

COUNTY SECRETARY AND SOLICITOR
Members' Services

TO: ALL MEMBERS OF THE COUNCIL

Your Ref:

Our Ref: MR/CD

Please ask for: Mrs. C. Dyer

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4th November, 2004

Dear Councillor,

YOU ARE HEREBY SUMMONED to attend the meeting of the County of Herefordshire District Council to be held on **FRIDAY, 12TH NOVEMBER, 2004** at Brockington, 35 Hafod Road, Hereford. at **10.30 a.m.** at which the business set out in the attached agenda is proposed to be transacted.

Please note that 30 car parking spaces will be reserved at the Shirehall and 10 car parking spaces at the Town Hall for elected Members.

Yours sincerely,



M.E. ROSENTHAL
COUNTY SECRETARY AND SOLICITOR

A G E N D A

COUNCIL

Date: **Friday, 12th November, 2004**

Time: **10.30 a.m.**

Place: **Brockington, 35 Hafod Road,
Hereford.**

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

For any further information please contact:

*Christine Dyer, Members' Services
Manager and Executive Officer*

**Tel: 01432 260222, e-mail:
cdyer@herefordshire.gov.uk**

**County of Herefordshire
District Council**

AGENDA

for the Meeting of the COUNCIL

To: All Members of the Council

	Pages
1. PRAYERS	
2. APOLOGIES FOR ABSENCE To receive apologies for absence.	
3. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on this Agenda.	
4. MINUTES To approve and sign the Minutes of the meeting held on 30th July, 2004.	1 - 14
5. CHAIRMAN'S ANNOUNCEMENTS To receive the Chairman's announcements and petitions from members of the public.	
6. QUESTIONS FROM MEMBERS OF THE PUBLIC To receive questions from members of the public.	
7. QUESTIONS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS To receive any written questions.	
8. NOTICES OF MOTION UNDER STANDING ORDERS Councillors Mrs M.D. Lloyd-Hayes and W.L.S. Bowen have submitted the following notice of motion: "That HEREFORDSHIRE COUNCIL, as an important consumer and opinion leader, gives support to facilitate the promotion and purchase of foods with the FAIRTRADE Mark. That HEREFORDSHIRE COUNCIL supports a fairer deal to marginalized producers by promoting FAIRTRADE products throughout the Council via its many establishments such as Leisure and Sports Centres, offices, Info Centres and encourages partner agencies such as Jarvis Catering to use FAIRTRADE products wherever possible. The initiative involves a commitment to Agenda 21 and sustainable development by : <ul style="list-style-type: none"> • widely offer FAIRTRADE Marked food and drink options internally and make them available for internal meetings. • promote the FAIRTRADE Mark using FAIRTRADE Foundation materials in refreshment areas. • promote the FAIRTRADE initiative on internal communications and external newsletters • allow staff to purchase FAIRTRADE products internally • attract media coverage and popular support for the campaign • allocate responsibility for progression of the FAIRTRADE initiative to a member of staff from Agenda 21 to liaise with the already existing steering 	

group.”

Urgency has not been moved and under Standing Order 4.22.6 the motion will stand referred to the Leader of the Council pending the Council's approval of the Constitutional amendment which allocates responsibility for procurement to the Cabinet Member (Human Resources and Corporate Support Services).

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| 9. CABINET | 15 - 52 |
| To receive the reports and to consider any recommendations to Council arising from the meetings held on | |
| (a) 9th and 23rd September and 14th and 21st October, 2004; and | |
| (b) 4th November, 2004. (Report to follow) | |
| 10. STATUTORY ACCOUNTS COMMITTEE | 53 - 54 |
| To receive the report and to consider any recommendations to Council arising from the meeting held on 2nd August, 2004. | |
| 11. PLANNING COMMITTEE | 55 - 58 |
| To receive the report and to consider any recommendations to Council arising from the meeting held on 1st October, 2004. | |
| 12. STRATEGIC MONITORING COMMITTEE | 59 - 62 |
| To receive the reports and to consider any recommendations to Council arising from the meeting held on 15th October, 2004. | |
| 13. STANDARDS COMMITTEE | 63 - 68 |
| To receive the report and to consider any recommendations to Council arising from the meeting held on 15th October, 2004. | |
| 14. WEST MERCIA POLICE AUTHORITY | 69 - 72 |
| To receive the report of the meeting of the West Mercia Police Authority held on 21st September, 2004. Councillor B. Hunt has been nominated for the purpose of answering questions on the discharge of the functions of the Police Authority. | |
| 15. HEREFORD AND WORCESTER COMBINED FIRE AUTHORITY | 73 - 80 |
| To receive the report of the meetings of the Hereford and Worcester Combined Fire Authority held on 18th May, 14th June, 22nd July and 27th September, 2004. | |

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 Cabinet and of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- 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. Please contact the officer named on the front cover of this agenda **in advance** of the meeting who will be pleased to deal with your request.

The meeting venue is accessible for visitors in wheelchairs.

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 the officer named on the front cover of this agenda 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

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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.

MINUTES of the meeting of Council held at Brockington, 35 Hafod Road, Hereford on Friday, 30th July, 2004 at 10.30 a.m.

Present: Councillor P.E. Harling (Chairman)
Councillor J.W. Edwards, (Vice Chairman)

Councillors: Mrs. P.A. Andrews, B.F. Ashton, Mrs. W.U. Attfield, Mrs. L.O. Barnett, W.L.S. Bowen, H. Bramer, R.B.A. Burke, A.C.R. Chappell, M.R. Cunningham, Mrs. S.P.A. Daniels, P.J. Dauncey, Mrs. C.J. Davis, P.J. Edwards, D.J. Fleet, Mrs. J.P. French, J.H.R. Goodwin, Mrs. A.E. Gray, K.G. Grumbley, J.G.S. Guthrie, J.W. Hope, B. Hunt, T.W. Hunt, G.V. Hyde, Mrs. J.A. Hyde, T.M. James, Brig. P. Jones CBE, Mrs. R.F. Lincoln, Mrs. M.D. Lloyd-Hayes, G. Lucas, R.M. Manning, R.I. Matthews, J.C. Mayson, R. Mills, J.W. Newman, Mrs. J.E. Pemberton, R.J. Phillips, Ms. G.A. Powell, R. Preece, Mrs. S.J. Robertson, D.W. Rule MBE, Miss. F. Short MBE, R.V. Stockton, J. Stone, D.C. Taylor, W.J.S. Thomas, P.G. Turpin, W.J. Walling, D.B. Wilcox, A.L. Williams, J.B. Williams and R.M. Wilson

19. PRAYERS

The Very Reverend Michael Tavinor, the Dean of Hereford, led the Council in prayer.

20. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Mrs. E.M. Bew, G.W. Davis, N.J.J. Davies, J.P. Thomas, Ms A.M. Toon.

21. DECLARATIONS OF INTEREST

There were no declarations of interest made.

22. MINUTES

In response to a query on the minutes of the meeting held on 21st May, 2004, and in the absence of a written notice of motion as required by Standing Order 4.14.4, Councillor W.J.S. Thomas was asked to write to the Chairman setting out his concerns.

RESOLVED: That the minutes of the annual meeting held on 21st May, 2004 be approved as a correct record and signed by the Chairman.

23. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that the partnership contract with SHAW Homes to run the older people's care homes in the County had been signed on 28th July and that the transfer would take effect on 1st August, 2004. He thanked all the staff involved for their efforts in finalising this important partnership arrangement for older people in Herefordshire.

The Chairman informed Council that three Herefordshire residents had recently taken part in the first citizenship ceremony to be held in the County. The ceremony included taking an oath of allegiance to her Majesty Queen Elizabeth II and a pledge

of loyalty to the United Kingdom. He advised that there could be as many as 50 applicants in Herefordshire each year and the next ceremony was already being planned.

The Chairman reminded Council that the Civic Service would be held in Hereford Cathedral on Sunday, 13th March, 2005 at 3.30 p.m. He advised that the new Bishop of Hereford had agreed to preach at the service.

The Chairman extended an invitation to pupils at Burghill Community Primary School to attend the Council meeting to be held on Friday, 12th November, 2004.

The Chairman presented a petition, asking for support for a skate park in Hereford City, to the Cabinet Member (Community and Social Development).

24. QUESTIONS FROM MEMBERS OF THE PUBLIC

Under the Constitution a member of the public can ask a Cabinet Member or Chairman of a Committee any question relevant to a matter in relation to which the Council has powers or duties, or which affects the County, as long as a copy of the question is deposited with the County Secretary and Solicitor more than six clear working days before the meeting. A series of questions and supporting statements relating to support for a skate park in Hereford City had been received within the requisite timeframe and were included in the agenda.

In response to a request for support for a purpose built skate park in Hereford City, Councillor R.V. Stockton, Cabinet Member (Community and Social Development) said that the Council already supports the development of skateboarding facilities throughout the County, both through the provision of land and limited revenue support to assist maintenance as well as undertaking safety inspections. He advised that the main emphasis had been on the development of neighbourhood facilities. The problem with provision of land in Hereford City was the scale of the facilities and the value of the land required. Any financial contributions would need to be prioritised against other bids for resources.

In response to the question about potential tourism benefits he advised that neither Sport England nor ILAM had been able to evidence tourism or economic benefits arising from skate parks.

He advised that the Council does not provide financial support to team sports other than providing pitches on existing open space. He also said that the Council had allocated £10,000 to skate parks compared to £7,000 to core sports development.

He also advised that projects most likely to succeed were those that involved the whole community and urged the skateboarders to seek support from their local community to establish a joint venture partnership. This would also allow them to approach other funding sources to ensure continuity once a project had been established.

25. QUESTIONS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS

Question asked by Councillor J Stone.

"Has Herefordshire Council made representations to the Highways Agency for road improvements at Ashton following the fatal accident on the A49 on Monday, 7th June, 2004?"

Councillor Wilson, Cabinet Member (Highways and Transportation) in replying, extended his sympathy to the families of the drivers tragically killed in the appalling accident at Ashton in June and to the local residents whose property was so badly damaged in the accident.

He reminded Councillor Stone that the Council had previously highlighted to the Highways Agency that safety on the A49 should be a priority when considering future management of the route, with several sites on the A49 in Herefordshire having records of long-term patterns of personal injury accidents. He said that accident reduction measures had been introduced at some sites and further measures were proposed. The bends at Ashton had received minor remedial treatment in the past.

He confirmed that the Highways Agency, like the Council, was expected to prioritise the trunk road safety improvement programme according to objective assessments of longer-term accident trends.

He read out the following statement from the Highways Agency:

"As is normal following incidents of this sort, the Highways Agency assisted the Police and other emergency services at the time of the incident and are continuing to liaise with the police as they carry out an investigation into the circumstances. Details of the investigation are not yet available but, if it is established that the highway infrastructure may have been a contributory factor, the Agency will look at what measures, if any, would be appropriate to improve safety at this location."

He was also aware that the local MP had raised the matter at Prime Minister's question time, and it was also raised with the Highways Agency during the Route Management Strategy consultation at Whitchurch. He agreed to keep the local Member informed of any further information about proposals for this site.

Councillor Stone and Councillor Wilson both praised the emergency services for their assistance at the scene of the accident.

In response to a further question about diversion routes following a major accident on the Council's roads, Councillor Wilson advised that Council officers and staff from the Highways Agency worked together to devise diversionary routes that would assist the flow of traffic but were constrained by the existing road infrastructure which often left no alternative but to divert traffic through smaller villages.

Question asked by Councillor R. Manning

"In light of the fact that natural justice is deeply enshrined in English Law i.e. that a man cannot be a judge in his own cause, does the Council feel confident that its Constitution, Appendix 13, Paragraph 37 would not be considered ultra vires?"

In view of the fact that the Constitution is currently being reviewed, could I ask the Leader if my question could be considered in this process?"

Councillor Phillips said that the Constitution provided a robust framework of governance by which the functions of the Council are regulated ensuring that the procedures and business of the authority are conducted in an efficient, transparent and accountable fashion. The doctrine of natural justice provided the basis of modern jurisprudence and imposed obligations upon those in power to make decisions fairly, without bias and in good faith.

He thought that the question was based on a misunderstanding of the role of the Head of Planning Services in the referral process.

He explained that Paragraph 37 in Appendix 13 of the Constitution deals with the situation where the Committee arrives at a decision at a planning sub-committee which is contrary to the professional advice tendered in an officer recommendation.

In such circumstances, where critical policy issues arise, the decision of the sub-committee is referred to the Head of Planning Services to determine whether to refer the matter to the main Planning Committee. He said that the paragraph in question is drafted in unambiguous terms and it was clear that where such a referral is made, it is for the Elected Members serving on the main Planning Committee to determine the application referred to them. He thought it was obvious that it was the Committee and not the Head of Planning Services who would make that decision. He advised that the Council was entirely confident that its constitution was wholly consistent with the rules of natural justice. Such mechanisms are regularly employed to ensure that disregard of the local and national frameworks are properly addressed thus avoiding the damage to reputation which was so clearly identified in the North Cornwall Inquiry. The question of ultra vires simply does not arise.

He thanked Councillor Manning for his question and said he would raise the issue at the Constitutional Review Working Group but warned that he would find it hard to conceive of a mechanism which would guard against the North Cornwall situation more effectively.

Councillor Manning responded by saying that he did not wish to be derogatory about any Council officer but was still concerned that the referral process was contrary to the rules of natural justice. He felt it would be impossible for the Head of Planning Services to make a decision about such a referral without bias. He was also concerned about the length of time it had taken for an applicant to be informed that a decision, which had been properly taken by a Planning Sub-Committee meeting in public, had been referred to the main Planning Committee for reconsideration. He argued that it was the Committee's prerogative to consider whether material considerations were present and make a decision accordingly. He asked whether, if a dissatisfied applicant challenged a decision at judicial review and was successful, other previous unsuccessful applicants could also use this process to have their decisions overturned.

The Chief Executive advised that he did not believe the Council's decision would be susceptible to judicial review but the reasoning was complex and council was not the best forum to address detailed issues of this nature. The matter would be best referred to the Constitutional Review Working Group. The Legal Practice Manager agreed to provide a written reply to the legal points raised.

Question asked by Councillor Mrs. M.D. Lloyd-Hayes.

"Why did the Council recommend to the Voluntary Sector Grants Panel an award of £8,000 to a youth group in the Leominster area representing 125 young people, but only recommend £2,500 to a group in Hereford where more than 7,000 young people live?"

Response by Councillor Stockton

Councillor Stockton explained that the funding available through the Voluntary Sector Grant Scheme was distributed in two rounds. Approximately 80% of the funding is allocated during the first round, with the final 20% being allocated during the second. A total of £143,971 was allocated during the first round with a total of £24,164 to be allocated during the second round. Grants were awarded on a previously agreed percentage basis to seven categories including 11.75% to Youth.

He advised that 27 of the 32 applications received in the first round were supported, and a further 19 of 26 applications the second round. The scheme was over subscribed by more than £359,000. The "Leominster project" was considered in Round 1, the "Hereford project" in Round 2.

He explained that applications for funding are appraised by officers who make recommendations on the amount of funding and any conditions to be applied. The recommendations are considered by the Voluntary Sector Grants Panel before he made the final decisions.

Both of the projects in question were supported by their appraisers, but due to the way in which the funding is allocated across the two rounds, Herefordshire Council could only support a section of the projects that came forward in the second round.

He advised that the scheme is currently being reviewed under Herefordshire Council's Review of Support to the Voluntary Sector, the outcome of which is due at the beginning of October.

In response to further query, Councillor Stockton advised that organisations applying for grant aid were required to furnish details of other funding, including grants, available to them. With regard to the provision of a skate park in Leominster, he advised that that particular project was being supported by Leominster Town Council.

Question asked by Councillor Mrs. M.D. Lloyd-Hayes

"Why is there no report from the Fire Authority at full Council for a second time?"

Councillor Phillips stated that in contrast to the Police Authority, there was no statutory requirement that the Chief Fire Officer report to the constituent authorities. That is because, in contrast to the Police Authority, the whole of the membership of the Combined Fire Authority is drawn from the membership of the Constituent Authorities.

It is therefore a matter for the Combined Fire Authority to determine whether or when reports are submitted on its behalf. The Authority's presently agreed position is that it will report after its meetings in March and September each year.

The Authority met on 19th March, 2004 and reported to the next available meeting of the Council, held on 21st May, 2004. The Authority's next meeting is scheduled for 27th September 2004 and a report should therefore be submitted to this Council's meeting on 12th November, 2004.

He said he had some sympathy with Councillor Mrs. Lloyd-Hayes's question particularly in view of the recent issues relating to capping.

Question asked by Councillor Mrs. M.D. Lloyd-Hayes

"Has the Council selected a cattle market site?"

Councillor G. Hyde responded by saying that no site had yet been identified, but that local Members would be notified as soon as one had been.

Question asked by Councillor Mrs. M.D. Lloyd-Hayes

"Since the abolition of Programme Panels there has not been an identified mechanism for Councillors to meet and openly discuss issues of concern in their wards with officers and Cabinet Members. To strengthen links between the public and their elected representatives can we canvass Members for their views on re-

instating Programme Panels?"

Councillor Phillips advised that the role of the Programme Panels as set out in the Constitution had been to assist the relevant Cabinet Member by giving advice on the formulation and implementation of policy within the relevant programme area. No effective decisions were taken.

Questions about the efficiency and clarity of purpose were raised as part of both the IdeA peer review and the CPA Corporate Assessment. He reminded Council that there were many ways to make their views known to the Cabinet, and said he would ask the Constitutional Review Working Group to reconsider the issues. He said he would arrange for Councillor Mrs Lloyd-Hayes to attend and present her proposal for consideration.

Question asked by Councillor A.C.R. Chappell

"Will the Leader review, as a matter of urgency, the Council's lettings policy of its public buildings to ensure that the British National Party can hold none of its meetings in public buildings? This to include schools and similar buildings owned by the Council. Will he also advise other organisations who are in receipt of Council grants that these will be withdrawn if they allow the BNP to use their buildings?"

"Will he also seek to ensure that the British National Party are unable to distribute any material or hold any meetings on ground owned or managed by Herefordshire Council?"

Councillor Phillips explained both the situation which prevails other than at election time and also the situation which prevails during an election.

He advised that the British National Party was registered with the Electoral Commission as a political party on 25 February 1999, pursuant to the provisions of the Registration of Political Parties Act 1998. By virtue of this registration process, the British National Party is able to put forward candidates for Parliamentary, European or local elections. A candidate of either a registered party or an individual candidate is entitled for the purpose of holding public meetings in furtherance of his candidature to the use, free of charge, at reasonable times of a suitable room in the premises of a school within the ward or constituency in which he or she stands for elections, or in a similar room in an adjoining ward or constituency if there is no availability of rooms within the ward or constituency for which that candidate stands. Indeed the Local Education Authority is required to prepare and revise from time to time a list of rooms at school premises where candidates in the constituency may hold such meetings. The right to hold to such meetings is enforceable by the candidate against the Council.

At common law a highway is land dedicated to the use of the public to pass and re-pass along it. The law provides that a highway may be used for other lawful purposes. If a member of the public or the supporter of a particular political party for that matter chooses to walk along a highway handing out party political literature that is a lawful use of the highway. The use may become unlawful if however he or she remains static causing an obstruction and the willful hindrance of free passage along the highway. An offence under Section 137 of the Highways Act 1980 would arise in such circumstances.

Whether a meeting is conducted after an election has been called or at any other time, the meeting must be conducted in a lawful fashion. Under Section 19 of the Public Order Act 1986 a person commits an offence if he or she publishes or distributes to the public written material which is threatening, abusive or insulting if

he either thereby intends to stir up racial hatred or having regard to all the circumstances, racial hatred is likely to be stirred up by that activity. There are similar offences created by the Public Order Act which covers the use of threatening or abusive or insulting words or behaviour. A police constable has power to arrest without warrant a person suspected of being guilty of such an offence.

The Council is currently reviewing its conditions of hire and the letting of Council's own rooms for future events.

In response to a further question, Councillor Phillips reminded Council of their obligation as community leaders to promote the Race Equality Action Plan referred to in the Cabinet Report at Item 9.

Question asked by Councillor W.L.S. Bowen

"Please can we have an update on the situation regarding "sofa surfers" and other homeless youngsters.

What is the situation as regards adult homelessness? What is being and can, practically, be done to reduce these problems?"

Councillor Mrs. Barnett advised that the situation on "sofa surfers" and other homeless young people was very similar to that outlined at the previous meeting of Council. Single person accommodation continue to be very limited in Herefordshire with only 38 new units planned for this year. There are 3399 applicants at present seeking this type of accommodation. This is 54% of all applicants. In order to obtain better information, applicants who are priority card holders and homeless will be asked, in future, if they are staying with relatives or friends. At the end of June there were 143 "homeless at home".

She invited Councillor Bowen to contact the Director of Social Care and Strategic Housing and make an appointment for a detailed briefing.

Question asked by Councillor W.L.S. Bowen

"Why is it that Hereford Council has no Rail Development Officer or any form of Strategic Rail Group?"

Is this Council taking any positive steps to improve Hereford's rail link with London?

Is the so called "integrated transport policy" making any significant progress - especially with regard to rail/bus/taxi links?"

Councillor Wilson advised that the Council was currently unable to identify any funding for such a post, but that rail issues were undertaken by the Passenger Transport Officer. The Council is a member of the Cotswold & Malvern Transport Partnership, which is the strategic rail group for the Hereford-Paddington line. In addition, rail interest groups and organizations are included in the membership of the Transport Wider Reference Group (the Transport Ambition Group for the Herefordshire Partnership). In the wider context the West Midlands Passenger Train Users Forum, of which we are a member, looks after West Midlands' issues, and the Rail Passengers' Committee Western is the statutory body responsible for rail passenger issues. The Cotswold & Malvern Transport Partnership is actively working with train operators and Network Rail to improve the London service. The new timetable to be introduced in December will see newer and faster rolling stock on London services.

Council was advised that from May 2004 the majority of city bus services from South Wye were extended to Hereford railway station. Rural services to Monmouth, Canon Pyon, Leominster and Kington have been extended to Hereford station and taxibus services operate in the evenings from Hereford and Leominster railway stations. A new service has been introduced between Ross-on-Wye, Much Marcle and Ledbury railway station. Opportunities for further bus/rail links are considered on an ongoing basis when reviewing services subsidised by the Council prior to the re-tendering process.

In addition, passengers coming to Hereford by rail are able to buy a "Plusbus" ticket for an additional £1 per adult on top of the price of their rail ticket. This entitles passengers to unlimited travel on services within Hereford that are operated by First Group.

In response to a further query, Councillor Wilson said that he was aware that a number of trains from Paddington were terminated at Malvern and on occasion, at Evesham. This was due to having a single line track between there and Hereford. The partnership group was working towards a dual track service. He was satisfied that the "Plusbus" tickets were well advertised, appearing on passenger timetables and elsewhere.

Question asked by Councillor P.J. Dauncey

"Please would the Cabinet Member inform us as to the date the CROW Act 2000 can legally be applied in Herefordshire?"

Councillor Wilson said that there are many different provisions contained within this Act, some of which were already in force but some would not take effect until 2026.

He advised that he would be pleased to send a more detailed response if Councillor Dauncey could provide more specific details of which provision, or provisions, within the Act he would like information about.

Councillor Dauncey said he was referring to notices relating to dog-walking which had been posted on Bromyard Downs, which he believed would not take effect until October 2005. He asked for the notices to be removed immediately.

Councillor Wilson agreed to investigate the matter and respond to Councillor Dauncey direct.

Question asked by Councillor T.M. James

"Members of the public recently observed staff from Herefordshire Jarvis Services painting flower displays in Leominster prior to a visit from the judging panel of the Britain in Bloom competition.

Could the Cabinet Member explain how this was authorised and does he think that this is an appropriate use of tax payers money?"

Councillor Phillips said that in terms of budget, the cost of the grounds maintenance in the north of the county remains in line with that paid to Sodexo land technology last year prior to transfer to Herefordshire Jarvis Services. No enhanced payments have been made beyond what would have been paid in previous years.

He said that the display in question was the Age Concern display in Leominster and their logo could not be delivered using natural planting as the blue colouring was not deep enough. The nursery provided the plants with a natural plant dye, (not paint) to

be applied prior to the judging. In view of the profile of the Age Concern display and the will to not prejudice the work, enthusiasm and commitment of the Leominster Community, it was agreed with their 'In Bloom' Committee that this work should be authorised. The market towns are building high levels of civic pride in accordance with the 'In Bloom' initiatives across County. This has taken some time but now it engages both the business and voluntary sectors in the concept of raising the profile of the market towns as service centres.

Councillor James implied that, in light of the current difficulties being faced by the Council, e.g. capping, Jarvis, job evaluation, that the money could have been put to better use. Councillor Phillips reiterated that no additional money had been spent this year. He praised the work of the staff involved, many of whom tended the displays outside of normal working hours and hoped they would continue to do so.

26. NOTICES OF MOTION UNDER STANDING ORDERS

There were no Notices of Motion.

27. CABINET

The Leader of the Council, Councillor R.J. Phillips, presented the report of the meetings of Cabinet held on 3rd and 17th June, and 1st, 15th July, 2004, and the supplementary report of the meeting held on 22nd July, 2004.

Main Report

In relation to item 1.1 Corporate Plan 2004/07 (including Best Value Indicator Reporting for 2003/04) - in response to a query the Leader assured Council that he would be seeking to ensure that reports of this nature are written as clearly and concisely as possible.

In relation to item 1.2 Council Tax Designation and Capping Local Government Finance Act 1992 Council Tax Limitation (England)(Maximum Amounts) Order 2004 - The Leader reminded Council that the criteria for capping was unknown at the time that it set its budget for 2004/05. He said it was important for people to be aware of that. To this end he was happy to share with any interested parties a letter dated 6th April, 2004 from the Office of the Secretary of State confirming this.

In relation to item 4.1(iii) Revenue Support Grant (RSG) - in response to a query the Leader explained that, for the purpose of calculating RSG the government was using census information from 1991 rather than 2001. It had been estimated that if the 2001 figures had been used Herefordshire may have been entitled to extra funding of up to £1.8 million. This was because a number of criteria related to elderly people, of which the County has a higher than average proportion.

In relation to item 7.1(i) Edgar Street Grid Delivery Vehicle - In response to a request for more information, Councillor G.V. Hyde advised that the project to redevelop the Edgar Street Grid was in the early stages of what would be a 15-20 year project. He said that it was too early to hold another seminar for Members as there were still too many options open, not least of which was to identify a new site for the livestock market. The Leader confirmed that inclusion of a Hereford City member on the Joint Venture Partnership would be considered as part of the process.

In relation to item 8.1(i) Review of Discretionary Policies Applicable to Home to School Transport - in response to a query Councillor Rule, Cabinet Member (Education) confirmed that the review would include the cost of transport to schools

out of County for those who have been refused a school in their catchment area.

In relation to Item 12.2(i) Parish Plans Protocol - in response to a query, the Leader advised that the relaxation of current timescales for responses may be unavoidable in some instances solely because of the amount of time involved in dealing with over 40 parish plans. He confirmed there would be no undermining of the Council's commitment to the parishes.

Supplementary Report

In relation to item 3.1(i) Commission for Social Care Inspection, Inspection of Older People's Social Care Service for Herefordshire - in response to a query Councillor Mrs. Barnett, Cabinet Member (Social Care and Strategic Housing) confirmed that she was confident that the social care management and staff could deliver the outcomes identified following the inspection of the service. She said that the Council should be proud to have such a dedicated team who were committed to improving the service for the older people of Herefordshire.

RESOLVED: That the reports from the meetings of Cabinet held on 3rd and 17th June, and 1st, 15th and 22nd July, 2004 be received and the recommendations set out below be adopted:

- That (a) the Corporate Plan 2004/07, incorporated the up-to-date Best Value Performance Indicators for 2003/04 as set out at Appendix 1 to the report be approved;
- (b) the Council sets its budget at the capping figure of £175,320,000;
- (c) in doing so, the Council makes budget savings of £300,000 to cover both the reduction required by the Capping Notice and the re-billing costs;
- (d) the Council agreed to make substitute calculations to achieve the consequential council tax at Band D for Herefordshire Council services of £955.73; and
- (e) revised council tax demand notices incorporating both the substitute council tax and the consequential amendment necessitated as a result of the anticipated revised precept from the Combined Fire Authority be issued.

28. SUBSTITUTE REVENUE BUDGET AND COUNCIL TAX RESOLUTION 2004/05

Following the resolution at Minute 27(b) above it was unanimously **RESOLVED:**

- That: (1) In respect of the Council's 2004/05 Budget:
- (a) a council tax of £955.73 be levied (at Band D);
- (b) programme areas contain expenditure within "cash limits" i.e. outturn budgets with no further allowance for pay or price inflation beyond that already provided;
- (2) in respect of council tax for 2004/05 that the following amounts be approved by the Council for the year 2004/05 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992:

- (a) £255,853,372 being the estimated aggregate expenditure of the Council in accordance with Section 32(2)(a) to (e) of the Act;
- (b) £78,682,000 being the estimated aggregate income of the Council for the items set out in Section 32(3)(a) to (c) of the Act;
- (c) £177,171,372 being the amount by which the aggregate at (a) above exceeds the aggregate at (b) calculated by the Council in accordance with Section 32(4) of the Act, as its total net budget requirement for the year;
- (d) £111,707,795 being the aggregate of the sums which the Council estimated will be payable for the year into its general fund in respect of redistributed non-domestic rates, revenue support grant, additional grant or relevant special grant, increased by the transfer from the Collection Fund;
- (e) £983.55 being the amount at (c) above less the amount at (d) above all divided by the amount of the Council Tax base calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its Council Tax for the year;
- (f) £1,851,372 being the aggregate amount of all special items referred to in Section 34(1) of the Act;
- (g) £955.73 being the amount at (e) above less the result given by dividing the amount at (f) above by the amount of the Council Tax base calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates;
- (h) that the precepting authority details incorporated in Annex 1 (i-v), relating to Special Items, West Mercia Police and Hereford and Worcester

Combined Fire Authority be approved in accordance with Sections 30(2), 34(3), 36(1) and Section 40 of the Local Government Finance Act 1992.

- (3) Pursuant to the requirements of the Local Government (Functions and Responsibility) (England) Regulations 2000, any decisions on the application of reserves and balances as required from time to time during the financial year be taken by Cabinet.

29. REGULATORY COMMITTEE

Councillor R.I. Mathews presented the report of the meeting of the Regulatory Committee held on 29th June, 2004.

RESOLVED: That the report of the meeting of the Regulatory Committee held on 29th June, 2004 be received.

30. STANDARDS COMMITTEE

Mr Robert Rogers presented the report of the meeting of the Standards Committee held on 2nd July, 2004.

RESOLVED: That the report of the meeting of the Standards Committee held on 2nd July, 2004 be received.

31. STRATEGIC MONITORING COMMITTEE

Councillor T.M. James presented the report of the meeting of the Strategic Monitoring Committee held on 5th July, 2004. In response to a query Councillor James agreed that he had some concerns about the Scrutiny Committees not calling the executive to account. However, he said that much of what went to Cabinet was statutory and there had been relatively few contentious issues to deal with.

RESOLVED: That the report of the meeting of the Strategic Monitoring Committee held on 5th July, 2004 be received.

32. PLANNING COMMITTEE

Councillor T.W. Hunt presented the report of the meeting of the Planning Committee held on 16th July, 2004. Councillor Hunt referred Council to a number of documents contained in the agenda for the Planning Committee and urged Members to request a copy. He acknowledged that it was difficult for young people to afford to buy houses in the villages where they grew up because of the escalating price of property and indicated that future developments should be linked to local need. The Leader advised that the Council had taken steps towards addressing this issue by pursuing planning policies which not only sought to secure affordable housing the new build areas but also used criteria in considering extensions and conversions restricting the scale and thus the affordability of existing stock.

RESOLVED: That the report of the meeting of the Planning Committee held on 16th July, 2004 be received.

33. WEST MERCIA POLICE AUTHORITY

Councillor B Hunt presented the reports of the West Mercia Police Authority held on 18th May and 8th June, 2004. In response to a series of questions Councillor Hunt was able to provide the following information:

PCCGs - the Police Authority had set up a series of Police and Community Consultative Groups for Bromyard, Hereford City, Kington, Leominster and Herefordshire Rural (which included the Golden Valley, Ledbury and Ross-on-Wye). He said he would endeavour to find out when it would next be meeting at Ledbury and agreed to make some enquiries about police comments on public order issues at the various festivals in the town and report back to Council in writing.

Capital Programme - He advised that the proposal to take no further action on the proposed capital schemes at Leominster and Hereford until the conclusion of the nomination process would have only a slight effect.

Response times - He advised that individual response times were not recorded in a form which could be reported in the way requested i.e. slowest and fastest. He confirmed that records for individual incidents could be found if requested.

Recruitment - He said he was unaware of the time delays involved in the recruitment process (up to 12 months) and agreed to investigate and report back. He advised that the Police Authority was confident it would be able to achieve and maintain a staffing level of 2,400 officers.

He agreed to seek further information and report back at a later date on a number of other topics including: access by underage young people to nightclubs; presence of police on the streets in Hereford City during the previous weekend's BNP presence; and whether the proposed reduction in the numbers of probation officers will be achieved through natural wastage.

RESOLVED: That the reports of the meeting of the West Mercia Police Authority held on 18th May and 8th June, 2004 be received.

The meeting ended at 12.25 p.m.

CHAIRMAN

REPORT OF THE MEETINGS OF CABINET

HELD ON 9TH AND 23RD SEPTEMBER AND
14TH AND 21ST OCTOBER, 2004

Cabinet Members: R.J. Phillips (Leader of the Council),
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.

This report covers proceedings of the meetings listed above. A supplementary report on proceedings of the meeting held on 4th November, 2004 will be circulated separately.

1. DECISIONS RESERVED TO COUNCIL UNDER PART 4 OF THE CONSTITUTION

- 1.1 **Council Tax Designation and Capping - Local Government Finance Act 1992 - Council Tax Limitation (England)(Maximum Amounts) Order 2004** - Cabinet has finalised its recommendations for the allocation of budget reductions required to meet the revised budget necessitated by the Government's decision to limit the Council's budget for 2004/05 to £175,320,000.

Cabinet recommends to Council the revised budget as set out at Appendix 1.

- 1.2 **Review of the Constitution** - The Constitution 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 County Secretary and Solicitor is responsible for monitoring and evaluating the operation of the Constitution and making recommendations for improvement as necessary. The Constitutional Review Working Group, Strategic Monitoring Committee and Cabinet have considered a number of recommendations for changes to the Constitution. These are set out in detail at Appendix 2. In summary they deal with:

- **Clarification of Head of Planning Services' powers of referral** and publication of the referral procedure.
- **Members' Planning applications** – subject to clarification from the Standards Board for England it is recommended that the Council maintains its local prohibition on Councillors using agents at planning committee meetings.
- **Supplementary Planning Guidance** - it is recommended that approval for Supplementary Planning Guidance (SPG) be delegated to the Cabinet Member (Environment) in consultation with the Planning Committee.
- **Formal Questions at Council** - addresses practical issues about the asking of questions at full Council.
- **Delegations in Relation to Employee Matters** - it is recommended that a new Standing Order be added to clarify the role of Members in the appointment, dismissal and discipline of staff.

- **Local Area Forums** - It is recommended that revisions be made to the Composition and Terms of Reference and that, in order to reduce the constraint imposed by strict geographical boundaries, reference to LAFs be deleted in Appendix 20 "Membership of Area Based Bodies".
- **The Independent Remuneration Panel (IRP)** - It is recommended that the Council agree to review its current Members' Allowances Scheme during 2006/07 (prior to the next local elections) and that current membership of the IRP be continued for a further three year period for that purpose.
- **Control of Borrowing, Investments or Capital Expenditure** - It is recommended that the definition of the Council's budget be amended to include "Investments".
- **The Policy Framework** - As there is no longer a statutory requirement to produce a Housing Investment Programme it is recommended that it be deleted from the Policy Framework and that the Housing Investment Strategy be added to the terms of reference of the Cabinet Member (Social Care and Strategic Housing).
- **Regulatory Sub-Committee** - It is recommended that the sub-committee comprise three councillors from the Regulatory Committee.
- **Children's Bill and Review of Cabinet and Scrutiny Portfolios generally** - It is recommended that one Cabinet Member be identified to take lead responsibility for Children's Services pending the outcome of an operational review and the enactment of the Children's Bill and that the Strategic Monitoring Committee takes responsibility for monitoring the Cabinet's response to the Children's Bill. The Leader will formally move the appointment of Councillor Don Rule as the lead Cabinet Member for Children's Services at the Council meeting. A number of minor modifications to the existing Cabinet portfolios are also recommended.
- **Health Scrutiny Joint Committees** - It is recommended that provision be made 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.
- **Financial Regulations and Associated Amendments** - The current financial regulations have been in force for a number of years and a revised version of financial regulations detailed at Annex 1 to Appendix 2 reflecting a number of practical issues is recommended for approval.

At the Council meeting held on 30 July, 2004 Councillor Mrs. M.D. Lloyd-Hayes proposed that the Council should consider the reinstatement of Programme Panels at the next revision of the Constitution. Councillor Mrs. Lloyd-Hayes attended the Constitutional Review Working Group (CRWG) on 7th September, 2004 and put her case. In doing so she 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 was 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 provides an opportunity to review progress to date and scope for improvement.

Cabinet has recommended that the proposal for determining applications for planning permission in relation to the Council's own developments by the Planning Committee be referred back to the Constitutional Review Working Group for further consideration.

Cabinet has also recommended that the Constitutional Review Working Group review ways to encourage more member participation generally at full Council meetings.

Cabinet recommends to Council that the detailed recommendations set out at Appendix 2 and associated documents be approved.

- 1.3 **Herefordshire Unitary Development Plan (UDP): Representations to the Revised Deposit Draft** - The UDP Working Group reconvened to consider representations to the Revised Deposit Draft UDP due to be examined at a Public Inquiry in February 2005. The views of local members on representations affecting sites in their wards had been sought as part of the review. The purpose of considering representation at this stage in the statutory process was to establish a formal response so that the Council's position at Inquiry is clear.

In the majority of cases the UDP group recommended that no further changes be sought to the Plan. However, in a limited number of cases it is recommended that the Inspector be asked to recommend a modification to 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); and
- to strengthen the reference to a possible extension of the Roman Road improvements to the A438 Brecon Road.

In addition three cases have arisen 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; and
- to amend mineral and waste policies (policies M3, W1 and associated reasoned justification, and reasoned justification to policy S9).

Cabinet recommends to Council for approval the changes to the Revised Deposit Draft as recommended by the UDP Group and has authorised the Cabinet Member (Environment) to agree any potential changes to the UDP arising at Inquiry, prior to and subject to their approval by Council if recommended by the Inspector as modifications to the Plan.

2. NOTICES OF MOTION

2.1 No motions to Council were considered by Cabinet during the reporting period.

3. KEY DECISIONS BY INDIVIDUAL EXECUTIVE MEMBERS WHICH WERE NOT INCLUDED IN THE FORWARD PLAN

3.1 **Cabinet Member (Education) - Closure of Hope Under Dinmore Primary School**
- The number of pupils attending St Mary's of Hope CE Primary School, Hope-under-Dinmore has fallen to 12 and the Governors have requested that the school closes from the earliest practical date. In accordance with Section 29 of the School Standards and Framework Act 1998, the Council can now formally propose to close the school permanently subject to representations and the agreement of the School's Organisation Committee. Formal closure could take place within the current school year. The Cabinet Member (Education) has approved the publication of the necessary public notice proposing permanent closure of the school and has agreed that St Michael's CE Primary School, Bodenham be designated as the alternative school for the catchment area, with free transport provided for all relevant pupils who would be entitled under the Council's home to school transport policy.

4. CORPORATE STRATEGY AND FINANCE (Chairman of Cabinet – Councillor R.J. Phillips)

4.1 Report on Decisions Taken

(i) **Proposals for a Single, Coherent Corporate Planning Process** - Cabinet has recognised the need for and agreed proposals for a medium term three year Corporate Plan which sets out what the Council intends to do in achieving the ambitions of the Herefordshire Plan, and how the Council's priorities, targets, actions and resources will achieve this. There is also a need for an Annual Operating Plan for the whole Council which makes clear what it aims to achieve in each year of the Corporate Plan and what it will do, with what resources, to make sure this happens. The Annual Operating Plan will provide the basis for performance monitoring by Cabinet and the Strategic Monitoring Committee.

(ii) **Recovery of Town and Parish Council Election Costs** - Cabinet has reviewed the charges for fees to be levied on parish and town councils at ordinary elections and for casual vacancies following a suggestion from the Herefordshire Association of Local Councils (HALC) that the Council should absorb the cost of ordinary parish council elections to be held in May 2007 but that the full cost of any casual vacancy elections held should be paid in full by the parish concerned. Cabinet has noted that costs for the previous elections were higher than usual mainly due to the increased turnout resulting from an all-postal ballot. It has suggested that parish and town councils should be making early provision in their annual precepts for election costs.

Cabinet has reaffirmed the Council's policy on charging parish and town councils to recover election costs, and that the full cost of elections be charged except when combined elections take place. In this case only 50% of costs will be recharged. It has agreed that an administration charge be made on all parishes for uncontested elections but that this charge be based on a per-head of elector cost basis (subject to HALC's views), and that HALC be informed of the likely increase in costs that will be incurred at the May 2007 elections and the extra costs if the Government decides that the all-postal ballot method should be used at the local elections in 2007. This information will also include an assessment for uncontested and contested elections and be sent to each parish and town council. In view of the fact that the Electoral Commission seems to be waning in its support for all-postal elections in 2007 Cabinet has also authorised a review of all polling stations in the County.

- (iii) **The Children's Bill** - The Children's Bill provides a new legal framework which provides the basis for structural change across the range of public bodies responsible for the provision of services to children. Changes to the Constitution as a result of the enactment of this Bill are recommended at paragraph 1.2 of this Report and set out in detail at Appendix 2. Cabinet has also agreed to proceed to the appointment of an interim Cabinet Member and interim Director responsible for Children's Services.
- (iv) **Service Improvement Programme** - Cabinet has endorsed the continuation of the Service Improvement Programme which was established some 15 months ago to look outside the normal areas of service efficiencies and drive forward service improvements. To date it has proved slow to maintain the modest progress initially envisaged. The Council's predicted financial position make it important for Cabinet to commit in a far more corporate way to the rigours of a disciplined service by service programme. The Cabinet Member (Human Resources and Corporate Support Services) and the Director of Policy and Community have been authorised as the Lead Member and Lead Director respectively to deliver this programme. They will be able to establish a Project Board of officers on the basis of an initial secondment from existing duties. This should create the capacity necessary to support the savings required in the context of the forthcoming budget round. There may also be limited scope to augment the work of the Project Board with external consultancy work and it has been agreed that part of the Development Fund might be used subject to appropriate recommendation. Cabinet has noted that if the £1 million savings target for this programme cannot be met then inevitably services would be further affected.
- (v) **Review of Management of the Outbreak of Legionnaires Disease in Herefordshire** - Cabinet has endorsed the recommendations of the Health Scrutiny Committee following its review of the management of the outbreak of Legionnaires Disease in Herefordshire. Cabinet has asked that progress in implementing the recommendations contained in this report and also in the report of the Social and Economic Development Scrutiny Committee on this matter be monitored and be the subject of a report back to Cabinet in due course.

4.2 Report on Items of Interest

- (i) **Budget Monitoring 2004/05** - Cabinet has received a report on revenue budget monitoring for Programme Areas in 2004/05. In particular it noted that:
- Policy and Finance General** - carry forwards from 2003/04 would be spent in full during 2004/05 and the ongoing costs of the job evaluation process would be met from reserves.
- Planning** - Income for the year so far is above budget by approximately £150,000 and staff savings due to vacancies have led to an underspend so far of approximately £60,000.
- Social Care** - The risk assessment suggests a projection of £700,000 over commitment (including some carried forward debt). Robust management action is being taken to rectify the position but this will have a significant impact on the capacity to deliver services.
- General Reserves** - The estimated value of general reserves as at 16th August totalled £3,724,000 incorporating the prudent reserve of £3,000,000.
- (ii) **Capital Programme Monitoring 2004/05 to July 2004** - Cabinet has noted the current position of the Capital Programme forecast for 2004/05. The revised forecast for 2004/05 as at 31st July, totalled £32,921,000 a decrease of £2,017,000 from the original budget. The revised budgets include the allocation of Prudential Borrowing (PB) where applicable. The original budget included a total PB available of £5,000,000 and from that £4,741,000 has already been allocated to various capital schemes. Due to the late allocation of funding £145,000 slippage on schemes has been identified and will be used in 2005/06. It is expected that further amounts of the 2004/05 PB allocation will slip into 2005/06 but as PB is unconditional no resources will be lost. Actual spend in the first four months was £5,618,000 or 17% of the revised forecast. Total committed spend represents £8,824,000 or 27% of the revised forecast.
- (iii) **Treasury Management Activities 2003/04** - Cabinet has received a report on the Council's Treasury activities for the period 1st April, 2003 to 31st March, 2004. It has noted in particular that the maximum borrowing limits were not exceeded during the period; the cost of borrowing for transactions was slightly above budget and the investment income was significantly above the budget; the average rate for the debt portfolio fell by 0.9%; the returns on investments exceeded the index benchmark while the net return on externally managed funds did not meet the index benchmark. In addition, debt rescheduling exercises generated substantial interest rate savings, and staff were congratulated on their efforts in this area.
- (iv) **Audit Services Assurance Report 2003/04** - Cabinet has received a report on Audit Services activity during the year 2003/04. This indicated that the Council's overall level of internal control is satisfactory and although Internal Audit has identified issues at service level, these are not material issues that affect the Council's overall level of internal control. Where problems have been identified immediate management action has been undertaken to ensure that control mechanisms are in place. It is likely, however, that within the Audit Commission's Annual Management Letter reference will be made to

arrangements for IT Security, Performance Management and the monitoring of the Herefordshire Jarvis contract, all of which are being addressed as matters of high priority. No fundamental systems were found to be unsatisfactory. Management continues to respond positively to recommendations and has agreed to take action on 96.7% of the recommendations made. A further report on areas of concern will be submitted to Cabinet prior to receipt of the Council's Annual Management Letter.

(v) **Postal Voting Update** - Cabinet has received a report on the recent recommendations of the Select Committee report on postal voting issues. It has noted that a later report from the Electoral Commission is less supportive of all postal voting.

(vi) **Local Public Service Agreement Update -**

Current LPSA - Performance Update - Cabinet has received a report on the latest information against the Local Public Service Agreement (LPSA) targets which shows that two targets, increasing electoral participation and implementing E Government, have already been met or have been partly met. Targets which are highly likely to be met include: avoiding harm for older people, reduction in deaths and injuries through accidental fire, reducing vehicle crime and road accidents and increasing participation in local decision-making. Other targets, including those relating to domestic burglaries and resettlement support for homeless households, are unlikely to be met. It was noted that domestic burglaries now include thefts from vehicles.

PSA - 2nd Generation - The second LPSA, will, like the current agreement, last for three years and commences on 1st April, 2005. Officers are still waiting for the detailed feedback from government department on the submission outlining the Council's approach to LPSA 2. Previous Cabinet reports have referred to the possibility of a more radical approach to LPSA 2 based on fewer and longer term targets. It is now becoming increasingly unlikely that these ideas can be developed. Cabinet has noted that a Pump Priming Grant of over £900,000 will be paid to the Council at the onset of the new agreement. Together with the roll-forward of the Performance Reward Grant from the current LPSA, a significant level of one-off funding will be available for securing major performance gains over the next three years.

(vii) **Budget 2005/06 and beyond** - Cabinet has received a report setting out the implications for the budget for 2005/06 and beyond arising out of the Government's Comprehensive Spending Review 2004. It has noted that details of the impact of the Revenue Support Grant (RSG) 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. The major elements which have been highlighted are:

- a continuing under-estimation of the additional cost pressures inherent in providing services in a rural setting with RSG funding;
- significant transfers for areas previously funded by Specific Grant at no cost to the Council tax payer. 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% (ie equivalent to some £500,000 in Herefordshire);

- continued use of out of date census date. In some cases 1991 data is still 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 following two years; and
- discontinuance of £1,200,000 additional grant received last year and equivalent to 2% on council tax.

The impact of the above issues combine to produce the toughest local government finance settlement that the Council has seen in its relatively short existence. The Government has indicated that it expects Council tax increases for 2005/06 to be in low single figures. The gap between the potential increase in council tax at a "standstill" budget incorporating the changes to revenue support grant and a council tax rise 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.

The Council is taking steps to realise savings of £2,000,000 through efficiency targets in procurement and service improvements, with another £3,000,000 to be found from service budgets. It is embarking on a major programme of public consultation which will help inform the final budget decisions.

- (ix) **Local Area Forums (LAFs)** - Cabinet has received a report on the latest round of Local Area Forums. It has noted that a Local Area Forum Co-ordinator has been appointed and she will be working with the Leader and the Chairmen of the Local Area Forums to improve attendance at meetings and enhance the effectiveness of the LAFs. Cabinet has noted that Ward Members are also to play a vital role in championing the LAF meetings with the community and Parish Councils.
- (x) **Strategic Monitoring Committee** - Cabinet has received and noted the report of the Strategic Monitoring Committee which is the subject of separate report to Council.

5. AUDIT AND PERFORMANCE MANAGEMENT (Cabinet Member - Councillor D.B. Wilcox)

5.1 Report on Decisions Taken

- (i) **Comprehensive Performance Assessment (CPA) - Revised Score Card** - Cabinet has noted the arrangements for the publication of the revised CPA scorecard and is of the opinion that, if the Council qualifies for a proportionate Corporate Assessment that the opportunity should not be taken up. This is because 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 be more beneficial to concentrate on consolidating those improvements in time for the revised CPA to be introduced for 2005 and beyond.

5.2 Report on Items of Interest

- (i) **Corporate Health Performance** - Cabinet has received an update on the Council's corporate performance in relation to the Council's National and Local Best Value Performance Indicators from 1st April, 2004 to 31st July, 2004. There are three areas, all relating to Housing Benefit Services, which are performing above target and seven areas where improvement is still needed.

6. COMMUNITY AND SOCIAL DEVELOPMENT
(Cabinet Member - Councillor R.V. Stockton)

6.1 Report on Decisions Taken

- (i) There were no decisions by Cabinet relating to this programme area during the reporting period.

7. ECONOMIC DEVELOPMENT, MARKETS AND PROPERTY
(Cabinet Member and Deputy Leader - Councillor G.V. Hyde)

7.1 Report on Decisions Taken

- (i) There were no decisions by Cabinet relating to this programme area during the reporting period.

8. EDUCATION
(Cabinet Member: Councillor D.W. Rule, MBE)

8.1 Report on Decisions Taken

- (i) **The Government's Five Year Strategy for Children and Learners** - Cabinet has received a report on the DfES Five Year Strategy for schools and local authorities. The Strategy has wide-ranging implications for Herefordshire Schools. It brings together a number of Government policies and is a significant statement of the government's medium and longer term intentions from Early Years to 14-19 Education and Training and also covers control of local authority spending on education and school budgets.

Cabinet has agreed that School Governors and Head Teachers should receive a briefing setting out the implications of the strategy for schools within Herefordshire.

9. ENVIRONMENT
(Cabinet Member: Councillor P.J. Edwards)

9.1 Report on Decisions Taken

- (i) **The Herefordshire Code of Practice for the Temporary Agricultural Use of Poly tunnels** - Following a review by the Environment Scrutiny Committee, Cabinet has agreed to adopt a revised Code of Practice for the control of use of poly tunnels in Herefordshire. The main changes include: an increase in the distance of a poly tunnel from a dwelling from 30m to 50m; use of more modern plastic materials which would lessen the visual impact of the poly tunnels in the County; a two-year limit on siting of poly tunnels in a particular location and a prohibition on returning to the same site within two years. Growers will also be requested to store unused polythene away from public view with all waste to be removed and recycled. The Code of Practice

will be reviewed every two years or earlier if the legal position dictates, and there will be an annual update position report to Cabinet and Environment Scrutiny Committee.

- (ii) **Service Level Agreement with the West Midlands Regional Assembly for the delivery of Regional Planning Functions** - 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). Two categories of support for the RPB are identified.

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 has 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 will act as an advisor to the RPB for Telford and Wrekin DPDs/regionally significant planning applications. For this work the RPB proposes an allocation to the Council of £2,000. The costs will need to be monitored and there is provision within the agreement for review in subsequent years.

The second category comprises work which will not be funded by RPB, referring to cases where authorities continue to deliver functions that they have previously performed at a sub-regional level. For Herefordshire 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 provision of monitoring data continues on an annual basis. Along with Shropshire County Council, this Council also advised the Assembly on the inter-relationship of the West Midlands region with Wales, particularly where formal consultations arise. The Head of Planning Services has been identified as the Council's named representative for these purposes.

Cabinet has agreed that the Service Level Agreement be entered into and the Conformity Protocol be adopted.

- (iii) **Planning and Compulsory Purchase Act 2004: Local Development Scheme** - 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 the Local Development Framework. As part of the new system Cabinet has approved a Local Development Scheme (LDS) which is a public statement of the Council's programme over three years, for the production of local development documents. 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. In due course the Local Development Framework will replace the UDP.

10. HIGHWAYS AND TRANSPORTATION
Cabinet Member - Councillor R.M. Wilson)

10.1 **Report on Decisions Taken**

- (i) There were no decisions by Cabinet relating to this programme area during the reporting period.

11. **HUMAN RESOURCES AND CORPORATE SUPPORT SERVICES** (Cabinet Member - Councillor Mrs. J.P. French)

11.1 **Report on Decisions Taken**

- (i) There were no decisions by Cabinet relating to this programme area during the reporting period.

12. **RURAL REGENERATION AND SMALLHOLDINGS** (Cabinet Member - Councillor J.C. Mayson)

12.1 **Report on Decisions Taken**

- (i) There were no decisions by Cabinet relating to this programme area during the reporting period.

13. **SOCIAL CARE AND STRATEGIC HOUSING** (Cabinet Member Councillor Mrs. L.O. Barnett)

13.1 **Report on Decisions Taken**

- (i) **Home Point Herefordshire Allocations Policy** - 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 allocation of its own stock or nominates applicants to 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 RSLs to determine the priority of applicants through a jointly operated choice based lettings scheme. Cabinet has agreed the adoption of the policies set out in a revised allocations scheme and that the Home Point team initiates an action plan to implement the new policy.

13.2 **Report on Items of Interest**

- (i) **The Commission for Social Care Inspection Performance Review Report** - Cabinet has received the Commission of Social Care Inspection's (CSCI) overall performance report on social care in Herefordshire for 2003-2004. The report highlights the Older People's Service Inspection but does not refer to the Fostering Regulations Inspection report which was not available at the time. However, the Fostering Regulation report demonstrates Herefordshire is achieving good standards and has a service fit for purpose.

Herefordshire is seen as one of the best in the West Midlands Region in its ability to produce assessments on children within the Department for Education and Skills' (DfES) timescales and the percentage of looked after children placed for adoption in the year to 31st March, 2004. There was some concern about equipment services and review has since been carried out which shows that the indicator performance was much higher than that reported. CSCI has been advised of the improved reporting of performance.

The Director of Social Care and Strategic Housing has agreed to a further review of the equipment service including exploring third party delivery of this service.

Certain aspects of the report relating to looked after children will be referred to the Corporate Parent Working Group.

Cabinet has requested that future reports include actual numbers alongside percentage statistics.

- (ii) **Audit Commission Housing Self-Assessment** - Cabinet has received the outcome of the regular performance assessment for the service block for housing. It has noted that the assessment has been confirmed at "four" against the key themes contained within the report. This reaffirms the excellent rating for housing and the Council.

The report also identifies areas for improvement which present challenges in the period ahead. These are: completing the housing strategy; the pressure of the provision for homelessness; producing improved customer information; completing the best value review of private sector housing and conducting a private sector stock condition survey.

Cabinet has congratulated all staff involved in achieving and maintaining the high level of the service.

**COUNCILLOR R.J. PHILLIPS
LEADER OF THE COUNCIL**

APPENDIX 1

2004/05 Budget reductions of £300,000 following the Governments decision to limit the Councils budget to £175,320,000

	£000
Education	46
Environment	26
Strategic Housing	4
Policy and Community	
Community and Economic Development	26
Policy and Finance	29
Social Development	1
County Treasurer	
Support Services	17
Housing Benefits	16
County Secretary and Solicitor	13
Chief Executive	3
Other Policy & Finance	26
2004/05 underspendings in Interest payable	<u>93</u>
	<u>300</u>

REVIEW OF THE CONSTITUTION
PROPOSED AMENDMENTS TO THE CONSTITUTION 2004/05

Matter	Amendment
<p>Head of Planning Referrals</p>	<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>
<p>Planning Committee Scheme of Delegation to incorporate Referral Procedure</p>	<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>
<p>Planning Code of Conduct</p>	<p>3. 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. 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.</p> <p>4. 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.</p>

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	<p>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 if they raise new and relevant material planning matters. Papers received after that time will normally be discounted, since time will not be available to check their accuracy or to give consideration to their implications.</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 unless you have a prejudicial interest. 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. Decisions of Area Sub-Committees which depart from the Council's Planning Policy or raise critical policy issues These cases will be referred to the Head of Planning Services for decision consideration as to whether the decision on the application in question should be referred to the main Planning Committee for further comment <u>determination in accordance with the Council's Constitution.</u>"</p>
<p>Supplementary Planning Guidance</p>	<p>5. 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>Formal Questions at Council</p>	<p>6. 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</p>

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	<p>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>
General Employment of Officers and Employees	<p>7. 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>
Appointment and Discipline of Staff	<p>8. The amendments to Appendix 6 of the Constitution as shown in Appendix 1 to this Annex be approved.</p>
Employee Appeals Panel	<p>9. 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>
Local Area Forums (LAFs)	<p>10. 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>
Independent Remuneration Panel	<p>11. 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>
Definition of Budget	<p>12. 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</p>

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	realisation of all investments shall be carried out by the County Treasurer in accordance with such policy as the Council shall determine.”
Policy Framework – Renewal of Housing Investment Programme	13. 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).
Regulatory Sub-Committee	14. Standing Order 9.3.3 be amended as follows: “9.3.3.2 Composition The Regulatory Sub-Committee will consist of three Councillors drawn from the membership of the Regulatory Committee.”
Programme Panels	15. 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.
Cabinet and Scrutiny Portfolios for Children	16. An existing Cabinet Member be designated lead member for Children’s Services on an interim basis with the following additional functions: <ul style="list-style-type: none"> • 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.
Farmers Markets	17. The Strategic Monitoring Committee take responsibility for monitoring the Cabinet’s response to the Children’s Bill and this be added to the Committee’s terms of reference within the Constitution.
Revenue and Benefit, WMS and General Procurement	18. Responsibility for Farmers’ Markets transfers from the Cabinet Member (Economic Development, Markets and Property) to the Cabinet Member (Rural Regeneration and Smallholdings). 19. 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

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<p>of Goods and Services</p>	<p>Member (Human Resources and Corporate Support Services);</p>
<p>Health Scrutiny Joint Committees</p>	<p>20. 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>Financial Regulation and Associated Amendments</p>	<p>21. that:</p> <ul style="list-style-type: none"> (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 (b) the revised Financial Regulations as attached at Appendix 3 to this Annex be approved.

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 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 **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 the Head of Paid Service 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).
- 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 Panel (see **3.1** above).
- 3.4 The Director concerned shall also have the right to 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 Action

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

- 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 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 .

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.
- 10.2 The following paragraphs (**10.3 – 10.7**) 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;
- 10.3 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.
- 10.4 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.
- 10.5 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.
- 10.6 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;
- 10.7 Any employee dismissed in pursuance of paragraph **10.6** 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 **10.6.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 **10.6.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 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.

10.1.3 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 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.

REVIEW OF THE CONSTITUTION

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 issue at stake; or
 - where the sub-committee's view might not be defensible if challenged; or
 - which in the opinion of the Head of Planning Services should be considered at a strategic county-wide level;

consideration will be given as 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.

REVIEW OF THE CONSTITUTION

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

REPORT OF THE STATUTORY ACCOUNTS COMMITTEE

Meeting Held on 2nd August, 2004

Membership:

Councillors D.B. Wilcox, Mrs. P.A. Andrews, G.V. Hyde, T.M. James, R.J. Phillips.

1. CHAIRMAN

The Committee elected Councillor D.B. Wilcox as its Chairman for the ensuing Council year.

2. STATEMENT OF ACCOUNTS

The Statutory Accounts Committee was set up in 2003 to approve the Council's Statement of Accounts. It is a statutory requirement that the Council's 2003/04 Statement of Accounts is formally approved by 31st August, 2004. This date will be brought forward each year over the next two years so that the approval deadline for the 2005/06 Statement will be 30th June, 2006.

The Committee has approved the Statement of Accounts including the final Revenue and Capital Outturn for 2003/04. It has also approved the formal signing of the Statement of Accounts by the Chairman of the Committee on behalf of the Council and the signing of the Statement of Internal Control. The Statement was made available at INFO centres, in libraries and on the Council's website and on request.

The Committee has noted the information in respect of redundancies and early retirements in 2003/04 and about the Council's bank accounts as at 31st March, 2004.

D.B. WILCOX
CHAIRMAN
STATUTORY ACCOUNTS COMMITTEE

BACKGROUND PAPERS

Agenda papers of the Meeting of the Statutory Accounts Committee held on 2nd August, 2004.

REPORT OF THE PLANNING COMMITTEE

Meeting Held on 1st October, 2004

Membership:

Councillors: T.W. Hunt (Chairman), J.B. Williams (Vice-Chairman),
BF Ashton, MR Cunningham, Mrs CJ Davis, PJ Dauncey, DJ Fleet, JGS Guthrie,
JW Hope, B Hunt, Mrs JA Hyde, Brig P Jones CBE, Mrs RF Lincoln, RM Manning,
RI Matthews, Mrs JE Pemberton, R Preece, Mrs SJ Robertson, DC Taylor,
WJ Walling

PLANNING APPLICATION REFERRED TO THE PLANNING COMMITTEE - DCSE2004/2399/F - APPLICATION FOR THE RETENTION OF NEWLY FORMED ACCESS, LAND AT WELSH NEWTON, ROSS-ON-WYE, HERFORDSHIRE

1. The Head of Planning Services has referred the planning application to the Committee under the provisions of the Constitution because the Southern Area Planning Sub-Committee was mindful to refuse it contrary to the officers' recommendations and Council policy. The reason for refusal was that the Sub-Committee felt that the access was unsafe.
Having considered details of the planning application and the report of the Head of Planning Services, the Committee felt that there were insufficient grounds for the application to be refused and it was approved as recommended.

TREES AND DEVELOPMENT - SUPPLEMENTARY PLANNING GUIDANCE

2. The Committee has considered suggested draft Supplementary Planning Guidance (SPG) for trees on development sites together with proposals for its publication for consultation purposes. The aim of the SPG is to help to promote the need to retain important trees at the site planning stage within the planning process and the steps needed to protect them during construction work and after development has taken place. The Committee has recommended to the Cabinet Member (Environment) that the draft Supplementary Guidance for Trees and Development should be approved for consultation purposes.

REVIEW OF HERITAGE PROTECTION, THE WAY FORWARD - DEPARTMENT OF CULTURE MEDIA & SPORT

3. The Department for Culture, Media and Sport (DCMS) has undertaken a review of the system for protecting the historic environment. At its meeting in October 2003 the Committee was generally in support of the Government's intentions to improve the system of historic environment designations set out in the review consultation document entitled "Protecting our Historic Environment: Making the System Work Better". However, it expressed some concerns, primarily in relation to the financial and staff implications of what was proposed.
4. In June 2004, DCMS published the outcome of its consultation in a document entitled 'Review of Heritage Protection – the Way Forward'. Its conclusion is that: 'A system is needed which is more simple and transparent to the general public and other key stakeholders but which maintains at least the same level of protection for historic assets.' The document also sets out the decisions it has taken following the review.

The proposals put forward include measures that DCMS considers:

- bring greater clarity for people owning, living in, using and managing historic properties about the significance of those assets; and
 - develop new ways of managing complex sites and partnerships with those who own and manage historic sites.
5. Some of these reforms could begin quickly and some would need primary legislation and gradual introduction over a period of years. For the latter, a White Paper is expected to be published next year with a view to being approved in 2007. The Committee is still concerned about the resource and skills implications, especially in relation to the longer-term proposals. In the short term, these will predominantly affect English Heritage. Until more detail is available about the longer-term proposals, the implications for local authorities remains uncertain. It was decided that the changes put forward in the DCMS document should be noted and that a further report should be brought to the Committee when the White Paper anticipated on this matter emerges in 2005.

REVIEW OF CONSERVATION AREAS WITHIN HEREFORDSHIRE

6. The Committee has considered a proposed programme for the review of Conservation Areas within the County during 2005 and 2006. Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 required local planning authorities to determine Conservation Areas and that the task should be undertaken "from time to time". The review period is not actually specified although there is a suggestion in Government guidance that it should be in association with the review of Local Plans or Unitary Development Plans. The Committee has recommended to the Cabinet Member (Environment) that the programme should be undertaken as follows:
- (a) the Conservation Area appraisal statement for Colwall be reviewed and subsequently used as a template for appraisals of other areas;
 - (b) a programme for undertaking conservation area reviews and appraisals for 2005 and 2006 should comprise:

2005 - Almeley, Dilwyn, Ross and Kington

2006 - Bosbury, Much Marcle, Leominster Town Centre and Central Hereford; and
 - (c) the programme beyond this be set in the light of the experience gained over the first two years.

REPAIR OF HISTORIC BUILDINGS WITHIN HEREFORDSHIRE

7. A report was presented to the Committee about the take-up of grant assistance for the repair and preservation of historic buildings in the current financial year. The Cabinet Member (Environment) had agreed that the budget could be used more flexibly to tackle a number of pressing building issues. The budget in 2003/4 of £25,500 has been supplemented by a further £3,619 which was grant money that has been offered and either not claimed or recovered following the sale of property. The grants had resulted in repairs valued in excess of £170,000 being carried out and the work had been undertaken by local Herefordshire craftsmen with a number of materials being sourced locally. This work was important in helping to retain the local distinctiveness of the built heritage within the County, enhancing in turn both the local economy and tourism. The budget for 2004/5 is £26,140 and again some recycling of the funds available is likely so that a total of £36,140 is anticipated. Of this some £4,320 has been reserved for contribution towards a project involving

buildings at St Katherine's, Ledbury and £3,500 towards Urgent Works at The Summerhouse, Homme House, Much Marcle. The Committee was delighted to learn that such a small but significant budget has had such an impact to help preserve the County's heritage of ancient and listed buildings.

8. Details of the English Heritage Buildings at risk list have also been considered and work is due to commence soon on the Saxon wall to the rear of St Owens Court which would prevent the historic monument from being overgrown in the future. The Committee feel that this site is not well known within the County and has asked the Conservation Manager to investigate whether a signpost could be erected to indicate its location to the public.

HEREFORDSHIRE ARCHEOLOGY STRATEGY 2004 - 2007

9. A proposed Archaeological Strategy for Herefordshire for the period 2004 – 2007 has been together with an accompanying Strategic Plan. The proposals have been developed and have been helped by the experience gained following the implementation of the 2001-2005 Archaeological Strategy. That Strategy had assisted with a significant increase in archaeological activity over the past three years and generated a high level of interest in advice and information; supporting educational, tourism and regeneration activity. The work of the Archaeology Team in relation to the aims set out in the Strategy had attracted a significant amount of external funding for a range of projects and also matching additional indirect financial and other benefits accruing. The Committee has agreed that it is appropriate to consider rolling the Strategy and Strategic Plan forward to cover the period 2004 – 2007 and has recommended item to the Cabinet Member (Environment).

PLANNING AND COMPULSORY PURCHASE ACT 2004

10. A new system of development planning is being introduced by the Planning and Compulsory Purchase Act 2004, part of which involves the necessity for the Council to produce a Local Development Scheme. The main implications of the new arrangements for the Council are:
 - existing Structure and Local Plans to continue in operation under the transitional arrangements until replaced by the adopted UDP
 - existing strong links between the Herefordshire Plan, the community strategy, and planning policy documents to be continued
 - the UDP to be completed on the 'old style' regulations, whereby the Inspector's report is not binding
 - the UDP to continue in operation for at least three years after adoption, with an extension to this transitional period for selected policies subject to Government Office agreement
 - planning documents to be subject to new requirements under European Directive for Strategic Environmental Assessment – will affect the UDP if not adopted by 21 July 2006
 - a requirement to indicate how Supplementary Planning Guidance will be dealt with in the transitional period
 - Post the UDP Inquiry in 2005, work to begin on documents forming part of the new system
 - an immediate requirement to prepare a Local Development Scheme, showing how the new system will operate in Herefordshire in the coming three years
 - the first Annual Monitoring Report to be submitted to Government by December 2005
11. One of the requirements of the Act was is the preparation and publication of a statement of how the forward planning work would be organised over a three-year period. The statements or Local Development Schemes (LDS) had to be in place

within six months of commencement of the Act. An LDS for Herefordshire has been prepared and informal consultation has taken place with the Government Office and the Planning Inspectorate about it. The Committee has some concerns about the proposals and reservations that regional planning would impinge upon local planning and make the system more remote from the people who were directly affected by it. The Committee has noted that the reforms have been designed by Government to provide a more flexible and inclusive set of policies aimed at greater community involvement and linking with the provision of other community services. The Committee endorsed the Local Development Scheme and recommended that the Cabinet Member (Environment) considers submitting it to Cabinet for approval.

PARISH PLANS

- 12 The Committee considered the Bishopstone and District Group Parish Plan, and the Weobley Parish Plan which have been prepared as interim Supplementary Planning Guidance to the emerging Herefordshire Unitary Development Plan. The Committee recommended to the Cabinet Member (Environment) that the planning elements of the Parish Plans be adopted as interim Supplementary Planning Guidance and expressed its appreciation for the hard work undertaken by the local community in helping to prepare the documents.

**T.W. HUNT
CHAIRMAN
PLANNING COMMITTEE**

BACKGROUND PAPERS

- Agenda for the meetings of the Planning Committee held on 1 October 2004.

REPORT OF THE STRATEGIC MONITORING COMMITTEE

Meeting Held on 15th October, 2004

Membership:

Councillors: T.M. James (Chairman), Mrs. P.A. Andrews (Vice-Chairman), B.F. Ashton, W.L.S. Bowen, A.C.R. Chappell, J.H.R. Goodwin, Mrs M.D. Lloyd-Hayes, J. Stone, J.P. Thomas, W.J.S. Thomas.

REVIEW OF THE CONSTITUTION

1. The Committee has considered a range of proposed changes to the Constitution, as detailed in the Cabinet report to Council. It has agreed to recommend the changes to Cabinet and Council for approval. In doing so it has noted that the procedure it is proposed to include in the Constitution describing the Head of Planning Services' power to refer planning applications which have been considered by the relevant Area Planning Sub-Committee to the main Planning Committee, as presented to the Committee, was a draft and subject to further modification.
2. The Committee has noted that 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, 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 providing an opportunity to review progress to date and scope for improvement.

CORPORATE PLANNING PROCESS

3. The Committee has noted the single, coherent corporate planning process approved by Cabinet. It has been advised that the process will facilitate performance monitoring at a strategic level and that individual Scrutiny Committees will be provided with detail on the new indicators and targets, which are to be developed.

LOCAL PUBLIC SERVICE AGREEMENT

4. The Committee has noted the latest performance against the Local Public Service Agreement (LPSA) targets and received an update on the second round of LPSAs to be negotiated with the Government. It was advised that once feedback was received from the Office of the Deputy Prime Minister on the Authority's submission there would be an opportunity for Members to contribute to the process.

RACE EQUALITY SCHEME ANNUAL REPORT 2003/2004

5. Progress in implementing the action plan designed to deliver the Council's Race Equality Scheme has been noted. The Committee was informed that progress against the relevant Best Value Performance Indicator target for 2003/2004 had been to comply with 50% of actions set out in the Indicator, with actual performance being 47%. The target for 2004/2005 was 60% and good progress was being made to meeting and hopefully exceeding that target.

BEST VALUE REVIEW OF SPECIAL EDUCATIONAL NEEDS PROVISION AND SUPPORT SERVICES

6. The Committee has endorsed the recommendation of the Education Scrutiny Committee on the Stage 3 report of the Best Value Review of Special Educational Needs Provision and Support Services. The recommendation is to maintain the current provision but make a number of changes identified during the review process to deliver improvements. This has been referred to the Cabinet Member (Education) for consideration.

ANNUAL AUDIT ASSURANCE REPORT 2003/2004

7. The Committee has received the Annual Audit Assurance Report highlighting the key internal control issues identified during the course of audit work and providing an update on key issues identified during 2003/04 that required attention.
8. It has been noted that verification errors persist in relation to the data collected for certain Best Value performance Indicators. This has resulted in unsatisfactory audit opinions in the past and is something which it has been suggested the relevant individual scrutiny committees need to consider.
9. The Committee's attention has also been drawn to the need to review compliance with the revised Code of Practice for Internal Audit in Local Government. The Committee has been advised to revisit this matter following receipt of the Audit Commission's annual management letter in December.

REVENUE AND CAPITAL BUDGET MONITORING

10. The Committee has noted the revenue and capital budget monitoring reports.

ISSUES CONSIDERED BY THE INDIVIDUAL SCRUTINY COMMITTEES

11. The work of the Committees is analysed below as far as practicable under the following five roles for overview and scrutiny: holding the executive to account, best value reviews, policy development and review, external scrutiny, and improvement (performance management and review), the first four of which are identified as key roles in report on "The Development of Overview and Scrutiny in Local Government published by the Office of the Deputy Prime Minister". Issues considered by the Strategic Monitoring Committee as described above are listed for completeness.

Education

12. The Education Scrutiny Committee met on 5th October, 2004 and considered the following issues:

Theme	Reports
Holding the Executive to Account	
Best Value Reviews	Special Educational Needs
Policy Development and Review	Teachers Workload Agreement – Monitoring of Process School Travel Initiatives Review of Small Schools Review of school Organisation Plan
External Scrutiny	

Improvement (Performance Management and Review)	Year 2004 Results for Herefordshire Schools Staff Sickness Absence Update on Ofsted Inspections since September 2003 Capital Schemes Revenue Budget Complaints, Compliments and Appeals
Other	Work Programme

13. The Environment Scrutiny Committee met on 17 September 2004 and considered the following issues:

Theme	Reports
Holding the Executive to Account	
Best Value Reviews	Implementation of Improvement Plans
Policy Development and Review	Second Local Transport Plan Review of Parking Strategy
External Scrutiny	
Improvement (Performance Management and Review)	Capital Budget Revenue Budget Public Rights of Way Performance Indicators
Other	-

14. The Health Scrutiny Committee did not hold a formal meeting in the reporting period but Members of the Committee met informally to review its activity and plan future work.

15. The Social Care and Housing Scrutiny Committee met on 4 October 2004 and considered the following issues:

Theme	Reports
Holding the Executive to Account	-
Best Value Reviews	Update on Progress
Policy Development and Review	Scoping for Reviews of Home Care and Supported Housing for people with Mental Health Problems Respite Services for People with Learning Disabilities Building Healthy Relationships – A new Policy for young People in Herefordshire's Care
External Scrutiny	
Improvement (Performance Management and Review)	Inspection of Herefordshire Fostering Service The Future Shape of Adoption and Fostering Services Performance/Budget Monitoring
Other	

16. The Social and Economic Development Scrutiny Committee met on 24 September 2004 and considered the following issues:

Theme	Reports
Holding the Executive to Account	Reports By the Cabinet Members for Rural Regeneration and Smallholdings, Community and Social Development and Economic Development, Markets and Property.
Best Value Reviews	
Policy Development and Review	Hereford City – Economic Situation Creative Industries and Tourism Enterprise programmes Review of Courtyard Theatre Festivals Review – Progress report
External Scrutiny	
Improvement (Performance Management and Review)	Sickness Absence Performance Indicators Revenue Budgets
Other	2004 Rural Strategy Position Statement on Countryside Rights of Way Act

17. The business conducted by the Strategic Monitoring Committee at its meeting on 15th October, 2004 is summarised below.

Theme	Reports
Holding the Executive to Account	-
Best Value Reviews	Special Educational needs and Support Services – Stage 3 Transport Cross Service Review – Implementation
Policy Development and Review	Corporate Planning Process Review of the Constitution Property Scrutiny Review
External Scrutiny	Community Safety And Drugs partnership Progress Report
Improvement (Performance Management and Review)	Local Public Service Agreement Performance Monitoring Race Equality Scheme Annual Report 2003/2004 Annual Audit Assurance Report 2003/2004 Budget Monitoring 2004/05 Capital Programme Monitoring 2004/05
Other	

**T.M. JAMES
CHAIRMAN
STRATEGIC MONITORING COMMITTEE**

BACKGROUND PAPERS

- Agenda Papers of the Meeting of the Strategic Monitoring Committee held on 15th October, 2004.

REPORT OF THE STANDARDS COMMITTEE

Meeting held on 15 October, 2004

Membership:

Robert Rogers (Independent Member) (Chairman); Richard Gething, John Hardwick (Town and Parish Council Representatives); David Stevens (Independent Member); Councillor John Edwards, Councillor Peter Harling

PROTOCOL ON THE USE OF COUNCIL RESOURCES BY MEMBERS

1. The draft Protocol on the use of Council resources, including personal computers, access to the Internet and e-mail, has continued to pose a number of problems. We have sought the views of the Standards Board for England, and have consulted the Council's Members' Development Working Group.
2. Our main aim is to provide helpful guidance consistent with the National Code of Conduct for Councillors and legislation. The Code provides that when using Council resources a councillor must act in accordance with a Council's requirements and ensure that such resources are not used for political purposes except in certain specified circumstances. The Standards Board for England have strongly recommended that Local Authorities should adopt protocols to guide Members but unfortunately have not issued a model text or detailed guidance.
3. S2. of the Local Government Act 1986 prohibits local authorities from publishing political material which is aimed at promoting or supporting a political party or policy associated with a political party. This has widely been taken to cover e-mails sent by Councillors from a local authority network. We are unhappy about this interpretation. It seems to us that the use of IT has changed out of all recognition since the passing of the 1986 Act, and that it is entirely unrealistic not to take account both of this technological change and the fact that Councillors are practising politicians.
4. We have consulted the Standards Board for England, who take the view that Councillors are not prevented from using Council IT resources in this way. However, we wish our final guidance to be entirely legally sound, and we think that the Board's advice is at odds with the 1986 Act and the interpretative circulars issued by the Office of the Deputy Prime Minister. We have been especially concerned by a recent decision of the Adjudication Panel for England disqualifying a Member for a breach of the Code of Conduct when he used a council computer for private purposes and allowed his family to do so as well.
5. We are pursuing the issues with the Standards Board for England. When we have resolved these problems, we intend to consult all Councillors on the final draft before bringing it to Council.

PROPOSED REVISIONS TO THE PLANNING CODE OF CONDUCT

6. At the March Council meeting we reported on a Court of Appeal case on a councillor with a prejudicial interest in a matter being determined by a planning committee. The case involved a county councillor living near the site of a quarry for which planning permission had been sought. He was not a member of the council's planning committee; wanted to attend the meeting and speak against the application; but could not because he had a prejudicial interest. He contended that he could attend as a member of the public, but the Court took the view that a member of an authority attending a council meeting cannot, simply by declaring he attends in his private capacity, divest himself of his

official capacity as a councillor. He is still to be regarded as conducting the business of his office and only by resigning can he shed that role. The House of Lords has since confirmed that view.

- 7 The law on the use of agents (that you cannot do by an agent something which you cannot do in person) seems to suggest that an agent could not speak or attend a meeting on behalf of the councillor in these circumstances. We have consulted the Standards Board for England, who take a contrary view: that a Member *can* instruct an agent to attend a planning committee meeting and to speak at that meeting. We are seeking clarification and hope to be able to report orally at the 12 November Council. The amendment to the Planning Code of Conduct that would be necessary has been included in the constitutional amendments that Council will also be considering on 12 November.

APPLICATIONS FOR DISPENSATIONS RECEIVED FROM TOWN AND PARISH COUNCILLORS

8. Under the Code of Conduct councillors may not participate in matters in which they have a prejudicial interest. In the normal course of events this would not prejudice the proper working of the councils, but there are instances where the number of councillors who would be prohibited from participating would impede the transaction of business. Section 97(1) of the Local Government Act 2000 authorises the Standards Committee to grant dispensations in relation to Herefordshire Council and town and parish councils in the County.
9. We have granted a dispensation to ten members of Bartestree with Lugwardine Group Parish Council in respect of their membership of Bartetree Village Hall Committee. We have not been able to grant a dispensation to two Members of Dinedor parish council in respect of their membership of Dinedor Village Hall Management Committee because the law allows a Standards Committee to give a dispensation only if the number of councillors affected *exceeds* 50% of the total. In Dinedor's case, two out of four are affected. In communicating our decision (in which we have no choice, but which will seem unhelpful) we have suggested ways in which they may be able to overcome their problem.

THIRD ANNUAL ASSEMBLY OF STANDARD COMMITTEES

10. Richard Gething and David Stevens attended the third annual assembly of Standard Committees, which was held in September 2004. They reported back to the Committee at our last meeting; it was clear to us that their attendance was well worthwhile.

INQUIRY INTO THE ROLE AND EFFECTIVENESS OF THE STANDARDS BOARD FOR ENGLAND

11. The House of Commons Select Committee that monitors the Office of the Deputy Prime Minister (Housing, Planning, Local Government and the Regions) has resolved to carry out an inquiry into the role and effectiveness of the Standards Board for England with particular reference to the following issues:
 - the effectiveness of the Standards Board for England in promoting and overseeing the Code of Conduct that sets out the rules governing the behaviour of members of local authorities;
 - the role of the Standards Board for England in ensuring local authorities adhere to a Code of Conduct and its ability to assess allegations of misconduct in a timely and fair way;
 - The Standards Board for England's relationships with:

- (a) other regulatory organisations that support the ethical framework set out in the Local Government Act 2000;
- (b) central Government;
- (c) local Government stakeholders; and

- The role of the Standards Board for England in supporting the establishment and operation of standards committees at a local level.

12. We plan to submit our views to the Select Committee.

CASE REVIEWS – STANDARDS BOARD FOR ENGLAND

13. The Standards Board for England has recently published a review of cases heard during 2003/2004 at the adjudication panel for England and other Standards Committees using local determination powers. A summary of the outcome of the investigations is attached at Appendix A to this report.

INVESTIGATIONS BY THE STANDARDS BOARD FOR ENGLAND

14. We have considered a progress report on current investigations by the Standards Board for England.

**ROBERT ROGERS
CHAIRMAN
STANDARDS COMMITTEE**

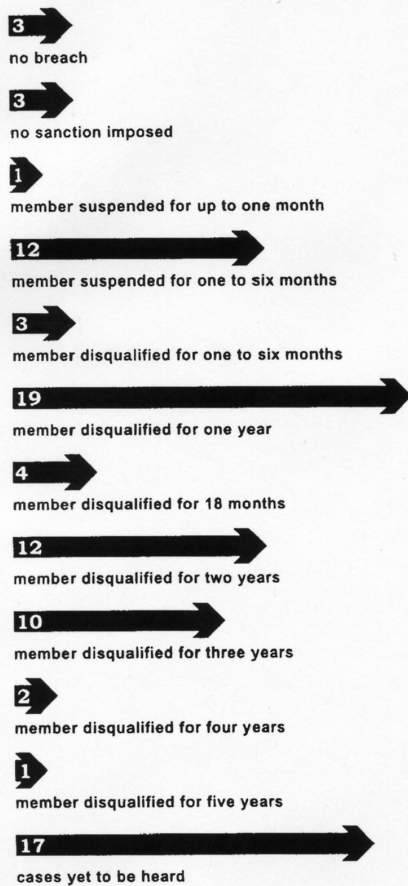
BACKGROUND PAPERS

- Agenda papers of the meeting of the Standards Committee held on 15 October 2004

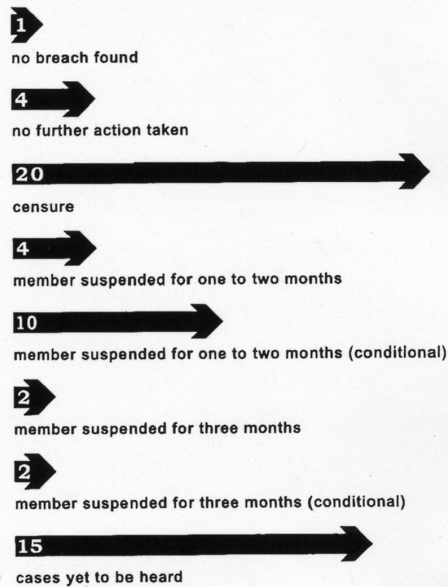
taking action

Over 160 members were subject to sanctions as a result of hearings conducted by The Adjudication Panel for England and standards committees this year. Some sanctions related to cases that we referred to The Adjudication Panel for England in the previous financial year. This year we referred 87 cases to The Adjudication Panel for England, and 58 to local standards committees. The charts below show the decisions for these cases.

THE ADJUDICATION PANEL FOR ENGLAND'S DECISIONS IN CASES REFERRED IN THE 2003/04 FINANCIAL YEAR



STANDARDS COMMITTEES' DECISIONS IN CASES REFERRED IN THE 2003/04 FINANCIAL YEAR



REPORT OF THE MEETING OF WEST MERCIA POLICE AUTHORITY HELD ON 21 SEPTEMBER 2004

Mr Tony Mullett CBE QPM

1. The members of the Authority recorded their deepest sympathies to the family of Mr Tony Mullett who served as Chief Constable of West Mercia from 1985 to 1991. On leaving West Mercia he became the first head of the National Criminal Intelligence Service

Budget 2004/2005

2. The Office of the Deputy Prime Minister announced in April 2004 that the budget set by the Police Authority for 2004/2005 was considered to be excessive and proposed to set a notional budget, which might restrict the increase in budget for 2005/6. A delegation from the Authority, together with the Chief Constable, met with the Minister for Local and Regional Government, Nick Raynsford, on 29 June 2004 where emphasis was placed on the excellent performance and management of West Mercia combined with its relatively low funding position. The Minister was urged to set a notional budget as close as possible to the actual budget set by the Police Authority in February this year so as to minimise any potential budget impact in 2005/6.

3. However, the Minister announced in Parliament on 8 July 2004, that despite the representations made by West Mercia he intended to set a 'notional budget' of £165.321 million which was £517,000 less than the approved budget (had the 2004/2005 budget been set at that notional level the Council Tax precept for a Band D household would have reduced by £1.26 for the year).

4. The Authority agreed to write again to the Minister inviting him to reconsider his decision, impressing upon him the fact that it is the low level of Home Office grant received by West Mercia (the fourth lowest in England and Wales) that results in the higher than average burden being borne by the Council Tax payer. *The ODPM have now rejected this further request and the notional budget proposed in April 2004 has been confirmed.*

5. Meetings with local MP's have also taken place to brief them on the financial position facing West Mercia and the potential impact on the budget 2005/6 should the support from Central Government increase by less than 5.5%, this being the estimated percentage level of police inflation.

6. Through the instigation of Michael Foster MP (Worcester) and other local MP's an adjournment debate on policing in West Mercia will be held in Parliament on 12 October 2004.

Financial Results 2003/2004

7. The financial results for 2003/2004 revealed that the gross cost of operational policing activity had increased by 10.2% over the previous year to £163.2m. The balance on the reserve accounts was £19.055m and included a total of £5.956m that had been added during the year for capital purposes. £5.153m of this would enable the currently approved Capital Programme to be completed and a further £0.803m had been added from reserves with a view to supporting the future development of the force's custody facilities.

Community Support Officers

8. The Authority has agreed to support a bid to the Home Office's Neighbourhood Policing Fund for 35 additional Community Support Officers (CSOs) to further improve Police visibility and to bid for a sum equivalent to 5 extra CSOs. The Authority also welcomed the announcement that Government funding for the 67 CSOs currently in post will continue for a further three years.

Custody Projects

9. The provision of proper custody facilities is a fundamental requirement of policing and has an impact on performance in key areas of policing. The Authority has, therefore, agreed to upgrade to the units at Leominster, Hereford and Shrewsbury to provide increased capacity and facilities.

10. The Leominster unit will be extended from four to nine cells and once completed will be used as the main custody station for Herefordshire whilst the Hereford unit is closed and rebuilt to provide a sixteen cell unit (currently eight). The Shrewsbury upgrade will increase the capacity by three cells to eleven.

Council Tax on Second Homes

11. District and Unitary authorities have been given discretion to reduce the discount on the council tax for second homes and the Shropshire county and district councils had requested that the additional revenue raised be spent in the respective local areas.

12. In considering this request the Authority noted that the budget decision in February 2004 took into account the additional council tax resources and had been committed to existing plans. It also noted that policy decisions about resource allocation had to be taken in the context of existing structures and that many policing activities were reactive and crossed local authority boundaries in terms of staff deployment. Therefore, whilst positive initiatives will continue to be supported by the existing divisional structure, the Authority could not agree to a hypothecation of council tax funding from the police precept to any particular district council area.

CCTV Link

13. Approval has been given for the provision of a CCTV link from Herefordshire to the Call Management Centre based at Hindlip Hall, Worcester.

Sponsorship

14. During 2003/2004 West Mercia Constabulary received sponsorship to the value of £38,048. Sponsorship of vehicles amounted to £24,100 and £13,948 related to other donations.

Special Priority Payments

15. The Police Reform programme contains provision for a local scheme for special priority payments to be targeted at front line/operational officers in particular. West Mercia introduced its first scheme in 2003 and the Authority has agreed a revised

scheme for 2004. The scheme provides for additional payments of between £500 and £3000 and includes posts such as:

- Operational Sergeants
- Tutor Detective Constables
- Armed Response Officers
- Officers trained and deployed to Chemical, Biological, Radiological and nuclear incidents.
- Central Motorway Patrol Group Officers

West Mercia Neighbourhood Watch Association

16. The Authority has agreed a one-off grant of £2,000 to assist the newly formed West Mercia Neighbourhood Watch Association.

Summary Policing Plan

17. The Summary Policing Plan, which sets out the Force's key priorities for 2004/5, is available on the Authority's website at www.westmercia.police.uk and copies are also being distributed to local authorities and police/community consultative groups. Copies are also available from the Director to the Police Authority's office.

Front Line Policing Targets

18. The Home Office's Strategic Plan for 2004-2008 'Confident Communities in a Secure Britain' includes a target to free up over 12,000 police officers nationally from the back office to the frontline. In order to monitor this target the Force Front Line Policing Measure (FLP) has been developed and this indicates that for West Mercia the current percentage of police officer time spent on frontline duties is just above the national average of 63.17%, at 64.5%. The Authority is required to approve targets aimed at improving this level and has agreed the following targets:

<i>Baseline</i>	64.5%
<i>End 2005/06</i>	66.7% (+2.2%)
<i>End 2006/07</i>	69.5% (+2.8%)
<i>End 2007/08</i>	73.0% (+3.5%)

Intelligence Recording

19. A report on the steps being taken with respect to intelligence recording against the background of the Bichard Report into the Soham murders has been prepared. Members noted that practices in West Mercia were reassuring but that, without a wider range of national changes, the risk of poor information gathering and exchange would remain. Work to ensure best practice in this area was continuing and was subject to Her Majesty's Inspectorate of Constabulary's scrutiny.

Community Problem Solving

20. Members of the Authority have received a presentation on a community problem solving initiative, which was designed to tackle Anti-Social Behaviour. Following the introduction of this initiative at a location in Kidderminster, crime and disorder levels were driven down by 82% and levels of reassurance had risen. The model, which

was developed by the Crime and Disorder Team at Police Headquarters, is now available to all Divisional Commanders.

Independent Custody Visiting Scheme

21. The Independent Custody Visitors Scheme provides the opportunity for members of the local community to observe, comment and report upon the conditions under which people are detained in police stations, and the operation in practice of the statutory and other rules governing their welfare, with a view to securing greater public understanding of these matters. The visitors are all volunteers and subject to certain restrictions any person over the age of 18 can apply through the Director to the Police Authority to become a custody visitor in West Mercia. The Authority monitors the reports submitted by the visitors and where necessary takes matters up with the Constabulary if there are areas of concern.

22. A total of 306 visits were undertaken during 2003-2004, exactly the same as for the previous year. There were 1113 people in custody at the time of the Independent Custody visits, 990 of these people were held by the police under the Police and Criminal Evidence Act.

23. No major problems emerged from the visits and where issues were raised these were either rectified as soon as possible, dealt with in correspondence with the Divisional Police Liaison Officer or discussed at the Panel meetings. Specific issues raised included the unavailability of duty solicitors, which is being addressed nationally and concerns with the custody area at Shrewsbury and Redditch.

24. The Police Authority welcomes applications from all people over eighteen but would particularly like to encourage people in the 20 - 40 year age bracket and those from ethnic minority backgrounds as they are currently under-represented. Application forms and further details are available from the Director of the Police Authority's office.

Signed on behalf of the
West Mercia Police Authority

R M Forster
Chairman

Further Information

Any person wishing to seek further information on the subject matter of this report should contact David Brierley or Ian Payne on Shrewsbury (01743) 344314

List of Background Papers

In the opinion of the proper officer (in this case the Director of the Police Authority) the following are the background papers relating to the subject matter of this report:

Agenda papers for the Annual Meeting of the West Mercia Police Authority held on 21 September 2004.

REPORT OF THE HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY TO THE CONSTITUENT AUTHORITIES

Meetings Held on 18 May 2004, 14 June, 2004, 22 July, 2004 and 27 September 2004

ORGANISATIONAL OBJECTIVES

1. The Constituent Authorities were advised in March 2004 that the Fire Authority, having been empowered to set its own precept for 2004/2005, had set a revenue budget of £26.798 million, a Band D Council Tax of £60.21 per annum.
2. The Secretary of State announced in April that he intended to lower the Authority's budget requirement by £2.044 million to £24.754 million. Following representations by the Authority the Government subsequently capped the Authority's budget at £25.798 million, a Band D Council Tax of £56.48 per annum.
3. It is important to recognise that the Fire and Rescue Service in Herefordshire and Worcestershire continues to be relatively poorly funded through its share of national taxes. Its grant allocation is 24.5% per citizen below the average for shire Combined Fire Authorities. The Authority's budgeted cost per citizen at £35.71 will now be 6.5% below average for shire Combined Fire Authorities. The Authority would need to invest another £2.51 per citizen or £1.813 million in the Service for it to be funded at the level of the average. It is considered that it is a perverse system that would now deem any further investment in the service as excessive.
4. Unfortunately, the Government restrictions on the Authority's budget have slowed down the progress of the Authority's ambitions and aspirations. This has, in particular, impacted upon the implementation of the Fire Authority's Integrated Risk Management Plan, which has been constrained in a number of areas. In order to ensure the Authority remains within the restricted 2004/05 budget a number of support staff vacancies have been left unfilled. This has weakened support functions and created workload difficulties for remaining staff. However, whilst the budget difficulties are regrettable, the Authority can still achieve improvements and make progress, albeit at a slower pace than originally intended.

OPERATIONAL STATISTICS

5. During the period 1 April 2004 to 30 September 2004 the Brigade attended some 5,300 incidents (this includes all types of Fire, All False Alarms and Special Service Incidents). More statistics and details of notable incidents have been reported to the Authority and can be found on the Brigade's website (www.hwfire.org.uk).

MODERNISATION

6. The national agreement on Fire Service pay and conditions, finalised in June last year included a condition that the pay award at stages two and three was subject to verification by the Audit Commission. The aims and objectives of the national verification process were to identify if the intended benefits (including savings) of the various national changes were being delivered locally.

7. On the basis of the results of the verification study fieldwork, the Commission has made an assessment that little progress has been made by Hereford and Worcester Fire and Rescue Authority, and therefore the Authority was graded as “red”, as were three other Fire Authorities within England and Wales.
8. The Authority has been advised that there are reservations about the study. In particular, while the auditor makes reference to the Authority’s funding difficulties and the difficulty in reaching agreement with local staff representatives on implementation of some aspects of the modernisation process, it was evident that in the final analysis these factors were largely ignored and the Authority was compared to all other Fire Authorities on the basis that it was operating in a mode of ‘business as usual’, which is clearly not the case. As a result of the cap on the budget, funding is not available to make progress as had been planned. However, the Authority recognises that it needs to move forward and has provided an action plan to the auditors indicating how it will do so.

INTEGRATED RISK MANAGEMENT PLAN

9. As previously reported the Authority is required to produce an Integrated Risk Management Plan (IRMP). The purpose of the Plan is to provide a strategic overview of all aspects of service delivery and determine current and future policy. It is intended to make the service more responsive to locally identified needs and better able to deliver community safety. The second annual action plan has been approved for consultation.
10. The first IRMP identified a number of areas where the Authority could contribute to improvements in community safety. Unfortunately the restrictions on the Authority’s budget have slowed down the progress in meeting the Authority’s ambitions and aspirations. This has, in particular, impacted upon the delivery of the Community Safety Strategy, including partnership working and plans to improve service provision to “hard to reach” groups. However, some improvements have been made.

FIRE AND RESCUE SERVICES ACT 2004

11. The Constituent Authorities were informed earlier this year of the provisions of the Fire and Rescue Services Bill. The Fire and Rescue Services Act 2004 has now been enacted. This Act supersedes the previous 1947 Fire Services Act and has added a number of additional statutory duties, which Fire Authorities have a duty to discharge. Many of the existing duties/responsibilities and powers which were part of the 1947 Fire Services Act have been included in the 2004 Act. However, in some instances these will make little or no difference to the work of the Authority as the Authority has already been undertaking these tasks. The Act does however put these activities on a statutory footing and this is to be welcomed.
12. Principal features of the Act are:
 - **Fire Safety** - The Act extends the powers of Fire Authorities, providing a wider remit in relation to community fire safety. There is a new duty enabling a Fire Authority to make arrangements for the provision of information, publicity and encouragement regarding steps to prevent fires and death or injury by fire. While the Brigade has already been engaged in many fire safety initiatives this has previously been on a voluntary basis, there being no legislative requirement to engage in these activities. The Act now places this work on a statutory footing.

- **Road Traffic Accidents** - There is also now a statutory requirement for Fire Authorities to make provision for the purpose of rescuing people in the event of road traffic accidents in its area and an additional duty of protecting people from serious harm, to the extent that it considers reasonable to do so in the event of road traffic accidents in its area.
 - **National Resilience** - A new duty has been included in the Act which refers to the power to respond to other eventualities. This Section of the Act underpins the Fire and Rescue Services' contribution to national resilience, through new powers to direct Fire and Rescue Authorities during particular specific emergencies to ensure a co-ordinated and strategic response to a wide range of emergency incidents.
 - **National Framework Document** - The Act provides for the Fire and Rescue National Framework document, the latest version of which was published on 16 July 2004 to have statutory effect. It places a duty on the Secretary of State to keep the Framework up-to-date and report against it at least once every two years. The Framework sets out the Government's requirements for the Fire and Rescue Service and the support it will provide. The Act provides the power to ensure that the Fire and Rescue Authorities have regard to the strategic priorities/objectives and guidance set out in the Framework document.
 - **Combination Schemes** - The provisions of the previous Act with regard to reinforcement schemes and arrangements for discharging functions of one Authority by another have been retained in the new Act. Additionally, there is provision for the Secretary of State to combine Fire Authorities where it appears to the Secretary of State that in the interest of economy, efficiency and effectiveness or public safety there should be a single Fire and Rescue Authority for a combined area.
 - **Charging for Services** - The Act maintains the existing ability for Fire and Rescue Authorities to charge for particular services (these exclude statutory functions) but has added that a Fire Authority may not authorise charging for emergency/medical assistance. Whilst no specific charging regimes have been established, the Act has effectively limited the amount that the Authority may charge for services rendered. In this regard it states, *"in setting the amount of charge, the Authority must secure that, taking one financial year with another, the Authority's income from charges does not exceed the cost to the Authority of taking the action for which the charges are imposed"*.
 - **Failing Authorities** - The Act confers new powers on the Secretary of State to take action in respect of a failing Authority or one that is likely to fail. In this regard, the Secretary of State may by Order require the Authority to do something, stop doing something or not to do something.
 - **Government Support for Other Agencies** - A new power has been included in the Act which allows the Secretary of State to provide and maintain, or contribute to the provision and maintenance of, any equipment, facilities or services he considers appropriate for promoting the economy efficiency and effectiveness of Fire and Rescue Services. Additionally, the Secretary of State may establish, maintain or contribute to the establishment/maintenance of any organisation he considers appropriate for promoting the economy, efficiency and effectiveness of the Fire and Rescue Authorities.
13. Finally, the title of the new Act reflects the changing role of Fire Services over the past fifty years and recognises the wider rescue role e.g. rescues from collapsed structures, vehicles and flooding. In this regard the title "Fire Brigade" is seen to be too narrow and the Act requires that this should be changed to one that more aptly

describes the role of Fire Brigades. As a consequence the Authority has agreed that the Brigade will now be called the Hereford and Worcester Fire and Rescue Service and the Authority will now be called the Hereford and Worcester Fire and Rescue Authority.

COMMUNITY FIRE SAFETY

14. The Authority has noted progress on a wide range of Community Fire Safety (CFS) initiatives.

Home Fire Safety Checks (HFSCs)

15. The Brigade continues to make excellent progress in delivering home fire safety checks across all areas of Herefordshire and Worcestershire.
16. The CFS Department has also commenced a full review of Home Fire Safety Checks (HFSCs) in line with the IRMP Strategy.
17. The review consisted of: provision of smoke alarms for the hearing impaired, provision of interpreter services; procurement of smoke alarms; heat detectors and specific fire safety equipment, consultation exercise with Operational personnel, customers and referral agencies, amendments to HFSC's guidance notes, amendments to administrative procedures following discussions with District Co-ordinators, investigating potential partnerships with Crime Reduction Officers, ensuring customers are targeted more effectively.

Education Activity

18. The Brigade continues to review and update its Education initiatives, albeit at a far more modest level as a result of capping restrictions. Such work has seen the development and production of a new Key Stage 3 pack, launched in September 2004 and assisted by working in partnership with "Smoke Free Worcestershire". Additionally, a rolling programme of Watch visits has been undertaken, aimed at assessing future development of resources for schools, which can be used to carry out targeted delivery of prevention messages with more specific emphasis on local issues. This more direct and tailored approach within the overall strategy will allow the schools' education programme to have increased relevance to young people.
19. As part of the First Year IRMP, the CFS department is undertaking extensive research to inform a future Youth Strategy. This research includes consideration of best practice identified in the thematic review 'Working with young people in the community', collaboration with a number of brigades on joint initiatives, evaluation of potential partnerships with other agencies, such as the Prince's Trust and also analysis of current youth education provision. It is envisaged that emerging outcomes will be available in Autumn 2004 and will provide the basis for a comprehensive Youth Strategy for the future.
20. Hereford and Worcester Fire and Rescue Service is one of only five Brigades in the Country who have been asked to work with the National Community Fire Safety Centre on the development of an Education Strategy. The Education Liaison Officer is currently leading on addressing Special Needs issues.

Arson Prevention

21. Sixteen Watches have received specific training in offering Arson Prevention advice, as part of an on-going programme of training aimed at increasing capacity to reduce arson related fires. The Brigade has also commenced initial discussions with both Worcestershire County Council and Herefordshire Council, looking at the feasibility of constructing a Second Generation Local Public Service Agreement 2 bid aimed at

reducing arson fires. The Police, Local Authorities and the Fire and Rescue Authority, have recognised that a range of similar problem areas exist for agencies within the two counties dealing with related issues of crime, anti-social behaviour, deliberate fire setting and vandalism. It is envisaged that a joint bid would provide a co-ordinated approach to dealing with some of these difficult issues. Further work will now continue to establish a viable bid suitable for inclusion in LPSA 2 agreements timetabled for spring 2005.

Single Inspection Methodology

22. Specialist Fire Safety Officers across the Brigade are now carrying out Fire Safety Inspections using the Single Inspection Methodology. This enables Officers to build up a true picture of the type, age and condition of the premises inspected, which will be used in two positive ways. One is to provide the Fire Service Emergency Cover (FSEC) model with tangible evidence as part of the continuing review of emergency cover. The other will allow Officers to action any trends that may arise in common areas of concern; such as a failure in testing fire alarms. This data can then be used to target specific sectors, raising the level of fire safety in businesses in a proactive approach.
23. The Fire Safety Department has been approached by the Cabinet Office Civil Contingencies Secretariat to use the Single Inspection procedure as an example of good practice where the Fire and Rescue Service can assist in raising the awareness on the issue of Business Continuity.

Buildings Regulations

24. Part B of the Building Regulations, which relates to Fire Safety, is going to be amended in the forthcoming year. As part of that process, Fire Safety Officers attended a preliminary consultation workshop to discuss common areas of concern and any possible additional safety matters, which could be included in the future amendment, such as domestic sprinklers.

National Escape Plan Campaign

25. The National Community Fire Safety Centre launched an escape plan campaign with two new leaflets, in addition to television, radio and press advertising. The first leaflet was aimed at 'standard' residences and the second, high-rise/multi-occupancy residences. The Brigade supported this campaign by handing out leaflets at open days and during Community Fire Safety activities, such as school visits. A number of stations organised 'Escape Plan' banners to be placed at suitable prominent locations throughout the summer months.

National Smoke Alarm Maintenance Campaign

26. In July, the National Community Fire Safety Centre (NCFSC) hosted a briefing at the Fire Service College in Morton-in-Marsh, to launch the smoke alarm maintenance campaign on 1 September 2004. In line with recent campaigns this will involve TV, radio and press advertising. The Brigade will support this campaign at a local level. The NCFSC has listened to representations made by various Brigades, including Hereford and Worcester, and has produced a limited number of Braille and audio tapes, alongside ethnic minority language versions of the smoke alarm advice. These will be used as appropriate to the needs of any 'at risk' members of the community.

Outreach

Horizon Centre Homework Club - Worcester

27. The Horizon Homework Club has been successful in attracting youngsters from five to twelve years of age to the Centre in Worcester. The Centre provides children with a range of indoor and outdoor educational activities. By working in partnership with the Centre, the Brigade was able to set up meaningful Fire Safety sessions relevant to the age and cultural needs of this group, re-enforcing messages delivered in the Key Stage 1 and 2 sessions in school.

Sure Start

28. Through successful partnership working, the Brigade has been able to target parents with young babies and children about the key Community Fire Safety messages and the Home Fire Safety Scheme, on an on-going basis in Worcester and Redditch. A new partnership project aimed at travelling communities has been commenced with Sure Start Leominster. This project builds on Brigade research that has highlighted the need for improved fire safety delivery to this community.

Redditch Caribbean Family Fun Day

29. The Brigade was invited to have a presence at this annual event held in August 2004. A wide cross section of visitors came to the Brigade's marquee and, it was clear from the comments made, that the local community were supportive of the Brigade's efforts to promote fire safety issues and welcomed the positive public service support offered by the Brigade at the event.

LOCAL PUBLIC SERVICE AGREEMENTS

30. As previously reported, the three year Local Public Service Agreements (LPSAs) entered into by each of the Constituent Authorities both contain an objective to be delivered in partnership with the Brigade: to achieve a reduction in the incidence of accidental fire and fire related deaths. The Agreements have a three-year life cycle to March 2005. The Authority continues to deploy the now well-established education and prevention initiatives, towards successful completion of the agreements and achievement of full LPSA targeted performance. A guideline projection indicates that final performance overall looks extremely encouraging. However, as reported previously, successful performance in the agreements is based on the final year. The Authority must therefore strive to maintain or even improve on reductions in fires, deaths and injuries for the remaining period to the end of March 2005. As referred to above, work on a second LPSA bid is underway.

EQUAL OPPORTUNITIES

The Equality and Diversity Strategy

31. Work to implement the action plan is continuing. In line with this activity, locally based departmental delivery plans have been developed which set out local objectives and activity.

Policy Development

32. Following the internal assessment, a three-year action plan of policy review is being developed, to ensure all policies are in line with current legislation and good practice. The development phase will risk assess policies to ensure that those with highest relevance to equality and diversity are targeted earliest.

Regional Project

33. Hereford and Worcester Fire and Rescue Authority has the lead on the Regional Management Board's (RMB) 'Improving Opportunities' Project. A regional team to take the project forward has been established and the preliminary phase of utilising a planning framework (in line with RMB guidelines) has been developed, outlining both the activities and ultimate objectives for equality and diversity across the region.

CORPORATE ISSUES

Statement of Accounts 2003/2004

34. The Authority has approved the Statement of Accounts for 2003/2004. At the time of preparing this report the external audit was still to be completed. However, there is no indication of anything other than an unqualified audit opinion being issued.

Performance Plan

35. The Authority has approved the Performance Plan for 2004/2005. The Brigade is performing well in comparison with the latest Fire Service Performance Indicators for 2002/2003 published by the Office of the Deputy Prime Minister. The Brigade is in overall first place for average rankings against the national suite of indicators. Performance has improved from 2001/2002, when the Brigade was in the top quartile for seven of the 24 indicators, to the position where it is now in the top quartile for 12 indicators. Although there is no longer a requirement to set top quartile targets, the Brigade will continue to monitor nationally published data and aspire to perform in the top 25% of all Brigades.

Comprehensive Performance Assessment

36. The Audit Commission has informed the Authority that it will be inspected under the Comprehensive Performance Assessment framework in February 2005.

Risk Management

37. The Authority has approved a Risk Management Strategy as part of its corporate governance arrangements. The Strategy is designed to ensure the Authority adopts best practices in the identification, evaluation and cost effective control of risks to confirm that they are eliminated or reduced to an acceptable level and that systems are in place to track and report upon existing and emerging risks that could cause damage to the Authority or its stakeholders.

DAVID O'DWYER
CHIEF FIRE OFFICER/CHIEF EXECUTIVE
HEREFORD AND WORCESTER FIRE AND RESCUE AUTHORITY
SEPTEMBER 2004

BACKGROUND PAPERS

Agenda papers of the meeting of the Combined Fire Authority held on 18 May 2004, 14 June, 2004, 22 July, 2004 and 27 September, 2004

