

COUNTY SECRETARY AND SOLICITOR
Members' Services

TO: ALL MEMBERS OF THE COUNCIL

Your Ref:

Our Ref: MR/CD

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3rd February, 2005

Dear Councillor,

YOU ARE HEREBY SUMMONED to attend the meeting of the County of Herefordshire District Council to be held on **FRIDAY, 11TH FEBRUARY, 2005** 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.

Yours sincerely,



M.E. ROSENTHAL
COUNTY SECRETARY AND SOLICITOR

A G E N D A

COUNCIL

Date: **Friday, 11th February, 2005**

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*

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**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 12th November, 2005.	1 - 38
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 To consider any Notices of Motion.	
9. CABINET To receive the report and to consider any recommendations to Council arising from the meetings held on 25th November and 16th December, 2004 and 13th and 27th January, 2005	39 - 48
10. PLANNING COMMITTEE To receive the report and to consider any recommendations to Council arising from the meetings held on 26th November, 2004 and 21st January, 2005.	49 - 52
11. REGULATORY COMMITTEE To receive the report and to consider any recommendations to Council arising from the meetings held on 30th November and 14th December, 2005.	53 - 56
12. STANDARDS COMMITTEE To receive the report and to consider any recommendations to Council arising from the meeting held on 3rd December, 2004.	57 - 64
13. STRATEGIC MONITORING COMMITTEE To receive the report and to consider any recommendations to Council arising from the meetings held on 12th and 14th January, 2005.	65 - 68
14. WEST MERCIA POLICE AUTHORITY To receive the report of the meeting of the West Mercia Police Authority held on 7th December, 2004. Councillor B. Hunt has been nominated for the purpose of answering questions on the discharge of the functions of the Police Authority.	69 - 74

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COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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MINUTES of the meeting of COUNCIL held at Brockington, 35 Hafod Road, Hereford. on Friday, 12th November, 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, Mrs. E.M. Bew, W.L.S. Bowen, H. Bramer, R.B.A. Burke, M.R. Cunningham, P.J. Dauncey, N.J.J. Davies, Mrs. C.J. Davis, G.W. 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, R.V. Stockton, J. Stone, D.C. Taylor, J.P. Thomas, W.J.S. Thomas, Ms. A.M. Toon, P.G. Turpin, W.J. Walling, D.B. Wilcox, A.L. Williams, J.B. Williams and R.M. Wilson

34. PRAYERS

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

35. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Mrs. P. A. Andrews, A.C.R. Chappell and Mrs. S.P.A. Daniels.

Note: Councillor Mrs. Andrews joined the meeting just prior to consideration of the report of the Strategic Monitoring Committee to Council (Minute No. 45 refers).

36. DECLARATIONS OF INTEREST

There were no declarations of interest made.

37. MINUTES

The Chairman advised that Councillor R. Manning had, under Standing Order 4.14.4, raised a query on the accuracy of Minute 25. The Chairman proposed that the minute be amended by removing the last sentence in the third paragraph of page 4 of the agenda and replacing it as follows:

"He asked: If a dissatisfied applicant, with enough financial resources chose to challenge Appendix 13 paragraph 37 in its present form at judicial review and was successful, how safe would other decisions be which had been referred in the same manner? Could other cases then be reconsidered and in that event what would be the potential cost to the Council."

RESOLVED: That, subject to the above amendment, the minutes of the meeting held on 30th July, 2004 be approved as a correct record and signed by the Chairman.

38. CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed a number of pupils and teachers from Burghill Community Primary School to the meeting. He also extended an invitation to other schools, and particularly to High Schools, to attend Council and asked Councillor Mrs. C.J. Davis, in her capacity as School Governor for John Kyrle High School, Ross-on-Wye, to issue an invitation to pupils there on his behalf.

He announced an outstanding achievement by other schools in the County from the Golden Valley Pyramid. Fairfield High School had been the venue for the making of a film when the planet Venus passed in front of the Sun in June this year. The film had been awarded the first prize in a European competition in Paris. The prize was a trip to Chile to visit the largest telescope in the world. It was still to be decided who would be lucky enough to represent Herefordshire on the trip.

The Council joined the Chairman in congratulating Sian Lines, the Finances and Resources Manager in the Environmental Health and Trading Standards Department on her award of Top Student prize for the Certificate in Marketing by the Chartered Institute of Marketing.

Another prize was won by a team representing the Council - this time in the Local Government Chronicle's Management Challenge Awards. The team of Amanda Atfield, Jonathan Barrett, Christine Dyer, Cat Griffiths, Sue Griffiths and Andrew Tanner beat off competition from 45 other Councils to lift the prize for the Best Press interview.

The Chairman announced that, as the report of the Cabinet meeting held on 4th November, 2004 was confidential and necessitated members of the public leaving the Council Chamber, he would deal with it as the final item of business at today's meeting.

The Leader took the opportunity to report on three awards presented to Councillors Mrs. Barnett, Mrs. Gray and Harling. The awards were presented by St Michael's Hospice in recognition of over 20 years continuous service.

Councillor Harling announced that he had received two petitions prior to the meeting. One, containing 1,300 signatures, opposed further development at Bullinghope, Hereford and was presented to Councillor P.J. Edwards, Cabinet Member (Environment). The other, protesting about the continued use by heavy traffic at Old Road, Bromyard was presented to Councillor M. Wilson, Cabinet Member (Highways and Transportation).

39. 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. No such questions had been received.

40. QUESTIONS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS**Question from Councillor Mrs. C.J. Davis**

"Can the Leader please let us know what progress has been made towards holding a public meeting in Ross with the appropriate officers plus representatives from Welsh

Water to discuss openly the Tanyard Lane proposals and the effect these will have on the existing sewage/water courses within the town?"

Councillor Phillips, the Leader of the Council, advised that a public meeting had been arranged for Monday, 22nd November commencing at 7.30 p.m. at John Kyrle High School, Ross-on-Wye. Planning officers would be in attendance and representatives of the developers and of Welsh Water had been invited. At the meeting the Welsh Water representatives would be able to advise on the sewerage implications of the Tanyard Lane proposals. He said that he had also extended an invitation to the meeting to former Councillor Mrs. Joyce Thomas.

In response to a further query Councillor Phillips agreed that local members should be informed of matters affecting their wards before the press or local town or parish councils.

Question from Councillor W.J. Walling relating to the road works at the junction of Folly Lane/Ledbury Road.

"The Cabinet Member (Highways and Transportation) will be only too aware of the considerable public concern – not to say anger – that has been generated by the delays that appear to have occurred in the progress of these works. Is he in a position to say why the works have taken so long and is it possible for him to give Council some indications as to when the works might finally be completed?"

Councillor Wilson, Cabinet Member (Highways and Transportation) thanked Councillor Walling for his question and took the opportunity to thank residents not just of Folly Lane and Ledbury Road but also those living near other extensive road works at Newtown Crossroads and Aylestone Hill for their patience while road works were being carried out.

He advised that the signals became operational on Tuesday, 9th November and seemed to be working very well. Some minor remedial works were being completed on the footways.

It had been hoped that the works could be undertaken during the summer months for completion before the start of the school term. Unfortunately, during the detailed design it became apparent that the site was packed with underground services that would hamper construction and required careful layout of the new signal equipment. Before any work could start on the project it had to undergo a thorough Health and Safety evaluation, and this highlighted the need for some additional preparatory design work before the start on site.

Delays in completion could be attributed to several factors, including intervention by Transco who required the scheme to make allowance for insertion of a new gas main. By adding a duct to take a proposed new main, possible future disruption has been avoided. Delays were compounded by some relatively poor co-ordination of resurfacing, anti-skid treatment, white lining and the weather. Completion was further delayed by non-delivery of some vital electronic units. This necessitated a further delay to allow co-ordination of site works between the signal company and Central Networks for connection of the signals to the power supply.

He said that the implementation of this scheme illustrated the vital importance of effective partnership working between the Council, designers, contractors and suppliers to ensure that work was efficiently programmed and delivered. That process is still developing in Herefordshire but has already produced successful results on schemes such as the Bridge Sollers replacement and the new culvert in Greytree Road, Ross-on-Wye. Similarly, the Roman Road Improvement scheme is

progressing very well. Lessons learnt from the Ledbury Road scheme will be applied in the management of future projects of this type.

Councillor Walling thanked Councillor Wilson for his detailed answer and agreed that the lights appeared to be working reasonably well. He expressed concern for a number of residents in the area who were now experiencing problems accessing their driveways.

Question from Councillor W.L.S. Bowen

"Is it true that Herefordshire Council could put a person on the moon more quickly than the time it takes to install a necessary speed limit in one of our villages? Has the process of creating a sensible speed limit been speeded up?"

Councillor Wilson said that he understood that the time required to implement new village speed limits was often a source of concern to local communities who understandably wished to see rapid progress once the implementation process had started.

He stated that any new Order could take at least 12 months from the start of specific site investigation to implementation, allowing for the necessary periods for consultation and public notice. He recognised that many Orders take far longer than this and has been working on addressing this matter since taking up his portfolio. One of the significant factors was that some Parish Councils and even Local Members do not reply to consultation correspondence delaying the process and creating the additional workload of sending out reminders.

He reminded Members that he had written to them earlier in the year when he had agreed to a minor revision of the Council's policy on Speed Limits which would have the effect of allowing more comprehensive treatment of minor side roads without significant additional investigation and assessment. The Director of the Environment is working closely with the County Secretary and Solicitor to review the procedures for processing the details of individual Traffic Orders. Councillor Wilson said that he was monitoring this review and was confident that delivery of new Speed Limits, once agreed, would improve.

Councillor Bowen said he would look forward to seeing an improvement in the process.

Question from Councillor W.L.S. Bowen

"Can I, and all those affected, be assured that all necessary pieces of equipment, and suitable spaces and accesses will be put in place for all disabled and disadvantaged users of the new swimming pool in Leominster and the existing Hereford pool?"

May I point out that the statutory minimum does not supply a satisfactory solution to this problem.

Has full and proper discussion taken place with disability groups?

Has a proper response and notice been given to their needs?"

Councillor Hyde, Cabinet Member Economic Development, Markets and Property replied as follows:

North Herefordshire Swimming Pool - the new building complies fully with Part M

of the Building Regulations that deals with access to and use of buildings by disabled people. This is achieved by ramps, disabled toilets and a lift to the main pool. There are, however, some disabled groups with specific needs that are not covered by the Regulations. Discussions are on-going with a number of organisations to see how these requirements can be met. He reminded Council that when a decision had been made on the financing of a new pool it was clear that the Council would provide funding for the basic pool and that it would be up to the local people to raise money for any additional features. He congratulated those who had raised a considerable amount of money towards the project.

Hereford Swimming Pool - He advised that when the pool had been built it adequately met the requirements at the time. However, the first phase of upgrading the premises to meet the new Regulations would be undertaken early in 2005. This would involve re-designing the changing rooms and making improvements to the access ramp. Additional works would then be undertaken in 2006. He said the intention would be to fully comply with the regulations. Liaison with all access groups was ongoing and their views would be taken into consideration when decisions were made. He reminded Council of the clear commitment across Herefordshire to ensure those in need or disadvantaged were looked after and this was reflected in the Council.

Councillor Bowen said he took some comfort from Councillor Hyde's answer but had some concerns about the changing facilities not just complying with the statutory requirements, but also addressing the true issues of accessibility.

Question from Councillor T.M. James

"Could the Cabinet Member (Highways and Transportation) inform Members of this Council of the cost of the recent introduction of a new traffic light system in Ledbury Road and what level of accidents and serious injury necessitated such expenditure?"

Councillor Wilson, Cabinet Member (Highways and Transportation) replied that the new traffic signal installation at the Ledbury Road/Folly Lane junction had an estimated cost of approximately £160,000.

He reminded Councillor James that the scheme was inherited from the previous administration and was requested by Councillor Mrs. Lloyd-Hayes and by the late Councillor Mrs. Ann Carter, the local Members in that administration. The scheme has been implemented to improve facilities for pedestrians under the Safer Route to Schools project and did not form part of the Council's Casualty Reduction programme of works. He stated that the average cost of a personal injury accident is currently estimated to be £80,090 and in the last five years, there has been one recorded serious injury accident at the Ledbury Road/Folly Lane junction.

Councillor James stated that the request from Local Members was for a mini roundabout or road straightening scheme and asked whether a controlled pedestrian crossing would have been a better solution. He said that the lights had caused traffic queues both into and out of the City causing damage to the environment and hoped they would work efficiently.

Councillor Wilson said that the lights had been in operation for only three days and appeared to be working satisfactorily. He acknowledged that there had been queues when the temporary traffic lights were operating but that these would never have been expected to work as efficiently as permanent ones.

Question from Councillor Mrs. M.D. Lloyd-Hayes

"Is it true that the Drugs Intervention Program has been awarded £110,000 and has chosen to recruit one manager and two co-ordinators whose task is to ensure that offenders remain engaged in programmes as a result of their offending?"

Councillor Phillips, the Leader of the Council agreed that £110,000 grant had been awarded for 2004-05 for through care and after care - Drugs Intervention programme - there had been no official announcement from the National Treatment Agency, Government Office for the West Midlands, but it was likely that the funding would continue for the next two financial years.

He advised that the Co-ordinator has already been appointed and two further staff were to be recruited this week.

Councillor Phillips agreed to write to Councillor Mrs. Lloyd-Hayes in response to a further query about withdrawal of match-funding.

41. NOTICES OF MOTION UNDER STANDING ORDERS

Councillors Mrs. M.D. Lloyd-Hayes and W.L.S. Bowen had 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 :

- 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 had not been moved and under Standing Order 4.22.6 the motion stood 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).

42. CABINET

The Leader of the Council, Councillor R.J. Phillips, presented the report of the meetings of Cabinet held on 9th and 23rd September and 14th and 21st October, 2004. He reminded Council that the report of the proceedings of the meeting held on 4th November, 2004 was exempt and would be considered as the final item at

today's meeting

In relation to item 1.2 - Review of the Constitution -

Clarification of Head of Planning Services' powers of referral - The Leader moved a small amendment to the text at paragraph 5 on page 51 of the agenda to require the Head of Planning Services to consult the County Secretary and Solicitor before referring matters which he considered should be dealt with at a strategic county-wide level. He confirmed that the County Secretary and Solicitor would now be consulted on all matters referred to the main Planning Committee. It was also confirmed that the Head of Planning Services would not 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 officer recommendation and which is likely to be the subject of a call-in for the Secretary of State. It was noted that it was necessary in the procedure note to retain the paragraph: "*[Subject to no further objections raising additional material planning considerations being received by the [insert date - end of the consultation period]]*" because, occasionally, the report was considered prior to the end of the consultation period.

Members Planning Applications - The Leader confirmed that, following confirmation from the Standards Board for England, it was no longer necessary to move amendment number 3 to the Constitution set out at page 29 of the agenda which deals with Members' rights to appoint an agent to speak on their behalf at Planning Committees.

Children's Bill and Review of Cabinet and Scrutiny Portfolios generally - Councillor Phillips formally moved the appointment of Councillor D.W. Rule as lead Cabinet Member for Children's Services.

In relation to item 1.3 - Herefordshire Unitary Development Plan (UDP) Presentation to the Revised Deposit Draft - Councillor P.J. Edwards, Cabinet Member (Environment) confirmed that notice would be sent to all local Members of any proposed changes to the Revised Deposit Draft that affected their ward. It was also confirmed that objectors would only be able to comment further on the three cases detailed in the report and not to the UDP generally. It was noted that the Public Inquiry would begin in February 2005.

In relation to item 4.1(ii) - Recovery of Town and Parish Council Election Costs - It was noted that some polling stations had been recently inspected and would not need to be inspected again.

In relation to item 4.1(iii) - The Children's Bill - it was noted that Mrs. S. Fiennes had been appointed as interim Director responsible for Children's Services.

In relation to Item 4.2(vii) Budget 2005/06 and beyond - In response to a query the Leader confirmed that the Council, together with other local authorities, was continuing to lobby government over the use of out of date census information but so far the government had failed to respond positively.

Addressing another query he acknowledged that the cost of the budget consultation exercise was a concern but advised that Herefordshire's costs compared favourably with the national average.

Councillor T.M. James, suggested that people would have preferred the Council to put together a small number of packages on which to consult rather than asking for opinions on each individual service. The Leader stated that all local authorities were

undertaking a programme of consultation on their budgets. He acknowledged that it was a difficult exercise to get right, but said that the exercise undertaken in Herefordshire was admired by other local authorities. He said that it was necessary to employ outside canvassers rather than Council staff, to ensure independent feedback.

In response to a query the Leader confirmed that the figures at the second bulleted paragraph and the final bulleted paragraph should read £2,500,000 (two and a half million) and £1,200,000 (one point two million) respectively.

In relation to item 9.1(i) The Herefordshire Code of Practice for the Temporary Agricultural Use of Polytunnels - The Leader confirmed that the code now applied to the whole of the County and not just to Areas of Outstanding Natural Beauty. In answer to a query about enforcement he stated that there was still the option to require planning permission in certain cases and that in some areas it might be possible for polytunnels to be erected for more than two years.

In relation to item 13.1(i) - Home Point Herefordshire Allocations Policy - In response to a query it was confirmed that people with mental health problems would be entitled to a higher rating under the new policy.

RESOLVED: That the reports from the meetings of Cabinet held on 9th and 23rd September and 14th and 21st October, 2004 be received and the recommendations set out below be adopted:

- That (a) the revised budget set out at Appendix 1 be approved;
- (b) Councillor D.W. Rule, be appointed as lead Cabinet Member responsible for Children's Services;
- (c) the detailed recommendations on changes to the Constitution set out at Appendix 2 be approved; and
- (d) the changes to the Revised Deposit Draft as recommended by the UDP Working Group be approved and the Cabinet Member (Environment) be authorised 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.

43. STATUTORY ACCOUNTS COMMITTEE

Councillor D.B. Wilcox presented the report of the meeting of the Statutory Accounts Committee held on 2nd August, 2004. In doing so he advised that the external auditors had concluded that there were no matters that they felt they needed to draw to Members' attention. He also advised that, for Comprehensive Performance Assessment purposes, the Council had scored top marks [4] for the use of its financial resources.

RESOLVED: That the report of the meeting of the Statutory Accounts Committee held on 2nd August, 2004 be received.

44. PLANNING COMMITTEE

Councillor T.W. Hunt presented the report of the meeting of the Planning Committee held on 1st October, 2004.

RESOLVED: That the report of the meeting of the Planning Committee held on 1st October, 2004 be received.

45. STRATEGIC MONITORING COMMITTEE

Councillor Mrs. P.A. Andrews presented the report of the meeting of the Strategic Monitoring Committee held on 15th October, 2004. In response to a query about Ward Members not being informed of cases in their wards, the Leader urged all Members to contact either the Chief Executive or himself once it was apparent that this was not happening.

RESOLVED: That the report of the meeting of the Strategic Monitoring Committee held on 15th October, 2004 be received.

46. STANDARDS COMMITTEE

Mr Robert Rogers presented the report of the meeting of the Standards Committee held on 15th October, 2004. In doing so he advised that discussions were still taking place with the Standards Board for England over the use of Council resources by Members. Once the outstanding problems were resolved, the Committee would consult all Councillors on the final draft before bringing to Council.

RESOLVED: That the report of the meeting of the Standards Committee held on 15th October, 2004 be received.

47. WEST MERCIA POLICE AUTHORITY

Councillor B. Hunt presented the report of the West Mercia Police Authority held on 21st September, 2004. He advised that his usual newsletter would be circulated to all members once he had received answers to queries raised at the last Council meeting.

He agreed to get answers to other questions raised at the meeting about a number of issues including the number of Community Support Officers, anti-social behaviour, the fatal accident at Ashton in June, and police response times.

He advised that the custody facilities at Leominster police station had recently been upgraded and would be used as the main custody station in the County pending the refurbishment of the Hereford facilities. In the longer term it would also provide overflow facilities for Ludlow and Tenbury Wells.

RESOLVED: That the report of the meeting of the West Mercia Police Authority held on 21st September, 2004 be approved.

48. HEREFORD AND WORCESTER COMBINED FIRE AUTHORITY

Councillor G.W. Davis presented the report of the meetings of the renamed Hereford and Worcester Fire and Rescue Authority which were held on 18th May, 14th June, 22nd July and 27th September, 2004.

Council thanked the Fire and Rescue Authority for the efficient way it dealt with a number of recent fires in the Leominster area.

RESOLVED: That the report of the meetings of the Hereford and Worcester Fire and Rescue Authority which were held on 18th May, 14th

June, 22nd July and 27th September, 2004 be received.

EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED: That the public be excluded from the meeting for the following item of business which disclosed information relating to consultations or negotiations, or contemplated consultations or negotiations, in connections with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office-holders under, the authority.

49. CABINET - SUPPLEMENTARY REPORT

Councillor Mrs. J.P. French, Cabinet Member (Human Resources and Corporate Support Services) presented the Report of the meeting of Cabinet held on 4th November, 2004 setting out the proposed arrangements to introduce a new set of terms and conditions to apply to all relevant Council employees. The scheme had been devised to achieve a collective agreement with the trade unions within parameters which the Council could afford, without creating the need for redundancies and with a protection scheme to ameliorate the impact on individual employees. Councillor Mrs. French recognised the work of the Council's negotiating team in progressing this matter. She paid tribute to the team from the joint trade union side, comprising both local and national representatives who had worked very hard to resolve outstanding issues. Unfortunately, a recent ballot had not given the trade unions a mandate to agree a collective agreement. The Council had continued to meet with the trade unions, but they had been unable to suggest any acceptable alternative approach. Much work had gone on over the last year in ensuring that employees were fully informed at every stage of the process and Members had been kept up to date with regular briefings. Detailed negotiations had gone on with the trade unions with a view to reaching a collective agreement. The ballot result had been disappointing but understandable. What was important now was to make every effort to support individual employees through this period

The Leader indicated his disappointment with the outcome of the ballot and the need to continue to seek a collective agreement if possible.

Councillor Walling pointed out that many trade union members had chosen not to vote in the ballot and that the outcome was hardly a mandate for the trade unions to refuse the collective agreement. Councillor T.M. James commented on the role of the trade unions and the difficulties that had been caused by their policy of requiring the Council to introduce the National Scheme despite advice at the time.

It was agreed:

- (a) to continue to make every reasonable effort to conclude a Collective Agreement with the Joint Trade Union Committee that maintains the financial benefits to staff arising from the implementation of any such proposals from 1 April 2005 and notes the forthcoming meeting on 15 November 2004; and
- (b) in the event that the parties are unable to conclude a collective agreement as in (a) above, the Chief Executive, Directors and Departmental Heads be authorised to:
 - (i) conclude the implementation of the single status proposals by varying employees contracts of employment; and

- (ii) take any consequential action required to give effect to the stages set out in the Report in the event that individual employees refuse to agree required contract variations.

This was agreed unanimously.

The meeting ended at 12.20 p.m.

CHAIRMAN

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. Tidying up amendments be made to paragraphs 25, 26, 36 and 37 of the Planning Code of Conduct, as follows:</p> <p>“Material Submitted to Committee</p> <p>25 If you receive material from or on behalf of an applicant or third party in connection with an application before a Committee you should establish from the Planning Officers whether the material has been received by them. If it has not, you should make it available as soon as possible to the Planning Service.</p> <p>26 Relevant documents in connection with an application should all be dealt with in the officer’s report on Committee. Any additional information received after the preparation of that report up to 17.00 hours on the day before the Committee meeting will also be brought to the attention of the Committee <u>if they raise new and relevant material planning matters</u>. Papers received after that 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 <u>unless you have a</u></p>

REVIEW OF THE CONSTITUTION

	<p><u>prejudicial interest</u>. You may speak but not vote on items under the procedures laid down in the Constitution. When you attend any Planning Committee, you should not sit in the public gallery, but in the place reserved in the Committee room for Members of the Council who are not Members of the Planning Committee. When you speak at the meeting, either the Chairman of the Committee in calling upon you to speak or you in speaking should make it clear upon what basis you are taking part in the meeting, and that you have no right to vote on the application concerned. The rules on declaring interests set out at paragraphs 27-30 of this Code apply at all times.</p> <p>Decisions Contrary to Officer Recommendations or to Development Plan Policies</p> <p>37 From time to time, there will be occasions when you or the Committee of which you are a Member disagree with the professional advice on an application given by the Head of Planning Services. In such cases the reasons for differing from the professional advice received should be specified in the resolution of the Committee, along with the reasons for refusing an application recommended for approval or the conditions to be imposed on any approval in a case recommended by officers for refusal. The same provisions apply to decisions taken contrary to Development Plan policies. <u>Decisions of Area Sub-Committees which depart from the Council's Planning Policy or raise critical policy issues</u>. <u>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 determination in accordance with the Council's Constitution.</u>"</p>
<p>Supplementary Planning Guidance</p>	<p>4. 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>5. The following revisions be made to Standing Order 4.25.1:</p> <p>(a) "You may, as long as a copy of the question is deposited in writing or by e-mail with the County Secretary and Solicitor (or his/her nominated officer) by no later than 10.30am on the last working day before the relevant Council meeting, ask a Cabinet Member or Committee Chairman a question relevant to a matter in relation to which the Council has powers or duties or which affects the County; any such questions to be asked in accordance with the provisions of Standing Order 4.13.</p> <p>(b) Where the Chairman believes that a reply to a question can more conveniently be given by the relevant Cabinet Member or Committee Chairman as part of a report before Council elsewhere on the agenda, the Chairman shall rule that the question be put as part of that report at the appropriate time."</p>

REVIEW OF THE CONSTITUTION

<p>General Employment of Officers and Employees</p>	<p>6. Standing Order 12.13 be added to clarify the role of Members, as follows: “12.13 General Employment The function of recruitment, selection and dismissal of officers will be discharged, on behalf of the Council, by the Chief Executive, as Head of Paid Service, or by an officer nominated by him/her in accordance with the requirements of Appendix 6.”</p>
<p>Appointment and Discipline of Staff</p>	<p>7. The amendments to Appendix 6 of the Constitution as shown in Appendix 1 to this Annex be approved.</p>
<p>Employee Appeals Panel</p>	<p>8. Standing Order 25.1.2 be revised as follows: No Member of the Cabinet should hold a seat on a Committee, other than the Planning Committee, the appropriate Area Planning Sub-Committee, the Appointments Committee and the Employee Appeals Panels, but may serve on the Voluntary Sector Grants Panel and, as appropriate, other bodies established to carry out executive functions.</p>
<p>Local Area Forums (LAFs)</p>	<p>9. Part 10 of the Constitution be revised as set out in Appendix 2 to this Annex and that the reference to LAFs be deleted in Appendix 20 “Membership of Area Based Bodies”.</p>
<p>Independent Remuneration Panel</p>	<p>10. 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>
<p>Definition of Budget</p>	<p>11. 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: “The investment or utilisation of capital money in hand or other accumulations, including trust money, and the sale or realisation of all investments shall be carried out by the County Treasurer in accordance with such policy as the Council shall determine.”</p>
<p>Policy Framework – Renewal of Housing Investment Programme</p>	<p>12. The Housing Investment Programme be removed from the Policy Framework and its approval be added to the terms of reference of the Cabinet Member (Social Care and Strategic Housing).</p>

REVIEW OF THE CONSTITUTION

Investment Programme	
Regulatory Sub-Committee	<p>13. 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.”</p>
Programme Panels	<p>14. That Programme Panels not be re-instated but that the future development of the role of the Scrutiny Committees be explored as part of the annual review of scrutiny and consideration be given to incorporating significant issues in the relevant committees’ work programme with a view to involving members in issues of local interest.</p>
Cabinet and Scrutiny Portfolios for Children	<p>15. An existing Cabinet Member be designated lead member for Children’s Services on an interim basis with the following additional functions:</p> <ul style="list-style-type: none"> • 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. <p>16. 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.</p>
Farmers Markets	<p>17. Responsibility for Farmers’ Markets transfers from the Cabinet Member (Economic Development, Markets and Property) to the Cabinet Member (Rural Regeneration and Smallholdings).</p>
Revenue and Benefit, WMS and General Procurement of Goods and Services	<p>18. Responsibility for the revenues and benefits service, purchasing and joint arrangements with West Mercia Supplies and arrangements for the procurement of goods and services for the Council transfers from the Leader to the Cabinet Member (Human Resources and Corporate Support Services);</p>
Health Scrutiny Joint Committees	<p>19. 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>

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<p>Financial Regulation and Associated Amendments</p>	<p>20. 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.
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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 vire 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.

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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” or which in the opinion of the Head of Planning Services should be considered at a strategic County-wide level, the Head of Planning Services will be required to consult the County Secretary and Solicitor before taking the final decision to refer any 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 MEETINGS OF CABINET

HELD ON 25TH NOVEMBER AND 16TH DECEMBER, 2004 AND
13TH AND 27TH JANUARY, 2005

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.

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

1.1 There were no such decisions since the last meeting of Council

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 **Acquisition Of Station Approach Industrial Estate** - The Leader of the Council and the Cabinet Member (Economic Development, Markets and Property) approved the use of funding from Advantage West Midlands to purchase the Station Approach Industrial Estate as an investment property to support the delivery of the Edgar Street Grid Masterplan. The decision was not called in and took effect on 4th January, 2005.

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

4.1 Report on Decisions Taken

- (i) **Revenue Support Grant Settlement 2005/06** - Cabinet has received a report on the provisional Revenue Support Grant (RSG) for 2005/06. A preliminary analysis shows that the settlement is more favourable than had been indicated from the figures provided as part of the Government's Comprehensive Spending Review (CSR) 2004. The Government's assessment of level of council tax also appears to have been revised downwards.

It appears that the Council's net grant position is some £2,000,000 better than had been indicated by CSR 2004, however, the additional resources are one-off for 2005/06 only. Also, the amount of preserved rights expenditure (Social

Care) currently funded by specific grants is to be transferred into mainstream FSS funding. On the basis of current information the Council should prudently anticipate the loss of the £1,000,000 in 2006/07. Provision also needs to be made to implement the results of the actuarial review of the Superannuation Fund.

In short the additional funds should not be seen as providing a longer term solution to the budget position, merely providing breathing space over the next year. Cabinet has agreed that the current budget strategy be maintained, thereby maximising the Council's room for manoeuvre in the final consideration of the budget for 2005/06.

- (ii) **Draft Corporate Plan 2005-08** – The Corporate Plan establishes the Council's priorities and what will be done to achieve them. Its success depends on an Annual Operating Plan for the Council as a whole, and directorate and service plans, carrying the Corporate Plan objectives into detailed effect year by year. The Corporate Plan and the Annual Operating Plan for 2005-06 will need to be approved by Council in March. To this end Cabinet has agreed that the current draft Corporate Plan 2005-08 be used immediately as the basis for the preparation of the Council's Annual Operating Plan and directorate and service plans for 2005-06.

- (iii) **Learning and Skills Council - Strategic Area Review** – The Council has been invited to take part in a consultation exercise as part of the Strategic Area Review in Herefordshire and Worcestershire, currently being conducted with the Learning and Skills Council (LLSC). The LLSC has undertaken a specific review of Herefordshire College of Technology and Herefordshire College of Art and Design to determine if the current arrangement meets the needs of individuals, employers and the wider community in the most cost-effective way.

As a result of the Review the LLSC requested the colleges to undertake a feasibility study into the dissolution of both institutions and the creation of a single new college. Despite ongoing discussion, no progress has been made in implementing this recommendation. As part of the more recent review activities, the LLSC has reconsidered the options and confirmed its original decision as its preferred option. Cabinet has considered several options and endorses this overall approach to the Strategic Review.

It strongly supports the double dissolution of Herefordshire College of Technology and Herefordshire College of Art and Design in order to create a new corporation which would receive the assets and liabilities from both founder organisations. It supports the LLSC in its wish to work closely with the Pershore Group of Colleges on the future of Holme Lacy Campus to ensure better integration of its facilities with this new institution and supports the view expressed by the LLSC that all three existing colleges on the Folly Lane Campus need to make even greater efforts to support the new institution through better shared utilisation of resources including premises and common services and funding.

- (iv) **Corporate Performance Assessment from 2005** - Cabinet has received notification of the provisional timetable for Corporate Performance Assessments 2005/08. It has noted that this Council's assessment will be undertaken in the Autumn of 2005. The Audit Commission will be assessing both the political and managerial aspects of the Council, which will include the scrutiny function as well as the administration. Cabinet has agreed to the arrangements for supporting the process which will be co-ordinated by the

Director of Policy and Community with assistance from the Head of Performance Management and the Policy Unit. Cabinet has also authorised the Chief Executive to pursue a number of options for an external peer review.

- (v) **Revenue Budget 2005/06** - In formulating its final recommendations to Council relating to the Revenue Budget for 2005/06 Cabinet has considered the recommendations of the Budget Panel and the views of the Strategic Monitoring Committee. Initial consideration of the budget has been heavily influenced by the need to make significant budget reductions with the dual purpose of containing any rise in council tax and providing some limited headroom for investment in key priorities. Cabinet has referred its recommendations to the Strategic Monitoring Committee. Cabinet will meet on 24th February to consider any views from the Strategic Monitoring Committee and make further recommendations to Council on 11th March, 2005.
- (vi) **Comprehensive Performance Assessment from 2005: Response to Consultation Document** - Cabinet has agreed a response to the Audit Commission's consultation document on a revised framework for Comprehensive Performance Assessments (CPA). Although broadly supportive of the revised framework, the response addresses a number of practical issues and recommends that the Audit Commission considers a change to the description of categories, currently: Excellent, Good, Fair, Weak and Poor.

4.2 Report on Items of Interest

- (i) **Local Area Forums** - Cabinet has received a report from the November 2004 round of Local Area Forums which dealt with Budget Consultation. It was noted that attendance at some of the Local Area Forums was poor and that better publicity was needed to improve public participation. It was also suggested that the Scrutiny Committees give consideration to areas of concern highlighted at Local Area Forum meetings in formulating and reviewing their Work Programmes.
- (ii) **Local Public Service Agreement Update** - Cabinet has received the timetable for approval of Herefordshire's second LPSA which is due to commence on 1st April, 2005. It has noted that, although the Council submitted its proposals in July, 2004 it did not receive a response from the Office of the Deputy Prime Minister until December. Negotiations are still continuing on specific targets and a further report is expected to Cabinet in February.
- (iii) **Budget Monitoring 2004/05** - Cabinet has received a report on revenue budget monitoring as at 30th November, 2004 for programme areas in 2004/05. In particular it noted that:
- **Social Care** - The latest budget projection does not show improvement on the previously reported position, despite management action. Considerable pressures have emerged from rising demand and costs across both children and vulnerable adults services. Further discussions are taking place with partner organisations about how the financial risks can be shared. However, the picture being managed at present is very concerning and the

challenges will remain for the remainder of the financial year and 2005/06.

- **Property** - This position is now stabilised with overspendings being offset by savings and additional income. A recovery plan is being put in place to address the overspendings over a three-year review.
- **Planning** - Although the budgetary position relating to Planning appeared buoyant with an increase in income, there was some concern that the service to the public was suffering due to a number of vacant posts.
- **Strategic Housing** - This budget was projected to break-even but has received an unexpected invoice which was outstanding from last year. Further measures are being taken to ensure that the budget is managed to break even.

A net underspending of £1,100,000 is expected during 2004/05 primarily as a result of debt rescheduling, a stabilisation of interest rates and significant slippage of the capital programme.

The projected 2004/05 outturn for the Programme Areas, together with financing transactions is an under-spending of £2,674,000.

The estimated value of general reserves as at 31st March, 2005 total £5,000,000 incorporating the prudent reserve of £3,000,000, which has anticipated some limited use of reserves for overspendings at the year end. The £1,100,000 projected saving from Financing Transactions is included in this total. An expected underspending on Waste Management is in addition to the overall total.

- (iv) **Capital Programme Monitoring 2004/05** - Cabinet has received a report on the current position of the Capital Programme forecast for 2004/05, including a review of Prudential Borrowing and the current position regarding Prudential Indicators.

The revised forecast outturn for 2004/05 as at 30th November, 2004 totals £33,907,000.

Prudential Borrowing of £4,741,000 was allocated to various capital schemes. The current forecast for 2004/05 is £4,313,000. It is expected that further amounts of the 2004/05 allocation may slip into 2005/06 but as this funding is unconditional no resources will be lost. Only 23% of the revised forecast of Prudential Borrowing has been spent to date.

Actual spend on Capital projects was £15,352,000 or 45% of the revised forecast against an expected spend of 64% of the revised forecast. Actual spend this time last year was 60%.

Capital programme actual spend to date is lower than expected and may be a cause of concern should spending not accelerate. Prudential Indicators are being monitored as required by the Prudential Code.

- (v) **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) **Corporate Health Performance** - Cabinet has received a report on the Council's corporate performance in relation to National and Local Best Value Performance Indicators from 1 April 2004 to 30 November 2004. It has noted the improvements in the Benefits Investigation Unit. However, some targets are still not being met due to changes in working practices which have resulted in longer processing times and the fact that the service had some vacant posts. An improvement in performance is expected over the remainder of the year when the unit is fully staffed.

Other areas which are below target performance include the percentage of top earners that are from black and minority ethnic communities or are women; the number of working days lost to sickness absence; the number of types of interactions that are enabled for electronic delivery; and the number of recorded complaints. It was agreed that the number of local indicators for next year be reconsidered.

5.2 Report on Items of Interest

- (i) **Interim Audit Assurance Report 2004/05** – Cabinet has received a mid-year assurance report which identifies the key internal control issues which have been identified. It has noted that action on issues raised relating to 2003/4 was progressing. Once all reviews have been completed details will be included in an end of year assurance report to Cabinet.

6. CHILDREN'S SERVICES (Cabinet Member: Councillor D.W. Rule, MBE)

6.1 Report on Decisions Taken

- (i) **Learning and Skills Council - Strategic Area Review** - A report on this item is to be found at paragraph 4.1(iii) of this report.
- (ii) **Developing the Children's Agenda in Herefordshire - Change for Children** - In response to the Children's Act 2004 and the Change for Children programme, the Council produced a self-assessment matrix which has been agreed by the Regional Change Advisor.

Cabinet has agreed arrangements which will support the change/improvement and the next steps locally and has also agreed arrangements which will support the change/improvement and the preparation for Joint Area Review now provisionally set by the Audit Commission for Autumn 2005. These include:

- working with partners to establish a Children's Partnership Board which may well form the groundwork for a Herefordshire Children's Trust;
- agreeing, in principle, to set up a Change/Improvement/Development Team to support the Children's Services Directorate Leadership Team and the short-term investment needed;
- the costs of the Change Team to be met from Reserves; and
- lead roles be introduced for School - Strategy and Change, and Adult Social Care/Strategic Housing.

Cabinet noted and confirmed its previous in-principle agreement that the School leadership role will be undertaken by the Head of Inspection, Advice and School Performance.

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

7.1 Report on Decisions Taken

- (i) **Proposed Revised Approach to Provide the Central Library Hereford –** Cabinet has received a report on a revised approach to the development of the Central Library Hereford and access to Council services in Hereford City. The Council has a commitment to roll out the provision of INFO shops across the County (Council's Customer Service Strategy 2003-2007). These are now being planned in a way that links with improved library provision (Bromyard, Kington, Ledbury, Ross-on-Wye). At present the largest catchment for library and INFO services is the city area, where there is the poorest and most restricted provision. In line with the roll out of the INFO model, new provision could provide for a significant presence in Hereford City. Considerable advantage could be gained by a model of co-location with a new Central Library for the 21st Century. The possibilities for establishing a civic living and learning space in a modern city centre have been demonstrated in a number of examples (Building Better Libraries). Cabinet has decided to approve the development of an outline design for a new Central Library and associated services on the Edgar Street Grid Hereford; and further more detailed work be advised as part of the Edgar Street Development Implementation Plan.
- (ii) **Learning and Skills Council - Strategic Area Review -** A report on this item is to be found at paragraph 4.1(iii) of this report.

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

8.1 Report on Decisions Taken

- (i) **Learning and Skills Council - Strategic Area Review -** A report on this item is to be found at paragraph 4.1(iii) of this report.
- (ii) **Property Management Scrutiny Review –** The Property Management Scrutiny Review reported to Strategic Monitoring Committee in November. Whilst the Strategic Monitoring Committee accepted the Review report which contained some 27 recommendations, they also recognised that the nature and scope of the Review meant that there were a number of areas where further work would be required. Some of the additional work depended on the acceptance of key policy issues by the Executive and it was felt that little would be achieved by asking the Property Review Group to further refine their work. Cabinet has agreed that a wider reference group be established to approve the terms of reference of a Service Property Group, an Administrative Property Group (Accommodation Board) and a Non-Operational Property Group with consideration being given to the potential division of consideration of the smallholdings estate and the balance of non-

operational property; and to drive forward the wider review of policies and strategies and management arrangements and to examine targets for performance and finance.

- (iii) **Edgar Street Grid Joint Venture Company** - Cabinet has agreed the allocation of Council funding to establish a Joint Venture Company to deliver the Edgar Street Grid masterplan. Contributions could either be in cash or in kind through the secondment of existing staff.

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

9.1 Report on Decisions Taken

- (i) **Edgar Street Grid Joint Venture Company** - A report on this item is to be found at paragraph 8.1(iii) of this report.

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

10.1 Report on Items of Interest

- (i) **Appointment of Traffic Manager** - Cabinet has noted that the duties of the post of Head of Highways and Transportation will be extended to fulfil the requirement imposed by the Traffic Management Act 2004 and the post will now incorporate the statutory role of Traffic Manager for the Council.

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

11.1 Report on Decisions Taken

- (i) **Reform of the Registration Service** - Cabinet has received a report on proposed changes to the Registration Service to transform the service from a heavily regulated, labour intensive service to one fit to meet the needs of the population into the 21st Century. It has become clear that national changes to the Registration Service require a change in legislation. However, local changes can be implemented while the Act progresses through Parliament. Cabinet has agreed to provide a single Herefordshire Registration District with a central office in Hereford City. It has also agreed that, subject to public consultation, the Council will continue to provide register offices at Leominster and Ross-on-Wye which will remain open as full time permanent outstations and be used with the Hereford office, as bases to provide a peripatetic registration service to the County. The existing Register offices at Kington, Bromyard and Ledbury will continue to be used as "by appointment" caller offices, with their marriage rooms redesignated as "approved premises" thus achieving a five day a week service in these areas.
- (ii) **Implementing Electronic Government (IEG4) Statement** - Cabinet has approved the draft IEG4 Return. This is the fourth year the Council has been

required to submit an IEG Return setting out how it has, or plans to, achieve improvements in customer focused services underpinned by information technology. The ODPM has set a target for local government to improve its effectiveness and efficiency in delivering services by 2.5% each year up to 2007/08. E-government is expected to make a substantial contribution towards the achievement of this target and, for the first time, efficiency gains (both forecast and actual) from services in e-procurement, e-recruitment and e-payments are part of the IEG return. The final version of the return has been agreed in consultation with the Cabinet Member (Human Resources and Corporate Support Services).

11.2 Report on Items of Interest

- (i) **Human Resources Strategy Progress** - Cabinet has received a report on progress against the Council's Human Resources (HR) Strategy including the main findings from the 2004 Staff Opinion Survey and 2003-04 Exit Surveys. It was noted that the Staff Opinion Survey was carried out just seven weeks after the job evaluation results were published. The report showed that staff had increased confidence in senior management's leadership and were slightly more confident that things were getting better. Responses around equality of opportunity had remained static compared with 2003 and satisfaction with terms and conditions had not moved significantly, nor had satisfaction with earnings. There was a significant increase in employees agreeing that their contribution was recognised, and although there was an indication that communications may be increasing this was still well short of the 60% target. Agreement about opportunities to work flexibly showed an increase over 2003.

The current HR Strategy expires in 2005 and will be replaced by the Pay and Workforce Development Strategy 2005-08.

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) **Extra Care Housing Provision** - Cabinet has received a report on the actions taken to try to accommodate Unity Gardens on the former Nursery Site, Ledbury Road, Hereford or find an alternative site. Unity Gardens has terminated its lease on an alternative site and Cabinet has decided, with regret, that the Council is unable to accommodate Unity Gardens on the Ledbury Road site.

13.2 Report on Items of Interest

- (i) **Post Transfer Improvement Programme** - Cabinet has received a confidential report on progress made by Herefordshire Housing in delivering against the programme of repairs and improvements identified within the formal consultation document. A further report will be submitted to Cabinet following the end of the financial year 2004/05.

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

REPORT OF THE PLANNING COMMITTEE

Meetings Held on 26th November, 2004 and 21st January, 2005

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 APPLICATIONS REFERRED TO THE PLANNING COMMITTEE

1. The Head of Planning Services has referred the following planning applications to the Committee under the provisions of the Constitution.
 - (a) DCCE2004/2455/F - Demolition and rebuilding of a Stone Barn to incorporate a two bedroom bungalow at Cwm Craig Farm, Little Dewchurch; and
 - (b) DCSW2004/0047/O – Site for six dwellings (Affordable/Market housing, biodisc treatment system, removal of poultry buildings, Orcop Poultry, Orcop Hill, Much Dewchurch

2. In both cases the Committee noted that the Area Planning Sub-Committees were mindful to approve the applications and that they had been referred to the Committee by the Head of Planning Services because approval would be contrary to the Council's Planning Policies. The Committee has given detailed consideration to each application. In accordance with the criteria for public speaking, town and parish council representatives, applicants and objectors gave their reasons for requiring approval or refusal. The Local Ward Councillors have also given their views about the applications. The Committee has taken into consideration all the facts regarding the applications. Having considered all the circumstances in respect of each application, the Committee whilst mindful of policies concurred with the views of the Area Planning Sub-Committees and decided that because of the exceptional circumstances involved, both applications should be approved.

DEVELOPMENT BRIEF FOR FROME VALLEY HAULAGE DEPOT BISHOPS FROME

3. The Brief has been prepared to guide the future development of the site which has been identified for a housing allocation of 15 units within the emerging Herefordshire Unitary Development Plan (UDP) the Brief has been prepared jointly between the Council and developers of the site and its aim is to:
 - establish the development framework in a positive and enabling manner providing a development concept early in the development plan process;
 - identify development requirements before land values are set to ensure the delivery of viable schemes;
 - provide greater certainty; and
 - promote good design standards and address plan policy issues

The Committee decided to adopt the Brief as interim Supplementary Planning Guidance to the UDP.

UPDATED SUPPLEMENTARY PLANNING GUIDANCE (SPG) ON THE PROVISION OF AFFORDABLE HOUSING

4. The Forward Planning Team and the Strategic Housing Team have undertaken a consultation process on the updated Supplementary Planning Guidance (SPG) for the provision of affordable housing. Some nine organisations have been consulted including developers and social landlords and from the responses received minor changes have been proposed to the SPG. It has been recommended to the Cabinet Member (Environment) that the updated document including the suggested amendments be adopted and published as an updated version of the existing SPG.

HEREFORDSHIRE HOUSING LAND STUDY 2004 AND EMPLOYMENT LAND STUDY 2004

5. The Committee has received details about the results of the Herefordshire Housing Land and Employment Land Studies 2004. The study is based on annual surveys and in 2004 details about employment land have also been included for the first time. The Studies help to provide part of an annual monitoring report on the effectiveness of the Councils planning policies. As part of the changes to the planning system brought about by the Planning and Compulsory Purchase Act 2004 there is a requirement for the Council to prepare an Annual Monitoring Report (AMR) to Government on progress in preparing the documents set out in the Local Development Scheme (LDS), and on how far planning policies were being achieved. The content of the AMR will be developed over time to meet the requirements of the new system and will be submitted to Cabinet via the Planning Committee at the appropriate stage. An important part of the AMR will be the presentation of evidence regarding the extent to which policies within Local Development Documents are being achieved and in particular the number of dwellings built in Herefordshire during the period. It has been agreed that the results of the Herefordshire Housing Land Study 2004 and Employment Land Study 2003-2004 be noted; and that the Herefordshire Housing Land Study 2004 and Employment Land Study 2003-2004 be published as a record of the housing and employment land position in the County.

ODPM CONSULTATION PAPER ON MINERALS POLICY STATEMENT 1 "PLANNING AND MINERALS" (MPS 1) AND ASSOCIATED GOOD PRACTICE GUIDE

6. The ODPM has announced that it intends to review all its mineral planning and policy guidance, to see if it is needed, to seek greater clarity and to separate guidance on practical implementation from policy statements. MPS 1 will set out the Government's key policies and principles for minerals planning and will replace the existing MPG 1. The policy elements of other MPGs concerned with planning for the supply of significant minerals will be revised and published as annexes to MPS 1. Later annexes will deal with other significant minerals, such as oil and gas, brick clay and building stone. Other Mineral Policy Statements will follow. The current proposals for consultation consist of
 - draft MPS 1,
 - draft good practice guidance, and
 - a partial regulatory impact assessment.

The Officers appraisal was endorsed and it was recommended to the Cabinet

Member (Environment) that the officers be authorised to inform the ODPM accordingly.

TANYARD LANE DEVELOPMENT BRIEF

7. A Draft Development Brief has been prepared to guide the future development of the Tanyard Lane site which is located in Ross on Wye and forms a housing allocation for 150 units within the emerging UDP. The Brief has been prepared jointly between the Council and developers of the site. It provides additional information to supplement the policies of the UDP and will eventually be adopted as Supplementary Planning Guidance. It is anticipated that all objections relating to Tanyard Lane will be debated at the Inquiry. These objections centre around the following issues: access/traffic, flooding, affordable housing, landscape, design, greenfield/brownfield issues, and capacity of the local infrastructure. The Brief aims to progress and develop proposals in the plan and attempts to address detailed site issues raised about development of this site. Consultation has been undertaken about the Brief and amendments proposed from the feedback that had been received. It was recommended to the Cabinet Member (Environment) that the changes proposed to the Brief be approved with a view to it being adopted as supplementary information to the emerging Unitary Development Plan.

EARDISLEY GROUP PARISH PLAN

8. The Eardisley Group Parish Plan has been prepared as interim Supplementary Planning Guidance to the emerging Herefordshire Unitary Development Plan.
9. The Committee recommended to the Cabinet Member (Environment) that the planning elements of the Eardisley Group Parish Plan 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 document.

UPDATE REPORT ON HEREFORDSHIRE COUNCIL BUILDING CONTROL AND THE LABC PARTNER AUTHORITY SCHEME

10. The Council has participated in the Local Authority Building Control (LABC) scheme for the past four years. The scheme has provision for the Council to act as a Building Control Inspecting Authority on behalf of partner clients who currently include Border Oak, Leominster Construction, Collins Engineering and Kingspan with discussions underway with a potential fifth partner. The benefits of the scheme are that there can be regular advice and consultation with partners and clients who can be kept up to date with building regulation issues. The Council has the benefit of pre-submission meetings to explain and educate the client or agent about the requirements of the regulations prior to a formal building regulation submission being made. It was agreed that it should be recommended to the Cabinet Member (Environment) that when the resources become available the scheme should be fully implemented.

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

BACKGROUND PAPERS

Agenda for the meetings of the Planning Committee held on 26 November 2005 and 21 January 2005

REPORT OF THE REGULATORY COMMITTEE

Meetings Held on 30th November and 14th December, 2004

Membership:

Councillors: R.I. Matthews (Chairman), Brig. P. Jones CBE (Vice-Chairman) Mrs. S.P.A. Daniels, G.W. Davis, D.J. Fleet, J.W. Hope, T.W. Hunt, G. Lucas, J.W. Newman, R. Preece, D.C. Taylor, P.G. Turpin.

THE LICENSING ACT 2003

1. The preparations for the transfer of liquor and other licences from the Magistrates' Court to the Council are continuing. The licensing policies have been approved by the Committee following consultation with the police, fire authority, licensing trade and other interested parties. The proposals had been presented at Local Area Forums, to Town and Parish Councils, to the holders of public entertainment licences and also been advertised through press releases and news items on local radio. The new arrangements will come in to force on 7th February 2005 although guidance is still awaited from the Government on a number of aspects including licensing conditions and fees. There is therefore likely to be a transitional period during which the Magistrates' Court will continue to deal with some of the licensing arrangements. A Cumulative Impact Policy has also been approved in respect of the Commercial Road area of Hereford where there are a number of licensed premises concentrated in one area. This has been developed in conjunction with the police to address the potential impact on crime and disorder or public nuisance on the town centre.

ALCOHOL CONSUMPTION IN PUBLIC PLACES DESIGNATION OF PUBLIC PLACES IN HEREFORD

2. Proposals have been formulated with the police to designate certain areas of Hereford City as public places within the meaning of the Criminal Justice and Police Act 2001 to restrict anti social public drinking therein. There are greater powers available to the Council and the Police (including Community Support Officers) under the provisions of the Act compared to the current bylaws. The Act provides more flexibility and greater powers to deal with offences more swiftly. It has been decided to make an Order to designate a number of streets in the central area of Hereford as public places for the purposes of section 13 of the Criminal Justice and Police Act 2001, and request the Police (directly and through the Community Safety Partnership) to treat applications for liquor licences in designated areas sympathetically and in keeping with the aim of facilitating a vibrant and attractive city centre.

HIGHWAYS ACT 1980, SECTION 119. PUBLIC PATH DIVERSION ORDERS

3. The following applications have been granted for public path diversion orders to be made under Section 119 of the Highways Act 1980;

Footpath FD4 (part) in the parish of Ford

Footpaths VO33 (part) and VO34 (part) in the parish of Vowchurch

Footpath RC10 (part) in the parish of Richards Castle

Footpath CU23 (part) in the parish of Cusop

RIDING ESTABLISHMENTS LICENCE CONDITIONS - IMPLEMENTATION OF THE REVISED LICENCE CONDITIONS FOR RIDING ESTABLISHMENTS, RIDING ESTABLISHMENTS ACT 1964

4. Revised licence conditions have been approved for riding establishments. The licence conditions incorporate guidelines issued by the Royal College of Veterinary Surgeons and the British Veterinary Association, the previous conditions and the best practice of other local authorities. All the riding establishments licence holders in the County have been consulted and some minor amendments made to the conditions as a result. An advert has also been placed in the Hereford Times inviting people to comment on the proposed conditions.

DETERMINATION OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCES

5. Three applications for the renewal of Hackney Carriage/Private Hire drivers licences were referred to the Committee in accordance with the Council's terms and conditions and the advice on the interpretation of spent convictions. The applicants and their representatives gave details of the grounds for their applications for the renewal of their licences and provided the Committee with the circumstances under which they had previously held them. Having considered all the facts put forward by the Licensing Manager, the applicants and their representatives, the Committee decided that the Licensing Manager should be authorised to grant two of the applications because they considered the applicants to be deemed fit and proper persons under the meaning of the Local Government (Miscellaneous Provisions) Act 1976. In the case of the third applicant it was decided that the licences should remain suspended until 1st April, 2005.

PUBLIC ENTERTAINMENT LICENSING - VARIATION OF CLOSING HOURS OF CHRISTMAS EVE 2004 TO BE EXTENDED TO CHRISTMAS MORNING 2004 - LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982.

6. The Committee has considered proposals to extend the opening hours for Christmas 2004 from midnight on Christmas Eve to 1:00 a.m. on Christmas morning. The Police and the Fire Brigade have raised no objections having encountered few problems with a 1:00 a.m. finishing time during Christmas 2003. The Police are of the view that a 1:00 a.m. finishing time on Christmas morning for some of the nightclubs would enable a steady dispersal of those attending and help to avoid potential public order problems. In view of there being no objections from the Police, authority was given to the Head of Environmental Health and Trading Standards to permit premises to remain open for the purpose of Public Entertainments Licensing up to 1:00 a.m. on 25th December, 2004.
7. Time Nightclub applied to vary the opening hours of its Public Entertainments Licence to 2.00 a.m. on Christmas Morning 2004. Consideration was given to the Council's policies for licensing which are in place to protect the local community and individuals from disturbance arising from events involving music, singing and dancing. The Fire Authority and the Police had no objection to the application. The finishing time of 2.00 a.m. had been applied for by the proprietors for commercial reasons to enable the differential to be maintained between the nightclub and the finishing time of pubs, which had been increased to 11.45 p.m. on Christmas Eve. The later finishing time also enabled a more gradual dispersal of customers during the evening. Although there were concerns from some Members about the potential noise nuisance to local residents from those leaving the club late at night, the request was granted.

**HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE, DRIVER AND OPERATOR
CONDITIONS. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
LICENCE ACT 1976**

8. The conditions for hackney carriage and private hire licences have been reviewed. as part of a rolling programme of licensing and also as requested by the taxi trade, The new licence conditions are a combination of the previous conditions, experience gained since 1998, the best practice of other licensing authorities and recommendations from the trade. All appropriate licence holders have been consulted along with the local Taxi Association Steering Group. An advert was placed in the Hereford Times inviting comments and all Members of the Council were consulted. As a result new licence conditions have been agreed in respect of:
- private hire vehicle operators;
 - dual drivers (private hire and hackney carriage); and
 - private hire and hackney carriage vehicles

**R.I. MATTHEWS
CHAIRMAN
REGULATORY COMMITTEE**

BACKGROUND PAPERS

- Agenda papers from the meetings of the Regulatory Committee held on 30th November and 14th December 2004.

REPORT OF THE STANDARDS COMMITTEE

Meetings held on 3 December 2004 and 14 January, 2005

Membership:

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

STANDARDS COMMITTEE ANNUAL REPORT 2003-04

1. We have prepared our first Annual Report, which covers the Committee's role, its membership, work programme and current issues. The report reflects a busy year for the Committee. We have sought to ensure that Herefordshire demonstrates best practice and is at the forefront of national developments. The regulation of standards is now part of public life, and plays an important part in enhancing and maintaining public confidence; but the credibility of the system in local government, as elsewhere, depends upon it being open, fair and proportionate. These principles are at the heart of our approach. We are circulating the report to Hereford and Worcester Fire and Rescue Authority, the Herefordshire Association of Local Councils, Town and Parish Councils in the County, the Standards Board for England and the local media. The report has been attached to this report (Appendix 1 refers), and is also available on the Council's website.

APPLICATIONS FOR DISPENSATIONS RECEIVED FROM TOWN AND PARISH COUNCILLORS

2. 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.

We have granted a dispensation to a further member of Bartestree with Lugwardine Group Parish Council in addition to the ten members who also qualify in respect of their membership of Bartestree Village Hall Committee.

THE FREEDOM OF INFORMATION ACT 2000 AND THE IMPLICATIONS FOR THE STANDARDS COMMITTEE

3. We have reviewed the implications of the Freedom of Information Act 2000 (which came into force on 1 January this year) for our work.

TRAINING AND DEVELOPMENT

4. We have noted the work of the Council's Members' Development Working Group on training. Several training events during the year have included sessions on the Code of Conduct and the Planning Code of Conduct. In January last year we undertook joint training with the Committee of Worcestershire County Council and the Hereford and Worcester Fire and

Rescue Authority. This focused on the procedure for local hearing of complaints, which has proved especially useful now that complaints have begun to be referred to us by the Standards Board for England. The Herefordshire Association of Local Councils has run training events for its members; sessions on chairing skills are planned and we hope to participate. We are also investigating joint training with the Standards Committees of adjoining Authorities.

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

5. We have submitted written evidence to the House of Commons Select Committee which monitors the Office of the Deputy Prime Minister (Housing, Planning, Local Government and the Regions) in its Inquiry into the role and effectiveness of the Standards Board for England. Our evidence (which among other things emphasised the need for complaints to be dealt with quickly) is on the Council website and is also available with other evidence to the Inquiry on www.parliament.uk.

PUBLIC INTEREST REPORT – KINGTON TOWN COUNCIL

6. We have considered the District Auditor's recent public interest report on Kington Town Council. It resulted from allegations that the basis of employment of the Town Clerk was unlawful and that the Council had no statutory power to pay the Town Clerk's legal expenses. The District Auditor did not uphold these objections but expressed concern about the Town Council's corporate governance arrangements. In the light of the report, the County Secretary and Solicitor has held meetings with the Town Council, and as a Committee we are supporting the Council's action plan responding to the report.

INVESTIGATIONS BY THE STANDARDS BOARD FOR ENGLAND

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

LOCAL DETERMINATION OF COMPLAINTS

8. On 14 January 2005 we held our first hearing of a complaint referred to the Committee for adjudication by the Standards Board for England. Our full Decision notice on that hearing is on the Council's website. A further case has been referred to us for investigation; the hearing will be held on 4 March 2005.

**ROBERT ROGERS
CHAIRMAN
STANDARDS COMMITTEE**

BACKGROUND PAPERS

- Agenda papers of the meetings of the Standards Committee held on 3 December 2004 and 14 January, 2005

STANDARDS COMMITTEE ANNUAL REPORT 2003-04**Report By: County Secretary and Solicitor****Wards Affected**

County-Wide

Purpose

1. To consider the work undertaken by the Standards Committee in 2003-04 with a view to the possible publication of an annual report, as follows:

Background

2. The Standards Committee was established under section 53 of the Local Government Act 2000, which required the Council to adopt a code of conduct to replace its existing one, and to incorporate all the mandatory provisions of the Model Code of Conduct issued by the Secretary of State. We first met on 8th February 2002, and agreed to adopt the Model Code of Conduct with no amendments (save to include a gender neutral approach), and to recommend to Town and Parish Councils that they also adopted it. Council approved this decision on 8th March 2002.
3. Our functions are: to promote and maintain high standards of conduct by the members and co-opted members of Herefordshire Council; to assist members and co-opted members to observe their code of conduct; to advise on the adoption and revision of codes of conduct; and to advise, train, or arrange to train members and co-opted members on matters relating to the code of conduct. We carry out the same functions in respect of Town and Parish Councils for which the Council is the responsible authority. We also have the duty of carrying out local hearings and determinations of complaints referred to us by the Standards Board for England.
4. Our current members are:
 - **Robert Rogers (Independent Member) (Chair):** Mr. Rogers has been in the service of the House of Commons since 1972 and is one of the Principal Clerks. During his time at the House he has been involved in every area of its work including postings as Clerk of the Select Committee on Defence, Clerk of Private Members' Bills and Clerk of the Select Committee on European Legislation. He is married with two grown-up daughters and has lived in the County since 1977. He is also a member (and has been Chair and Vice-Chair) of the Standards Committee of the Combined Fire Authority.

- **Councillor Peter Harling:** Councillor Harling has been a local authority Councillor for forty-four years, formerly with Ledbury Urban District Council, Malvern Hills District Council and Hereford and Worcester County Council. He is currently Chairman of Herefordshire Council. He is also a member of Ledbury Town Council, the Herefordshire Society, is on the Board of Malvern Hills Conservators, and is a Director of St Michael's Hospice, Bartestree. He is retired, having worked in the Motor Industry for thirty-eight years. He lives in Ledbury and is married to Sue, with two grown up daughters and two granddaughters.
- **Councillor John Edwards:** Councillor Edwards is Vice-Chairman of Herefordshire Council. He helped to found How Caple, Sollers Hope and Yatton Group Parish Council in 1974, and has been a member ever since. He has been a churchwarden for forty-four years, was County Chairman of the Young Farmers Club in the fifties, and represented local farmers at National level. He is a farmer and landowner in How Caple, and is married with a grown up daughter and two sons, and six grandchildren.
- **David Stevens (Independent Member):** Mr Stevens is the Chairman of Herefordshire Young Enterprise and West Mercia Crimestoppers, and formerly Chairman of the Area Council of the Herefordshire Chamber of Commerce, and an independent member of the West Mercia Police Authority. He worked for many years with Bulmers' Export Department. He lives in Hereford city, and is married with three grown up children.
- **Richard Gething (Parish Council Representative):** Mr Gething is Chairman of the Herefordshire Association of Local Councils, Bridstow Parish Council and the Local Access Forum, and Vice-Chairman of the Herefordshire Rural Police Community Consultation Group. He is a retired Army Officer, and currently Co-Director of a management consultancy company (public and private sector). He is married with two grown up sons and lives in Glewstone.
- **John Hardwick (Parish Council Representative):** Mr Hardwick farms in the Fownhope area and for many years has been involved in service to the local community. He is currently Vice-Chairman of the Herefordshire Association of Local Councils Executive Committee, and was formerly the Chairman of Fownhope Parish Council.

STANDARDS COMMITTEE WORK PROGRAMME FOR 2003-04

5. We list below the main features of our work over the past year. Where required, our decisions have been ratified by the full Council.

20 JUNE 2003:

- **Constitutional Review:** Before the existence of the Standards Committee, advice and support on standards matters was available from an independent Standards Commission, consisting of the Lord-Lieutenant, the Bishop of Hereford, and the Hon. Recorder of Hereford (Lord Carlile of Berriew QC). The role of the Standards Commission disappeared with the making of the regulations under the Local Government Act 2000; thereafter, complaints were either to be dealt with by the Standards Board for England or by the Standards Committee. The Council's constitution was amended accordingly.

- **Elections 2003:** We assisted Town and Parish Councils with a training programme in partnership with the University of Gloucester and the Herefordshire Association of Local Councils, to help them explore the details and implications of the Model Code of Conduct.
- **Local Determination of Complaints:** The Local Authority (Code of Conduct) (Local Determination) Regulations 2003 came into force in June 2003. This gave the Standards Committee powers to determine complaints of alleged misconduct referred by the Standards Board for England, and we examined the implications of this in terms of workload and staffing, the size of the Standards Committee, and legal protection for Committee members. Members were indemnified certain costs and expenses if these were incurred as a direct and necessary result of the Regulations. We also agreed to add one independent member and one Town/Parish Councillor to our existing membership, in preparation for a potentially increased workload attributable to local hearings.

10 OCTOBER 2003:

- **Appointment of New Members:** We sought through the press and local radio to encourage a good range of candidates to apply for the second Independent Member place, and HALC made arrangements to nominate a Parish/Town Council Representative.
- **Elections 2003:** Further training was arranged for Town and Parish Councillors following the elections, concentrating on arrangements for determining complaints locally, and elucidating the code of Conduct through case studies. We ensured that the small number of Town and Parish Councillors who had not signed up to the Code or completed the register of interests did so without further delay.
- **Joint Meeting of Standards Committees:** We made arrangements for a joint meeting with the Standards Committees of the Hereford and Worcester Combined Fire authority and Worcestershire County Council to discuss how to deal with local complaints.
- **Local Procedure of the Determination of Complaints:** We adopted the model procedure for hearings and pre-hearings.

5 DECEMBER 2003

- **Appointment of New Members:** Mr David Stevens was appointed as an Independent Member, and Mr John Hardwick was appointed as a Town/Parish Council Representative.
- **Draft Protocols: Member-Officer Relations, Use of Members' Support Services, Internet, External Email Services and other Facilities:** We were asked to consult on the detailed terms of the above protocols. We sought the views of the Group Leaders and the Chief Executive's Management Team, and submitted a revised protocol for Member-Officer Relations, which was adopted. We conducted further research in respect of the protocol on Use of Members' Support Services, Internet, External Email Services and other Facilities - in particular, drawing on best practice from other authorities with a view to submitting a revised protocol later.

3 FEBRUARY 2004

Training: We held a joint training day in Worcester with the Standards Committees of Worcestershire County Council and of the Herefordshire and Worcestershire Combined Fire Authority. Legal and standards practitioners gave presentations. The occasion focused on the procedure for local determinations, with a useful mock hearing, and was also an opportunity for us to ensure that we were fully up to date with other developments nationwide.

13 FEBRUARY 2004

- **New Members:** Mr David Stevens and Mr John Hardwick attended their first meeting.
 - **The Committee on Standards in Public Life (originally the Nolan Committee):** The Committee on Standards in Public Life sought views from the Standards Committees for their inquiry on standards regimes. After consulting HALC and Herefordshire Councillors on the issues involved, we submitted written evidence to the Committee. It may be viewed in full on the Council website at www.herefordshire.gov.uk (quick link to Committee Meetings/Standards Committee/13th February 2004).
 - **Draft Protocol: Use of Members' Support Services, Internet, External Email Services and other Facilities:** The issues involved in devising this protocol were proving to be complex, and work was continuing.
 - **Prejudicial Interests in Planning Applications:** The implications of a recent Court of Appeal case were examined in relation to the declaration of an interest in a planning matter. It emerged that the Court of Appeal had interpreted the Model Code more strictly than was reflected in Herefordshire Council's Code of Conduct in Planning Matters. We made recommendations to alter the Council's Constitution accordingly.
6. During 2003-04, we have also continued to monitor investigations by the Standards Board for England of complaints against Town and Parish Councillors. We have dealt regularly with requests from Town and Parish Councils dispensations (that is, for cases when the number of Councillors who have declared an interest would impede the transaction of business (s.97)(1) of the Local Government Act 2000 refers.

CURRENT ISSUES

7. We have continued to make progress on issues carried over from 2003-04. The "Protocol on the use of Member's Support Services, Internet, External Email Service and Other Facilities" is now the "Protocol on the Use of Council Resources". We are holding discussions with the Standards Board for England over the use of Council resources in respect of this and, once the outstanding problems are resolved, the Committee will consult all Councillors on the final draft before bringing it to Council.
8. We will also shortly be submitting a revised Planning Code of Conduct to Council in respect of declaring interests at planning meetings.

9. Perhaps the most significant development so far in 2004 has been the first referral by the Standards Board for England of a complaint for local hearing and adjudication. We are now arranging a Hearing Panel to take place early in 2005. It is difficult to know how many referrals we will receive in the forthcoming year and the impact they might have on staffing and resources. We will continue to monitor the situation and report to Council as necessary.

CONCLUSION

10. This report reflects a busy year for the Committee. We have sought to ensure that Herefordshire demonstrates best practice and is at the forefront of developments nationally. Codes of conduct, and the regulation of standards issues, are now part of public life. There is no doubt that they play an important part in enhancing and maintaining public confidence. The credibility of the system in local government, as elsewhere, depends upon it being open, fair and proportionate. These principles are at the heart of our approach.

RECOMMENDATION

THAT the report be noted.

REPORT OF THE STRATEGIC MONITORING COMMITTEE

Meetings Held on 12 and 14 January, 2005

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.

HUMAN RESOURCES STRATEGY PROGRESS

1. The Committee has noted a report on progress against the Council's Human Resources (HR) Strategy including the main findings from the 2004 Staff Opinion Survey and 2003-04 Exit Surveys.
2. Although at the top end of response rates for surveys of this type the Committee was concerned that, at 38%, the response rate was too low. It was noted that the survey had been issued shortly after the Job Evaluation and Single Status results had been announced to staff and it was thought this had influenced both the response rate and the survey responses generally. It was also acknowledged that work was underway to seek to encourage a higher response rate.

DRAFT CORPORATE PLAN

3. The Committee has noted the position in relation to the development of the Corporate Plan.

COMPREHENSIVE PERFORMANCE ASSESSMENT

4. The Committee has been informed of the provisional timetable for joint area review of services for children and a corporate assessment and the challenge this presents for the Council as a whole.

LOCAL PUBLIC SERVICE AGREEMENT

5. Progress towards developing the second Local Public Service Agreement with the Government has been noted.

RACE EQUALITY SCHEME

6. The Committee has noted progress against the action plan which accompanies the Council's Race Equality Scheme, key initiatives to promote Race Equality and progress in delivering diversity training.

DEVELOPING THE CHILDREN'S AGENDA IN HEREFORDSHIRE – CHANGE FOR CHILDREN

7. The Committee has noted the arrangements made by Cabinet to respond to the Change for Children and Local Performance Improvement Agenda.
8. Assurances were given to the Committee that all parties affected by the changes would be kept fully informed of developments. It was also noted that there was an opportunity for Councillors in their role as School Governors to provide reassurance to schools about the changes.

BEST VALUE REVIEW OF SERVICES FOR PEOPLE WITH A PHYSICAL DISABILITY – STAGE 3 REPORT

9. The Committee has approved the Stage 3 report of the Best Value Review of social care services for people with a physical disability.

PERFORMANCE MONITORING – CORPORATE HEALTH

10. In noting the report on corporate performance in relation to Best Value Indicators the Committee has remarked upon the continued importance of performance, currently below target, against the targets for processing new benefit claims and claims where there has been a notification of a change in circumstance. It has been reminded of the recent independent inspection report on the Benefits Service by the Benefit Fraud Agency, which had highlighted that the Service was demonstrating good practice in many areas. The County Treasurer informed the Committee that the imminent implementation of a new processing system might have an adverse impact in the short-term but performance should then improve.

REVENUE AND CAPITAL BUDGET MONITORING

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

INTERIM AUDIT ASSURANCE REPORT 2004/2005

12. The Committee has noted the key internal control issues identified during audit work and advised of the action taken to address them.

ISSUES CONSIDERED BY THE INDIVIDUAL SCRUTINY COMMITTEES

13. 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 not all of which are dealt with above because they arise from its role in fulfilling its remit to scrutinise the Policy and Finance Programme area, rather than being of Council-wide significance, are listed for completeness.

Education

14. The Education Scrutiny Committee met on 14th December, 2004 and considered the following issues:

Theme	Reports
Holding the Executive to Account	
Best Value Reviews	Update on Reviews Conducted Special Educational Needs Provision and Support Services Improvement Plan
Policy Development and Review	Education Welfare Service – Policy and procedures on Schools Attendance Supporting pupils Learning English as a foreign language Security in Schools Primary School Provision in Hereford City
External Scrutiny	
Improvement (Performance Management and Review)	Progress of Major Capital Schemes and Targeted Capital Fund Revenue Budget Monitoring Local Public Service Agreement
Other	

15. The Environment Scrutiny Committee met on 8th December, 2004 and considered the following issues:

Theme	Reports
Holding the Executive to Account	
Best Value Reviews	Implementation of Improvement Plans
Policy Development and Review	Supporting Local Bus Services Parking Strategy - update
External Scrutiny	A49 Trunk Road – Road Safety Issues
Improvement (Performance Management and Review)	Capital Budget Monitoring Revenue Budget Monitoring Good Environmental Management Performance Herefordshire Plan Ambitions Human Resources Performance Indicators
Other	-

16. The Health Scrutiny Committee met on 9th December, 2004 and considered the following issues:

Theme	Reports
Holding the Executive to Account	
Best Value Reviews	
Policy Development and Review	Emergency Care Access Communication and Morale Future Support for Patient and Public Involvement in Health
External Scrutiny	Primary Care Trust Briefing
Improvement (Performance Management and Review)	
Other	-

18. The Social Care and Housing Scrutiny Committee met on 13th December 2004 and considered the following issues:

Theme	Reports
Holding the Executive to Account	-
Best Value Reviews	Services for People with a Physical Disability
Policy Development and Review	Home Care Supported Housing for People with Mental Health Problems
External Scrutiny	
Improvement (Performance Management and Review)	Supporting People Programme Performance Indicators Revenue Budget Monitoring
Other	Annual Social Services Conference

18. The Social and Economic Development Scrutiny Committee met on 3rd December 2004 and considered the following issues:

Theme	Reports
Holding the Executive to Account	
Best Value Reviews	Tourism Services
Policy Development and Review	Future use of Libraries Courtyard Review - update
External Scrutiny	
Improvement (Performance Management and Review)	Performance Indicators Youth Service Indicators Revenue Budget Monitoring Staffing Numbers Herefordshire Plan Ambition Groups
Other	

19. The Committee was also informed of a review meeting on 26 January, 2005, commissioned by the Social and Economic Development Scrutiny Committee to consider pedestrianisation of part of Hereford City Centre and an additional meeting of the Committee on 31st January to discuss the findings of the review of the Courtyard Centre for the Arts.

20. The business conducted by the Strategic Monitoring Committee at its meetings on 12 and 14 January 2005 is summarised below.

Theme	Reports
Holding the Executive to Account	-
Best Value Reviews	Services for People with a Physical Disability – Stage 3
Policy Development and Review	Review of Support to the Voluntary Sector Corporate Plan Developing the Children's Agenda In Herefordshire – Change for Children
External Scrutiny	
Improvement (Performance Management and Review)	Human Resources Strategy Performance Monitoring Comprehensive Performance Assessment Race Equality Scheme Local Public Service Agreement Budget Monitoring 2004/2005 Capital Programme Monitoring 2004/2005 Interim Audit Assurance Report
Other	

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

BACKGROUND PAPERS

- Agenda Papers of the Meeting of the Strategic Monitoring Committee held on 12 and 14 January 2005.

REPORT OF THE MEETING OF WEST MERCIA POLICE AUTHORITY HELD ON 7 DECEMBER 2004

'Building Communities, Beating Crime' White Paper

1. The Government has published a White Paper 'Building Communities, Beating Crime', which has three main objectives:

- Spreading neighbourhood policing to every community and embedding a genuinely responsive customer service culture
- Workforce modernisation to ensure the service is fully equipped to deliver these changes
- Greater involvement of the community and citizens in determining how their communities are policed

The White Paper sets out "10 Commitments to the public" and "10 Commitments to the police service". Details can be found on the Home Office Website www.homeoffice.gov.uk.

2. The Association of Police Authorities has responded comprehensively to the White Paper which the Police Authority supports while emphasising three points: -

- Police Authorities should continue to appoint Deputy and Assistant Chief Constables
- Support for local based Policing Boards to provide scrutiny and involvement at the police divisional level
- Any revision of appointments to Police Authorities should avoid the risk of politicisation

Budget 2005/2006

3. The Home Office Minister, Hazel Blears, announced the provisional Police Grant Settlement on Thursday 2nd December. The level of the general grant for West Mercia has been set at the minimum level of 3.75% for 2005/6. There are 25 other authorities that are set to receive the minimum grant under the funding formula.

4. West Mercia's exact budget position will not become clear until the detail and any specific grants can be taken into account. However, at this stage, the headline figure of a £4 million increase in police grant is better than expected.

5. It was noted that new pension arrangements for uniformed officers will take effect from 1 April 2006 and that the Home Office is currently examining the pension scheme for new entrants, both changes could have a significant effect on costs.

Capital Programme 2004/05

6. The Authority has approved a number of new schemes funded from resources brought forward from 2003/04 revenue budgets. They include the provision of a Major Incident Unit at Stourport; the provision of extra operational space at Bromsgrove Police Station; fitting of Automatic Number Plate Recognition system and other equipment for

use by the Force Operations Department's new Intercept Team; and the extension of the car park at the Shropshire Divisional Headquarters in Shrewsbury.

7. The Authority's revised Capital Programme totals £14.957 million.

Audit Letter

8. The 2003/04 Audit Letter has been published and in the view of the external auditors, PricewaterhouseCoopers, this was a very strong report confirming that both the Force and the Authority have maintained the high standards demonstrated in previous years in relation to the accounts, financial aspects of corporate governance and performance management. In terms of improvement the auditors specifically indicated that West Mercia is now one of the highest performing forces in the country in respect of its arrangements for crime recording.

9. However, the external auditors point out that future budget setting will be extremely challenging in view of the significant additional funds that will need to be set aside for pension liabilities and the extent to which the Authority will have limited flexibility to increase the 2005/6 Council Tax precept following nomination by the Government.

Setting Priorities for the Policing Plan 2005/2006

10. The Authority received preliminary priorities for the 2005/6 Policing Plan from the Chief Constable. The proposals builds on the current year's strategic plan, responds to new legislation, and takes into account the results of crime and safety surveys and feedback from the PCCGs.

11. The proposals were presented within the framework of the four better outcomes:

- Provide Reassurance
- Reduce Crime, Increased Detections and More Offences Brought to Justice
- Reduce Disorder and Anti Social Behaviour
- Reduce Road Casualties

and will be the subject of consultation as soon as a draft budget strategy has been finalised.

Her Majesty's Inspectorate of Constabulary (HMIC)

12. HMIC are reformatting the Baseline Report in line with the Police Performance Assessment Framework model and have issued a draft revision. The key changes to the assessments of performance contained in the draft are that the gradings for Professional Standards, Criminal Justices Processes and Human Resource Management are all now measured as 'Fair', which means West Mercia has no areas of performance graded as 'Poor'. Particularly pleasing was the assessment for Leadership and Direction, which was described as 'Excellent' in two out of the three categories, and Reducing Crime and Providing Assistance which both scored 'Good' ratings.

13. HMIC carried out an Inspection of the Shropshire Division in June 2004, and the inspection team found a well managed, well-motivated division focused on delivering

results to the communities it serves. However a number of detailed areas for attention were raised, particularly in relation to the overall level of custody provision and other infrastructure issues at Shrewsbury. An action plan is being prepared to address the recommendations contained in the report.

14. The Authority particularly welcomed the very positive comments regarding the Special Constabulary at Shropshire Division.

Performance Monitoring

15. The Authority received a presentation on the performance of the force in 2003/04 measured against its strategic priorities. Members were informed that overall performance had improved and most operational targets were being achieved. Public satisfaction levels were higher, 60% being completely or very satisfied and a further 20% fairly satisfied. Burglary and Car Crime had dropped significantly and detection levels were rising. Targets for responding to emergency calls and for reducing the levels of absence due to sickness were just below target, and these were being addressed.

16. The Authority was anxious to improve engagement with the business community and this would be examined. It was noted that a report would be presented to the next meeting of the Force Performance Monitoring Panel on initiatives to reduce business crime.

17. The Authority received a report on Quality of Life indicators and the results of the West Mercia "Fear of Crime" 2003 survey. Residents have highlighted the following issues as having an impact on their quality of life: -

- ◆ Teenagers (wandering streets/threatening behaviour)
- ◆ Speeding vehicles
- ◆ Drugs
- ◆ Vandalism
- ◆ Litter
- ◆ Drunken behaviour

and would wish to see: -

- ◆ More police presence
- ◆ More activities for young people
- ◆ Better parking
- ◆ More street lighting

Proceeds of Crime Act

18. The Authority has agreed to the enhancement of the Economic Crime Unit and Force Operations Department. This Unit aims to recover the proceeds of crime and has already shown considerable success. A proportion of the recovered proceeds is returned to the Force reducing the demands on the Council Taxpayer.

Community Support Officers

19. It was noted that the Authority has been granted funding for 12 additional Community Support Officers (CSOs) out of a bid for 35. The CSOs are able to issue fixed penalty notices for disorder incidents, dog fouling, dropping litter and riding bicycles on footpaths. They can also demand the names and addresses of vandals or anyone acting in an anti-social manner. The number of CSOs in West Mercia will increase to a total of 79 following this successful bid.

Human Resources

20. The Best Value Review of Personnel Services focused on the key areas of recruitment, retention and development of West Mercia Constabulary's workforce, with managing diversity as a crosscutting theme. The Final Options Report identified 14 key areas for development, change and improvement. The Police Authority approved in principle a five-year programme for the implementation of the recommendations and has called for detailed costings to be prepared.

21. The Authority received reports on current overall force strength, current numbers of police officers, secondments and existing numbers of budgeted posts. The overall strength as at 1 November 2004 is 2386 police officers. In addition there are 40 officers on secondment to various organisations. The Police Authority reaffirmed their target to achieve and maintain a staffing level of at least 2400 full time equivalent police officers but recognised that retirements and recruitment rates will give rise to minor fluctuations in actual numbers.

22. The number of police officers and police staff from visible ethnic minority backgrounds continues to increase steadily. The Constabulary is ahead of its target for police staff and special constables and has almost achieved its 2004 target of 36 police officers.

23. The number of female police officers also continues to increase steadily with 22.1% of police officers being female. This is above the national average.

24. An abstractions report was presented showing that 20.5% of the 2,424 budgeted police officer posts and 19.5 % of the 1,602 budgeted police staff posts are not available for their core function due to a number of organisational reasons. These broadly consist of staff abstractions due to commitments to major enquiries, but also includes absences due to sickness, maternity leave and training.

25. 68% of candidates from West Mercia Constabulary were successful at the recent courses held at the Inspectors' Assessment Centre with 100% success rates for females and ethnic minority officers.

Professional Standards

26. During the period 1 April to 15 November 2004 there were 559 complaints recorded, this represents an increase of nearly 100% compared with the same period during the previous year. This is due largely to new recording practices which now include complaints relating to command and control issues. The Police Authority was

pleased to note that there has been a significant improvement in local resolution of complaints. This has released capacity within the Professional Standards Department to attend to those cases of a more serious nature which require formal investigation.

Surveys

27. With effect from 1 April 2004 the Home Office has required all police forces to ask mandatory core questions in their surveys. This will ensure that there is a standardised approach and that better comparisons can be made between forces. Victims of violent crime, dwelling burglaries, road traffic collisions, racist incidents and vehicle crime are surveyed about the service provided by the police 6-12 weeks after their first contact. An analysis of the first quarter results shows that the most significant issues affecting customer satisfaction are:

- First contact - being dealt with in a reasonable time
- Response - being given practical help
- Follow up - being kept informed of progress without asking
- Treatment - the officer/staff appearing to take the matter seriously
- Whole experience – being satisfied with police response (actions)

28. Following a review of the Fear of Crime survey, a Crime and Safety survey will be carried out during September-October each year in partnership with the West Mercia Local Criminal Justice Board. A number of changes have been made to the questions set out in the survey form and the sample size has been increased.

Rural and Urban Safety Initiative

29. The Authority received a report on the development of rural and urban safety initiatives. A survey of all parish councils in the force area has been carried out about the particular problems they are experiencing, and following this four pilot parishes were identified for a more in-depth survey. The information obtained has been used to develop a specific response initially to rural policing issues involving the training and introduction of a Rural Beat Manager, the development of a “Rural Safety Initiative” Tool Kit and the setting up of Rural Safety Groups. An Urban Safety Initiative is being piloted in a number of communities.

Improving Community Engagement

30. The Authority has undertaken a comprehensive review of its Community Engagement and has agreed recommendations that:

- a) recognise that the responsibility for partnership working lies within the Crime and Disorder Reduction Partnerships (CDRPs), but develops stronger reporting back arrangements;
- b) revise the membership of Community Policing Boards (CPBs) and re-focuses these groups on monitoring Divisional activity, particularly with regard to Community Engagement, whilst leaving partnership working to CDRPs;
- c) Clarify the reporting relationships for CPBs and CDRPs; and
- d) Enhance community engagement through better support to PCCGs and an updated communications strategy.

Open Days

31. Successful public open days were recently held at the newly built Bromyard and South Wye Police Stations in Herefordshire. The Authority has agreed as a standard policy that public open days should be held whenever a new station is opened.

Independent Custody Visiting Scheme

32. The Authority has agreed that an amendment be made to the Independent Custody Visiting Scheme to ensure that discussions between detainees and Independent Custody Visitors normally take place in sight but out of hearing of the escorting officer where that is practical.

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 Meeting of the West Mercia Police Authority held on 7 December 2004.