility within social housing, Herefordshire Council will ensure that in determining priorities for housing, a higher degree of preference will be awarded to applicants who have a local connection with the county.

Herefordshire Council is committed to extending choice of housing to those who are accepted as homeless under the statutory duties contained within Part VII of the Housing Act 1996, as far as is compatible with the effective use of Council resources and the provision of temporary accommodation. Consequently those accepted as being owed the full housing duty under Part VII of the Housing Act 1996 will be given sixteen weeks from notification of acceptance within which to bid for properties through Home Point. If at the end of sixteen weeks they have not bid successfully for a property, administering staff will bid on their behalf for each suitable property that becomes available until a bid is successful. This will then constitute a nomination for the purposes of discharging the homeless duty (further details are given within the scheme).

## Free Assistance

Home Point staff are able to provide assistance to applicants for the process of participating in the choice based lettings scheme. In particular assistance will be provided to anyone who may have difficulty participating due to disability, learning disability, illness, age, not speaking English, or any other reason that might make it harder for them to fully participate within the scheme.

## Information about the allocation scheme

Anyone who wishes is entitled to a free summary of the allocation scheme, which can be obtained from Home Point. A copy of the full scheme will be available for anyone who wishes to read it free of charge at Garrick House, Widemarsh Street, Hereford, and copies may be purchased for payment of a reasonable charge.

Applicants to Home Point are entitled to request details from Home Point of information that has been used to make a determination on their application.

All properties are advertised through Home Point, and the banding of the successful applicant is publicised for each property that is let. This information should be sufficient for applicants to determine their prospects of success in obtaining housing, and roughly how long they are likely to have to wait to obtain such housing.

## Appeals

Any applicant to Home Point has a right to make an appeal if unhappy with the decision made by Home Point, whether this be a decision to exclude from registration with Home Point, or whether it be to do with the degree of priority awarded by Home Point. If an applicant wishes to appeal against a decision made by a partner RSL not to allocate a property to them when they have made a successful bid through Home Point, they will need to contact the RSL and follow the individual RSL's own appeals procedure.

With regard to decisions made by Home Point, the applicant should appeal in writing and submit the appeal to Home Point. An applicant can appoint an advocate, and once appointed, Home Point will deal directly with the advocate.

There are two stages to the appeal process:

- ◆ Stage 1  
The appeal must be made in writing within 21 calendar days, stating the grounds for the appeal. The appeal will be considered by the Home Point Manager, and a decision will normally be given within 21 calendar days. In complex cases it may not be possible to give a decision in 21 days and it may take longer. Where this is the case the applicant will be notified in writing prior to expiry of the 21 day period.
- ◆ Stage 2  
If the applicant is unhappy with the decision made by the Home Point Manager they may request that a further review be carried out by the Home Point Board of Management or their nominated representative. This request must be made in writing within 7 days. Again a decision will normally be given in 21 days, subject to extension where necessary.

If still unhappy with the outcome of the appeal, the applicant may make a complaint to the Local Government Ombudsman.

A copy of the full appeals and complaints procedure is available from Home Point.

## False statements and withholding information

This scheme falls within the provisions of Part VI of the Housing Act 1996. Section 171 of the Act states:

- (1) A person commits an offence if, in connection with the exercise by a local housing authority of their functions under this Part –*
- (a) he knowingly or recklessly makes a statement which is false in material particular, or*

- (b) *he knowingly withholds information which the authority have reasonably required him to give in connection with the exercise of those functions.*

Home Point Herefordshire is the local housing authority's mechanism for discharging its functions under Part VI of the Act. Consequently where section 171 applies, Herefordshire Council may bring a prosecution.

Where false information is found to have been given, the applicant may also be excluded from registration with Home Point, and where false information has resulted in the applicant obtaining accommodation, the relevant RSL may bring possession proceedings for recovery of the property.

## How the Scheme Operates

In order to apply for a home with a partner RSL in Herefordshire, an applicant needs to register with Home Point. To register they must fill out an application form requiring relevant information about themselves and any household members whom they wish to have included in the application.

The application will then be assessed by Home Point and the applicant will be designated as falling within one of the bands indicated below.

Where there is a change in circumstances, the applicant must notify Home Point. Home Point will carry out an annual review of those registered with the scheme to ensure that details are current. Those who fail to respond to the review will have their registration removed.

All properties managed by the partner RSLs that become available for letting (with the exception of those specified below) will be advertised through Home Point. Those who are registered through Home Point can then bid for properties that are advertised, and Home Point will determine who of those bidding has the highest priority, using the guidance laid out below. The successful applicant will then be put forward to the RSL, and the RSL will carry out a check to confirm that the circumstances at the time of application still apply. Home Point does not, however, allocate the property, the RSL will then determine whether to allocate the property in accordance with their own allocations criteria. The individual RSL allocations criteria can be obtained direct from the RSL concerned.

Subject to complying with existing agreements under Section 106 of the Town and Country Planning Act 1990 (as amended) or other pre-existing 100% nomination arrangements for specific schemes, RSLs will be able to advertise 25% of all available properties as only being open to applicants who are existing tenants (or to specify that for these properties first priority will be given to existing tenants) either with the relevant RSL or with any other participating RSL.

When a property is allocated by the RSL, notification will be given in the Admag and on the Home Point website identifying the preference band of the successful applicant.

The partner RSLs reserve the right to hold back specific properties from the Home Point choice based scheme when the property is needed for urgent management reasons, which could include: temporarily accommodating another tenant whilst urgent repairs are carried out to their home; public safety considerations under Multi Agency Public Protection Panel recommendations; witness protection; or providing an immediate move to protect the safety of an existing tenant. RSLs will also have the right to withhold from this scheme supported housing schemes if they consider it appropriate. This is not intended to be an exhaustive list. These properties will normally still be advertised by Home Point, but the advertisement will state that the property has been withheld by the landlord.

## Information Required For Registration

Home Point, in consultation with partner agencies, will determine what information will be required from applicants in order to register. The application form will only request information that is relevant, but may request general information to assist with assessing housing needs within the county at a strategic level.

## Exclusion from Registration

Applicants can only be excluded from registration in two circumstances:

- 1) On the basis of their immigration status as detailed in Section 160A of the Housing Act 1996 as amended by the Homelessness Act 2002.

Where the application form indicates that this may be an issue, Home Point will investigate to determine whether the applicant is eligible.

- 2) Where the applicant, or a member of their household, has been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant. Behaviour would only meet this criteria if it was so serious that, had the applicant been a tenant of the local authority, the authority would have been entitled to a possession order against them by virtue of the behaviour. This is a stiff test, relating to an entitlement to possession on the following grounds:
  - rent arrears
  - breach of tenancy agreement
  - nuisance or annoyance to neighbours
  - conviction of using for immoral or illegal purpose
  - damage or neglect
  - conviction for arrestable offence committed in the locality of the premises
  - domestic violence causing other to leave

- false statement to induce grant of tenancy
- premium paid for assignment
- tied accommodation - dismissed for misconduct

Home Point will investigate the behaviour to make a determination of whether these conditions are met for exclusion from the register. Where exclusion is considered on the basis of behaviour affecting suitability to be a tenant, Home Point will also take account of any change in circumstances since the behaviour being relied upon to determine whether the applicant remains unsuitable as a result of that behaviour.

Where an applicant is refused registration because of their behaviour, or that of a member of their household, they will be notified that they have a right to seek a review of this decision.

## Determining Priority Amongst Applicants

Based upon the criteria detailed below, applicants will be placed in one of the following priority bands.

- Priority
- Gold Band
- Silver Band
- Bronze Band

### 1. Priority

Unless specified otherwise in this policy, priority status will normally be valid for sixteen weeks from date of award as notified to the applicant by Home Point or the Homelessness Agency. If accommodation has not been secured in this period there will be a review carried out by Home Point staff. If no suitable properties have become available during that period the priority status will be extended for a further period at the discretion of Home Point. If the applicant has been bidding for suitable properties but has not been successful, the status may be extended for a further period at the discretion of Home Point. If however, the applicant has failed to bid for properties, or has been bidding for unsuitable properties, the reasons for this will be determined and if there are valid reasons the priority status may be extended for a further period at the discretion of Home Point, but where there are insufficient reasons the priority status will be withdrawn and the applicant will be placed in Gold Band.

#### 1.1 Statutorily Homeless with a duty to re-house

Where the Homelessness Agency operated by Herefordshire Housing Ltd has accepted a duty under Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002) to provide accommodation for an applicant who:

- ◆ Is eligible for assistance
- ◆ Is homeless

- ◆ Has a priority need for housing
- ◆ Is not intentionally homeless
- ◆ Has a local connection

If statutory homeless applicants have not obtained accommodation using the priority status within sixteen weeks, the review outlined above will take place to decide whether to extend the sixteen week period. If it is decided not to extend the sixteen week period, priority status will be retained and waiting time will continue to accrue, but the Homelessness Agency operated by Herefordshire Housing Ltd will make bids on behalf of the applicant for any suitable properties that become available. When a successful bid is made for a property the applicant will be notified of this and, subject to rights of review under Part VII of the Housing Act 1996, this will constitute an offer of housing under Part VI as a discharge of the Council's homelessness duty. Should the applicant be rejected by the RSL under their own allocations criteria, the homelessness duty will not be discharged and they will remain eligible for a further offer. If a suitable offer is refused the homelessness duty will be discharged and the applicant will cease to have priority status.

Under this heading only, priority status is awarded by the Homelessness Agency.

## **1.2 Agricultural Tied Accommodation is coming to an end**

The Rent (Agriculture) Act 1976 requires a local housing authority to use their best endeavours to provide accommodation for a qualifying displaced agricultural worker. Section 27 of the 1976 Act requires the authority to be satisfied:

- i) that the dwelling-house from which the worker is displaced is needed to accommodate another agricultural worker;
- ii) that the farmer cannot provide suitable alternative accommodation for the displaced worker; and,
- iii) that they ought to re-house him or her in the interests of efficient agriculture.

In reaching a decision, the authority may have regard to the advice of an Agricultural Dwelling-House Advisory Committee (ADHAC). The role of an ADHAC is to provide advice on the question of whether the interests of efficient agriculture are served by the re-housing of the worker, and on the urgency of the application. If the authority is satisfied that the applicant's case is substantiated, it is their duty under S.28 of the 1976 Act to use their best endeavours to provide suitable alternative accommodation for the displaced worker. In assessing the priority to be given to the application, the authority are also required to

take into account the urgency of the case, the competing claims on the accommodation they can provide and the resources at their disposal.

Where the ADHAC recommends re-housing the applicant will usually be awarded priority status.

### **1.3 Young Person leaving care**

Where a young person who has been looked after, fostered or accommodated by Social Care is close to being ready for independent living, as determined by Social Care, they should be awarded priority status to enable a planned move on to independent accommodation. The priority status will be subject to the usual sixteen week rule, but if the care leaver has not obtained accommodation within sixteen weeks, the review carried out by Home Point into whether to extend the priority status will be sensitive to the need not to pressure care leavers into bidding for inappropriate accommodation.

### **1.4 Families referred by Social Care**

In rare circumstances Social Care will determine that there is an urgent need for a family to obtain alternative accommodation. Priority status will only be awarded in these circumstances where the referral is agreed jointly by Herefordshire Council's Head of Strategic Housing and the Head of Social Care Children's Services or the Head of Social Care Adult Services.

### **1.5 Move on from Supported Housing**

The Home Point partnership may enter into arrangements with specified supported housing projects whereby applicants who have been assessed as ready to move into settled accommodation will receive priority status. The project will contact Home Point when a resident is ready to move out through a managed process and an application will be taken from that resident who will then be awarded priority status banding. The normal sixteen week rule will apply to priority status awarded in this way.

The agreement between the Home Point partnership and the supported housing provider will require that, where appropriate, arrangements will be made for post tenancy support, and also allowing for Home Point to implement a control on the issuance of priority status, for instance, by limiting the provider to a set number of allocations of priority status each year.

### **1.6 Homelessness inevitable**

Where the Homelessness Agency operated by Herefordshire Housing Ltd has determined that an applicant living in private rented accommodation has been served with notice seeking possession and



will become homeless and will be owed the full accommodation duty under Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002) because they are:

- ◆ eligible for assistance
- ◆ in priority need for housing
- ◆ not intentionally homeless; and
- ◆ have a local connection

but they are not yet threatened with homelessness within 28 days so the statutory duty does not yet arise. This would only apply where the Homelessness Agency has determined that they would have no defence to possession proceedings and there is other way of preventing the loss of their current accommodation.

The awarding of priority status would provide the opportunity to obtain housing prior to becoming homeless, thereby avoiding the need for temporary accommodation. The usual sixteen week rule would apply to the priority status. Should the applicant actually become homeless before they obtain accommodation they will not obtain a new priority status, if the sixteen week period has expired bids will be made on their behalf under the homelessness discharge of duty procedure.

## **1.7 Special Cases Panel**

A special cases panel consisting of two representatives nominated by the Home Point partnership has the discretion to award priority status in exceptional circumstances where they are satisfied that although the applicant does not fall within any of the priority categories, their needs are sufficient to justify priority status.

Referral to the special cases panel can only be made by the Home Point Manager, where it is considered that a management transfer is not an appropriate/available response, and the applicant has a significantly high level of housing need that is not accurately reflected in this banding scheme.

An applicant who is dissatisfied either with a decision of the Special Cases Panel, or with a decision of the Home Point Manager not to refer to the Special Cases Panel, can seek a review of that decision using the appeals procedure.

The normal sixteen week rule will apply to priority status awarded in this way.

## **2. GOLD BAND**

### **2.1 Homeless without statutory responsibility to re-house**

This status is only awarded by the Homelessness Agency, and is awarded where an applicant is deemed to be eligible for assistance, but does not qualify for the full housing duty because they do not have a priority need, or they have made themselves intentionally homeless, or they do not have a local connection with Herefordshire. The usual rules relating to waiting time for those who do not have a local connection or who (or members of whose household) have been guilty of behaviour that affects their suitability as a tenant will apply.

### **2.2 A property has been deemed unfit for human habitation (by the Private Sector Housing Team, Environmental Health Department or Home Point) and is not repairable within a reasonable period of time**

S.604 Housing Act 1985 defines fitness for human habitation:

A dwelling-house is fit unless it fails to meet one or more of the following requirements and as a result of that failure is not reasonably suitable for occupation;

- a) Structural stability
- b) Free from serious disrepair
- c) Free from dampness prejudicial to health of the occupants
- d) Adequate provision for lighting, heating and ventilation
- e) Adequate piped supply of wholesome water
- f) Satisfactory facilities for the preparation and cooking of food, including a sink with a satisfactory supply of hot and cold water
- g) Suitably located WC for the exclusive use of the occupants
- h) Suitably located fixed bath or shower and wash basin each of which is provided with a satisfactory supply of hot and cold water for the exclusive use of the occupants
- i) Effective drainage for waste and surface water

Home Point will be able to determine unfitness if the applicant's home does not have an internal WC or dedicated bath / shower room.

If the information given by the applicant indicates that the property might be unfit as detailed above, Private Sector Housing will inspect and advise Home Point if the property is unfit and not repairable within a reasonable period of time.

In addition, if Private Sector Housing determine that whilst the property is not unfit for human habitation but is in a state of substantial disrepair that cannot be repaired within a reasonable period of time, a SILVER band will be awarded.

In all cases, the Private Sector Housing team will consider using its powers to secure that the property is made fit.

Alternative remedies for unfitness are also Closure, Demolition or Clearance. Where Private Sector Housing have determined these as a course of action, the applicant should be advised to make a homeless application.

### **2.3 Verified high medical need, where a move will improve, or prevent deterioration of a condition**

This will apply where the applicant's condition is currently directly affected by their accommodation and a move is needed to have a positive effect on their condition, or where as a result of their condition their current accommodation is not suitable to their needs. An investigation will be carried out. See medical policy / procedures for further details.

### **2.4 A Notice to Quit or Repossession Order has been served**

Where any formal statement shows proof that the applicant's current accommodation is coming to an end, and it appears that there will be no statutory duty to accommodate under Part VII of the Housing Act 1996 when they are required to leave. The applicant should also be advised to make a homeless application.

### **2.5 Statutory Overcrowding**

If the applicant indicates a shortage of bedrooms, Home Point will investigate by making a home visit.

If the overcrowding is so extensive that Statutory Overcrowding is likely to be achieved, Home Point will measure the rooms when undertaking the home visit. Reference will then be made to the Housing Act 1985 regarding Statutory Overcrowding, with advice being sought from the Private Sector Housing team as necessary. Where Statutory Overcrowding exists, the GOLD band will be awarded.

### **2.6 The applicant is in specialist or supported housing and no longer requires that level of support**

Where an applicant is currently in accommodation with some level of support, and it is the stated opinion of the support provider that the applicant needs either more or less support to meet their needs. Examples of this may be:

- ◆ Where a tenant is in designated accommodation, but needs or requires sheltered accommodation

- ◆ Where a tenant is in rehabilitation accommodation and their caseworker believes they are in need of independent, general needs housing.

This would apply to occupiers of supported housing not covered by the Priority status award.

## **2.7 A tenant of one or more of the RSL partners is under-occupying by one or more bedrooms and wishes to move to a smaller property**

Checks should be made by Home Point with the partner(s) concerned to validate the application by reference to the RSL's own lettings criteria.

## **3. SILVER BAND**

### **3.1 People suffering from harassment who want to move**

All applications should be taken seriously and in line with the Council's victim centred approach. The admission of anyone onto the register who cites harassment as the main reason for making the application should lead to full investigation of all the circumstances surrounding the application.

Home Point will investigate all claims of harassment if investigation involves the local Police, crime reference numbers should be sought. Where the harassment is of a racist nature, the advice of the Local Race Equality Development Officer should be sought. Where the applicant is a tenant of an RSL there will be liaison with the RSL as part of the investigation.

In cases of harassment it may be appropriate to refer to the Homelessness Agency to determine whether a homeless application is appropriate.

### **3.2 Current property is in medium state of disrepair**

This is only awarded where the Council's Private Sector Housing team determine that whilst the property is not unfit for human habitation, it is in a state of substantial disrepair that could justify the service by the local authority of a notice under Section 190 of the Housing Act 1985 (see also 2.2).

### **3.3 Overcrowding - needing 1 or more additional bedrooms**

Subject to verification by Home Point staff, either via home visit or by information from landlord.

The Home Point partnership will determine the criteria for assessing whether an additional bedroom is required.

### **3.4 The applicant is lacking essential facilities, or sharing them with non-family members**

Although the lack of a vital service and/or sharing a bedroom can be accommodated under other criteria (most notably, Unfit Property legislation), this category is designed to provide immediate access to the waiting list prior to official confirmation of the statutory nature of the responsibility. As a consequence, waiting time can accrue from first registration if there is a delay in establishing the statutory duty.

It will be the responsibility of the Home Point staff to validate that any services are lacking, or that sharing of the bathroom, toilet or kitchen with non-family members is occurring by home visit or verification from landlord.

### **3.5 A move is needed to give support to, or receive support from, family members**

This would only apply where NOT moving would cause physical, emotional or financial hardship to either party.

The address of each family member should be verified by Home Point and evidence will be required how the result of the move would provide the required support.

### **3.6 The applicant's family is forced to live apart**

Where a family that has previously lived together find themselves in circumstances where it is impractical to reside in the same house, due to financial, work or other commitments.

The address of each member of family should be verified, with confirmation from employers or relevant reasons sought. Medical assessment to be sought where applicable.

Where families are forced to live apart because there is no accommodation available for them to live together, they should be referred to the Homelessness Agency to determine whether a homeless application is appropriate.

### **3.7 Supported Accommodation Required**

Where an applicant is currently in general needs accommodation, but has expressed a desire for accommodation with a greater level of support or where an applicant has been referred to Home Point by a social partner (Social Care, Mind etc.) and a particular level of supported housing has been recommended.

It is the responsibility of the agency to ensure that any support that will be required by the applicant after re-housing is appropriate to their level of need. It will also be necessary for the agency staff to assess, in conjunction with the appropriate support agencies, the circumstances of each case and decide if an appropriate alternative course of action (e.g. addition of a Home Visitor to current accommodation, application for disabled adaptations etc.) may prove a viable alternative to re-housing. A medical assessment may also be required.

**3.8 The applicant is in, or is due to be in, full-time employment (16+ hours per week) which will mean excessive travel (over 1 hour each way)**

The employer must be contacted to verify hours and full time employment. Home Point should also verify home address and length of travel required.

**3.9 Relationship breakdown**

Where a couple that have split are forced to remain living in the same home due to financial or other limiting factors (e.g. a need to live in a particular area, but a lack of available homes in the private sector).

**3.10 The applicant has a child under 10, or is pregnant, *and* lives in a flat above ground floor**

Certificate from doctor to confirm pregnancy and or birth certificate of child to be sought. It will be necessary to establish that the property is not on the ground floor by contacting housing professionals or seeking landlord's confirmation.

**3.11 The applicant has difficulty accessing vital services including public transport**

Where vital services include public transport, shop (general grocers), post office, bank, school (if applicable to family composition), pharmacy, doctor's surgery or hospital (if a pre-existing condition that requires hospital treatment).

**3.12 Level access accommodation required *and* there is no prospect of adaptations to property within 12 months**

Suitable proof will be required, i.e. confirmation from local occupational therapist and landlord. The applicant may be referred to other local authority departments for alternative assistance.

#### **4. BRONZE BAND**

**This to include all applicants who do not meet any of the criteria to fall into one of the other bands.**

#### **Preference within bands**

Properties will be advertised through Home Point as they become available, anyone registered with Home Point will be entitled to bid for properties, unless there is a restriction placed upon those entitled to bid. For example some properties may be restricted under agreements pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) imposing conditions on who is able to bid, or RSLs may adopt specific lettings criteria in relation to particular developments or areas in order to address identified problems. Partner RSLs will also be entitled to advertise 25% of properties as available only for existing RSL tenants in order to facilitate transfers.

If more than one person bids for a property, it will go to an applicant with priority status; if no priority applicant bids it will go to a Gold applicant; if no Gold applicant bids it will go to a Silver applicant; and if no Silver applicant bids it will go to a Bronze applicant. A bid for a property will not be considered if the applicant's household does not meet the size requirements for that property.

If more than one person from the same band bids for a property, it will go to the person who has the longest waiting time.

The Home Point partnership may decide to set aside a proportion of properties, or specific properties, to be only available to applicants in Silver or Bronze bands.

#### **Waiting time**

Waiting time will normally be calculated as the period from the List Date set by Home Point when an applicant is registered, and the date on which bids for a property are considered. There will however be exceptions to this:

#### **Those with no local connection with Herefordshire.**

The Home Point choice based letting scheme aims to provide opportunities for anyone to obtain housing within Herefordshire, whilst providing a degree of preference to people who have a local connection with the county.

Consequently, those who have no local connection will be awarded no waiting time and will only be successful in a bid for a property where no-one else from the band that they are in (or a higher band), has bid for the property. Date of application will only be relevant if a choice is necessary between more than one applicant falling within the zero waiting time category.

Local connection is defined in Part VII of the Housing Act 1996 as:

- ◆ Those who are normally resident in the area. Local Government Association guidelines define this as having resided in the area for six of the last twelve months, or three of the last five years, where residence has been out of choice;
- ◆ Those who are employed in the area– the Local Government Association guidelines define this as employment other than of a casual nature;
- ◆ Those who have family connections – the Local Government Association guidelines define this as immediate family members who have themselves lived in the area for five years;
- ◆ Special circumstances at the discretion of the local authority – this would enable Home Point to accept a local connection for those who live close to the border with Herefordshire but not quite inside it; those who grew up in the area but moved away and no longer meet the normal residence conditions; those who need to move to Herefordshire for urgent social reasons such as to receive/give support or to escape violence. This is not a definitive list and Home Point will be able to exercise discretion under this heading.

### **Those whose behaviour affects their suitability to be a tenant**

Where there is evidence that an applicant has been guilty of behaviour that will make them less suitable as a tenant, but the behaviour is not so severe as to exclude them from registration, they can still register with Home Point but will not gain waiting time. This will need to be clearly notified to anyone who is affected by it.

This would include, but is not limited to:

- ◆ Those who have been previously evicted from RSL or local authority housing for nuisance behaviour or for using the premises for unlawful purposes;
- ◆ Those who are, or have been, subject to anti-social behaviour orders or injunctions for anti-social behaviour;
- ◆ Those who have been convicted of criminal offences that involve behaviour linked to their accommodation – such as assaults on neighbours, serious anti-social behaviour, drug dealing from the premises or storing stolen goods on the premises (this is not an exhaustive list);
- ◆ Those who have been evicted from RSL or local authority housing for rent arrears;
- ◆ Those who have left RSL or local authority housing owing rent arrears.

Where there are former tenancy arrears, the reason for the arrears will need to be investigated and where they have arisen as a result of events beyond the control of the applicant then waiting time will be awarded. Equally, if the applicant has made an arrangement to clear former tenancy arrears and is maintaining this arrangement they will be awarded waiting time for as long as arrangements are adhered to.



It is not intended that a person's behaviour at one time in their life should permanently exclude them from social housing, therefore applicants who fall within the above anti-social behaviour or criminal conviction categories will only receive zero waiting time if the incidents or convictions occurred within the previous twelve months. Where the incidents, court orders or convictions are more than twelve months old and there has been no repeat of the behaviour the applicant will be awarded waiting time, unless the incidents were of such an extreme nature that Home Point determine it is not appropriate to grant waiting time.

### **Those with financial resources sufficient to secure alternative accommodation**

Zero waiting time will be awarded to applicants who have sufficient financial resources to secure alternative accommodation. Financial resources will be taken to include income, capital and equity in an owner occupied property.

This will be determined by an assessment carried out by Home Point, having regard to the financial resources of the applicant and the cost and availability of alternative accommodation. As with all other decisions made by Home Point under this policy any applicant who is deemed to have such resources will have a right of appeal against that decision.

### **Assessing composite need**

In circumstances where an applicant would qualify for a band under more than one heading the preference scheme needs to be able to distinguish this and give a greater chance of achieving a property to the applicant with the greater level of housing need.

This will be achieved through the granting of additional notional waiting time. When an applicant is registered with Home Point, two dates are recorded, the Registration Date, and the List Date. The list date is the date from which their waiting time is calculated, normally the two dates are the same.

Where Home Point determine that an applicant should fall within gold band, if there is only one indicator of need within that band their list date will be the date on which they are registered. For each additional indicator of need that would qualify for gold band they will be awarded an additional six months waiting time. Therefore if there are two gold band indicators of need, their list date will be recorded as starting six months before they registered, if there are three gold band indicators of need their list date will be calculated from twelve months prior to registration, and so on.

Where Home Point determine that an applicant should fall within silver band, if there is only one indicator of need within that band their list date will be the date on which they are registered. For each additional indicator of need that would qualify for silver band they will be awarded an additional three months waiting time. Therefore if there are two silver band indicators of need, their list date will be recorded as starting three months before they registered, if there

are three silver band indicators of need their list date will be calculated from six months prior to registration, and so on.

Where an applicant is assessed as falling in gold band, but also has needs that would qualify for silver band, an extra three months will be added to their waiting time for each silver band indicator of need.

Where an applicant does not qualify for waiting time, due to lack of local connection or resulting from behaviour affecting suitability to be a tenant, composite need will only be relevant in relation to other applicants who do not qualify for waiting time.

## Equal opportunities Statement

The Home Point partnership believe that it is a fundamental right for everyone to be treated equally, with respect and dignity; in the implementation of this policy it will ensure that this right is promoted and upheld.

