

**DEPUTY CHIEF EXECUTIVE'S OFFICE**  
A Williams (Interim)

**TO: ALL MEMBERS OF THE COUNCIL**

Your Ref:

Our Ref: AMcL/SAHC

Please ask for: Mrs S Cole

Direct Line/Extension: (01432) 260249

Fax: (01432) 261868

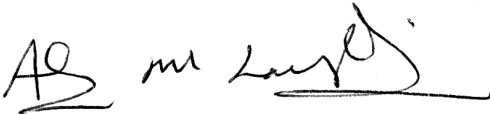
E-mail: scole@herefordshire.gov.uk

Dear Councillor,

**YOU ARE HEREBY SUMMONED** to attend the meeting of the Herefordshire Council to be held on **Friday 25 July 2008** at - THE SHIREHALL, ST PETER'S SQUARE, HEREFORD at 10.30 a.m. at which the business set out in the attached agenda is proposed to be transacted.

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

Yours sincerely



**A McLAUGHLIN**  
**ASSISTANT CHIEF EXECUTIVE**





# A G E N D A

## COUNCIL

Date: **Friday 25 July 2008**

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Time: **10.30 am**

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Place: **THE SHIREHALL, ST PETER'S  
SQUARE, HEREFORD**

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

*For any further information please contact:*

*Sian Clark, Democratic Services Manager*

**Tel: 01432 260222, E-mail  
sianclark@herefordshire.gov.uk**

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**Herefordshire 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 the Agenda.

**GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS**

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is and leave the meeting room.

**4. MINUTES**

To approve and sign the Minutes of the Annual meeting held on 16 May 2008.

1 - 36

**5. CHAIRMAN'S ANNOUNCEMENTS**

To receive the Chairman's announcements and petitions from members of the public.

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <p><b>6. QUESTIONS FROM MEMBERS OF THE PUBLIC</b></p> <p>To receive questions from members of the public.</p> <p><b>7. QUESTIONS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS</b></p> <p>To receive any written questions.</p> <p><b>8. NOTICES OF MOTION UNDER STANDING ORDERS</b></p> <p>To consider any Notices of Motion.</p> <p>Councillors PJ Edwards and PA Andrews submitted the following Notice of Motion as a matter of urgency:</p> <p><i>"In reference to the current Service Review being undertaken jointly by our Council and Amey Wye Valley Ltd:</i></p> <p><i>'That Herefordshire Council <u>urgently</u> seek improvement in the standard of maintaining its Parks, Open Spaces and Streets Local Environment and this be a key consideration whilst the current review is being carried out relating to Service Delivery.'</i></p> <p>The Chairman will rule whether the motion is urgent.</p> | <p>37 - 46</p>   |
| <p><b>9. CABINET</b></p> <p>To receive the report to Council arising from the meetings held on 29 May, 12 June and 10 July 2008.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>47 - 52</p>   |
| <p><b>10. CONSTITUTIONAL AMENDMENTS</b></p> <p>For Council to consider and approve the adoption of changes to the Council's Constitution.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p>53 - 118</p>  |
| <p><b>11. PLANNING COMMITTEE</b></p> <p>To receive the report and to consider any recommendations to Council arising from the meetings held on 23 May and 4 July 2008.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>119 - 122</p> |
| <p><b>12. STANDARDS COMMITTEE</b></p> <p>To receive the report and to consider any recommendations to Council arising from the meeting held on 4 July 2008.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>123 - 138</p> |
| <p><b>13. STRATEGIC MONITORING COMMITTEE</b></p> <p>To receive the report and to consider any recommendations to Council arising from the meetings held on 13 June and 16 July 2008.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p>139 - 146</p> |
| <p><b>14. REGULATORY COMMITTEE</b></p> <p>To receive the report and to consider any recommendations to Council arising from the meetings held on 15 and 27 May, 20 May, 17 June and 15 July 2008</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <p>147 - 150</p> |
| <p><b>15. AUDIT AND CORPORATE GOVERNANCE COMMITTEE</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>151 - 152</p> |

- To receive the report and to consider any recommendations to Council arising from the meetings held on 20 June and 3 July 2008.
- 16. WEST MERCIA POLICE AUTHORITY** 153 - 160
- To receive the report of the meeting of the West Mercia Police Authority held on 10 June 2008. Councillor B. Hunt has been nominated for the purpose of answering questions on the discharge of the functions of the Police Authority.
- 17. HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY** 161 - 180
- To receive the report of the meetings of the Hereford & Worcester Fire and Rescue Authority held on 16 June 2008.





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

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

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public Register stating the names, addresses and wards of all Councillors with details of the membership of the Cabinet, of all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50, for postage).
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.
- A member of the public may, at a meeting of the full Council, 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 that question is deposited with the County Secretary and Solicitor more than seven clear working days before the meeting i.e. by close of business on a Tuesday in the week preceding a Friday meeting.

Please Note:

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

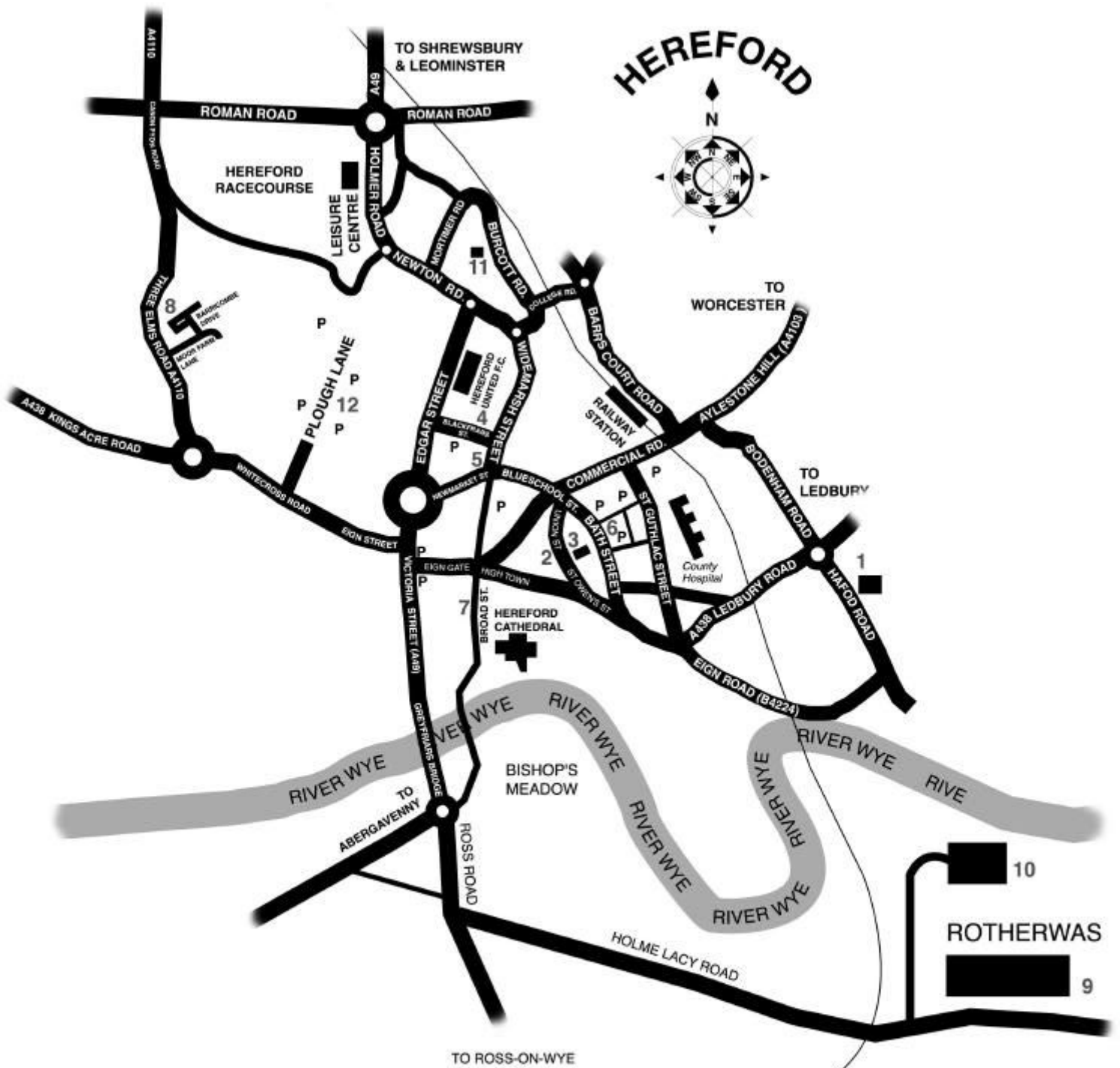
The meeting room is accessible for visitors in wheelchairs via the main entrance by prior arrangement. Please telephone 01432 272395

A map showing the location of the Shirehall can be found opposite.

If you have any questions about this Agenda, how the Council works or would like more information or wish to exercise your rights to access the information described above, you may do so either by telephoning the officer named on the front cover of this agenda on 01432 260249 or by visiting in person during office hours (8.45 a.m. - 5.00 p.m. Monday - Thursday and 8.45 a.m. - 4.45 p.m. Friday) at the Council Offices, Brockington, 35 Hafod Road, Hereford.



Where possible this agenda is printed on paper made from 100% Post-Consumer waste. De-inked without bleaching and free from optical brightening agents (OBA). Awarded the Nordic Swan for low emissions during production and the Blue Angel environmental label.



- |   |                  |    |                                   |
|---|------------------|----|-----------------------------------|
| 1 | Brockington      | 7  | Kemble House                      |
| 2 | Town Hall        | 8  | Trinity House                     |
| 3 | Shire Hall       | 9  | Thorn Office Centre               |
| 4 | Education Centre | 10 | Herefordshire Commercial Services |
| 5 | Garrick House    | 11 | Merchant House                    |
| 6 | Bath Street      | 12 | Plough Lane                       |



# **FIRE AND EMERGENCY EVACUATION PROCEDURE**

## **IN CASE OF FIRE (no matter how small)**

1. Sound the Alarm
2. Call the Fire Brigade
3. Fire party - attack the fire with appliances available.

## **ON HEARING THE ALARM**

Leave the building by the nearest exit and proceed to assembly area on:

## **GAOL STREET CAR PARK**

**Section Heads will call the roll at the place of assembly.**



**MINUTES of the Annual Meeting of Council held at The Assembly Hall, The Shirehall, Hereford on 16 May 2008 at 10.30 am.**

**Present:** Councillor J Stone (Chairman)  
Councillor JB Williams (Vice-Chairman)

Councillors: PA Andrews, WU Attfield, LO Barnett, CM Bartrum, DJ Benjamin, AJM Blackshaw, WLS Bowen, H Bramer, RBA Burke, ACR Chappell, ME Cooper, PGH Cutter, SPA Daniels, H Davies, GFM Dawe, BA Durkin, PJ Edwards, MJ Fishley, JP French, JHR Goodwin, AE Gray, DW Greenow, KG Grumbley, KS Guthrie, JW Hope MBE, MAF Hubbard, B Hunt, TW Hunt, JA Hyde, TM James, JG Jarvis, P Jones CBE, MD Lloyd-Hayes, G Lucas, RI Matthews, R Mills, PM Morgan, AT Oliver, JE Pemberton, RJ Phillips, GA Powell, PD Price, SJ Robertson, A Seldon, RV Stockton, JK Swinburne, AP Taylor, DC Taylor, AM Toon, NL Vaughan, WJ Walling, PJ Watts, DB Wilcox and JD Woodward.

**1. CHAIRMAN**

- 1.1 The Vice Chairman, Cllr JB Williams called for nominations to the office of Chairman. Councillor JE Pemberton proposed Councillor J Stone and Councillor WLS Bowen seconded the nomination.
- 1.2 **RESOLVED: That Councillor J Stone, be elected Chairman of the Council until the annual meeting of Council in May 2009.**
- 1.3 Councillor Stone signed the Declaration of Acceptance of Office and officiated in the Chair for the remainder of the meeting.

**2. PRAYERS**

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

**3. APOLOGIES FOR ABSENCE**

- 3.1 Apologies were received from Councillors R Hunt and RH Smith for the meeting.

**4. DECLARATIONS OF INTEREST**

- 4.1 The Chairman reminded Members of their obligation to notify the Assistant Chief Executive, Legal and Democratic of any changes affecting their Declaration of Financial or Other Interests within 28 days of any change taking place. He asked them to complete and return the necessary forms to the Members Support office as soon as possible
- 4.2 Councillors ACR Chappell and WU Attfield both declared a personal interest as Governors of Wyebridge College which was referred to in the Cabinet Report (Item 14, page 95)

- 4.3 Councillors PJ Edwards and RJ Phillips declared a personal interest in the Strategic Monitoring Committee Report (Item 20, page 337 [paras 16/17 - 'Smallholdings Estate Policy and Working Practices']).

## **5. VICE CHAIRMAN**

- 5.1 The Chairman called for nominations to the office of Vice-Chairman.
- 5.2 Councillor RI Matthews proposed Councillor JB Williams and Councillor JW Hope MBE seconded the nomination

**5.3 RESOLVED: That Councillor JB Williams be appointed Vice-Chairman of the Council until the annual meeting in May 2009.**

- 5.4 Councillor JB Williams signed the Declaration of Acceptance of Office.

## **6. MINUTES**

- 6.1 **RESOLVED: That the Minutes of the meetings held on 8 February 2008 and 7 March 2008 be approved as a correct record subject to the changes noted below and signed by the Chairman.**

**(a) Item 6, Minutes of 8 February 2008**

**A list of named votes of 8 February 2008 to be appended to the formal record of the meeting.**

**(b) Item 6, Minutes of 8 February 2008, page 30**

**'expenditure of £1.1 million' be amended to read '£1.4 million'**

**(c) Item 6, Minutes of 8 February 2008, page 30**

**For the formal record, Councillor MD Lloyd Hayes requested it be noted that she left the Council meeting prior to Councillors TM James and WJ Walling.**

- 6.2 The Chairman advised Council that the principle of appending a list of named votes would be adhered for future meetings as appropriate.

## **7. REPORT ON THE ELECTION OF A COUNCILLOR**

- 7.1 The Chief Executive in his role as Returning Officer, formally advised the Council of the result of the by election held on 10 April in the Old Gore ward. The Chairman congratulated Councillor Durkin on his election and welcomed him to his first formal meeting of the Council. Councillor Durkin was additionally congratulated by Councillor Matthews.

**7.2 RESOLVED: That the content of the report be noted.**

## **8. APPOINTMENT OF THE LEADER OF THE COUNCIL**

- 8.1 RESOLVED: That Councillor RJ Phillips be appointed Leader of the Council until the annual meeting in May 2009.**

- 8.2 Councillors Lloyd-Hayes and Dawes requested that the record formally noted their objection to this resolution.



- 8.3 Councillor Phillips advised Council that he had appointed Councillor JP French as Deputy Leader of the Council, a position which would have an extended role in supporting the development of joint working and partnerships agenda. He confirmed the names of his other cabinet members, which would remain as in 2007/08 with the addition of Councillor PD Price who had been appointed as Cabinet Portfolio for Educational Improvement and ICT. He confirmed that any changes to the titles and remit of scrutiny committees would follow the formal procedure as laid down in the constitution.
- 8.4 The Leader thanked Councillors for their continued support and stated that he was passionate about the County's future whilst acknowledging its rich heritage and past. He thanked staff for their delivery of the strategies, policies and services on behalf of the Council. Those Members who were standing down from various positions were thanked for undertaking their roles with due diligence.
- 8.5 Council was advised that a review would be undertaken of both the constitutional and civic processes and there would be a priority for improving service delivery by working with PCT and others to improve services within the County, by improving from the inside out. It was recognised that there were challenging infrastructure issues for both the County's market towns and City. It would be important for the Council to lobby to retain the centre of population of business, a key element of which would be the Edgar Street Grid. It was stated that had the ESG been in establishment, it was possible that Chadds would not have closed.
- 8.6 The opening of the Rotherwas Access Road would be the first new road in the City since 1968 (Greyfriars Bridge) and there had not been any building in the county's infrastructure in the subsequent 40 years. As Leader, Councillor Phillips vowed to deliver new infrastructure in the next four years to provide foundations for the future of Herefordshire. The county must have a living economy whilst also cherishing the natural environment, and continue to provide residents with a good standard of living and quality of life.
- 8.7 The Leader advised Council that he would champion the rural services and the way of life – he stated that the Government did not fully understand the rural agenda and that he would lobby on behalf of the rural agenda and inform Government of the realities of servicing our communities. An example of such a reality was given as the impact to the Council budget as a consequence of the increase in fuel prices, which to date had been an additional cost of £200, 000. The Leader stated that it would be important to forge links with similar Councils of a rural nature to collectively challenge and lobby appropriately. Additionally, the Leader stated that it would be essential to develop strong sub regional agendas within both West and East Midlands regions.

## **9. APPOINTMENT TO OFFICES RESERVED TO COUNCIL, ALLOCATION OF SEATS TO POLITICAL GROUPS AND APPOINTMENTS TO COIMMITTEES AND OTHER BODIES**

- 9.1 In advance of discussion on this item, the Chairman thanked Members who had served as Chairmen and Vice Chairmen of the Committees during the last municipal year.
- 9.2 A list of those offices to which the Council had powers to appoint, together with nominations was circulated at the beginning of the item (attached at Appendix 1 of the minutes for ease of reference). The Leader proposed the names as indicated on the Appendix for consideration by Council.

- 9.3 Members were advised that the allocation of seats to political groups would be proportionate, and that, where one political group held the majority of seats on the Council, it was entitled to the majority of seats on each of its committees. In order to continue the existing arrangement of allowing the Chairmen and Vice-Chairmen of the other Scrutiny Committees to sit on the Strategic Monitoring Committee it would be necessary to suspend proportionality. This would allow the membership of the Strategic Monitoring Committee to be made by Council on a basis which departed from political proportionality. Members were advised that any vote on suspension of proportionality would need to be "nem con", that is, with no councillor voting against the proposal.
- 9.4 Councillors were reminded that the membership of the Committees was for group leaders to determine, taking account of political proportionality and was not for consideration or formal agreement at the Council meeting.
- 9.5 It was further noted that for clarity, those posts which were currently 'gifted' by the majority group to other political groups would be highlighted and be clearly identifiable within appropriate documentation.
- 9.6 RESOLVED: (nem con) THAT**
- (a) the recommendation to partially suspend the rules of proportionality be approved;**
  - (b) Councillors be appointed to the offices contained in Appendix 1 for a term of office which will expire at the next Annual Meeting of Council;**
  - (c) the Chief Executive be requested to exercise his delegated powers to make, following consultation with the political group leaders, any adjustment to the number and allocation of seats to give effect to the rules on proportionality and to make appointments, as necessary, in accordance with the nominations of the political group leaders;**

## **10. CHAIRMAN'S ANNOUNCEMENTS**

- 10.1 The Chairman welcomed all Councillors and guests to the Annual Meeting of Council and looked forward to seeing them in the Town Hall for the Chairman's lunch.
- 10.2 Councillors JE Pemberton and Lloyd-Hayes were welcomed back following their recent period of ill health.
- 10.3 It was announced that Councillor RBA Burke had served 50 years as a Councillor representing the Leominster area. The Council was advised of Councillor Burke's notable achievements and he was warmly congratulated on this significant milestone. In response, Councillor Burke advised the Members that he was greatly privileged to hear the tributes and thanked everyone very much.
- 10.4 The Chairman stated that prior to the annual lunch, a presentation would be held for the Lord Lieutenant and his wife, Sir Thomas and Lady Dunne, for the 32 years service they had given to the County, as Sir Thomas would be retiring from the position in the Autumn.
- 10.5 The success of Hereford United (achieving automatic promotion to League 1) and their manager Graham Turner (named Manager of the year) was recognised, as was the achievement of Wooferton Football Club, crowned champions of the Herefordshire Times Herefordshire League premier division.

- 10.6 The Chairman also took to opportunity to promote a coffee morning to be held on 21 May at the Town Hall in support of Noah's Ark Trust, a Herefordshire and Worcestershire charity for bereaved children.

#### **Petitions**

- 10.7 A petition had been received from Mrs Carol Honer relating to traffic calming by St Francis Xavier's School. The petition was passed to the Cabinet Member for Highways and Transportation, Councillor DB Wilcox.

### **11. QUESTIONS FROM MEMBERS OF THE PUBLIC**

- 11.1 The Chairman reminded Council that under the Constitution a member of the public could ask a Cabinet Member or Chairman of a Committee any question relevant to a matter in relation to which the Council had powers or duties, or which affected the County, as long as a copy of that question was deposited with the Assistant Chief Executive, Legal and Democratic Services more than six clear working days before the meeting.

- 11.2 The Chairman advised the Council that 14 submissions had been lodged by members of the public, with the majority relating to the planning application by Bloor Homes at Bullinghope and the Rotherwas access road. In order to deal with all the questions the Chairman advised the Council that the Cabinet Member Environment and Strategic Housing would provide a composite answer to those questions asked by the majority relating to Bloor Homes and the Rotherwas access road and that following the meeting, individual written responses would be sent to each individual who had submitted a question. It was additionally stated that the questions and their responses would be individually minuted for the record (and are attached as appendix 2 to the minutes).

#### **11.3 Composite answer provided by Councillor J Jarvis, Cabinet Member for Environment and Strategic Housing**

##### **(a) Position on Planning Application**

(i) The application to develop 300 dwellings on land at Bullinghope, Hereford (DCCE2008/0970/F) was submitted on 3 April 2008. A detailed Environmental Statement and other supporting information have been submitted and are available for public scrutiny and comment. No detailed timetable has been established for the determination of the application. A separate but related challenge to the allocation of the site in the UDP would be considered in the Royal Court of Justice on 26 and 27 June 2008. The Council is currently carrying out detailed consultations with statutory consultees and local groups. At this stage elements of the detailed information raised in some of the questions is not available at this stage of the processing of the application.

##### **(b) Financial Position of the Rotherwas Access Relief Road**

(i) Bloor Homes first broached the possibility of residential development at Bullinghope making provision for related road infrastructure in their submission to a public consultation entitled 'Planning for the New Millennium' in 1999. This was linked to the then safeguarded route of the former Hereford bypass scheme in this locality. This route was also taken as a basis for the Rotherwas Access Road. As a public consultation, the results of this were appraised by officers and reported to members following usual processes.

(ii) The Rotherwas Access Road is being funded as part of the Rotherwas Futures Project. The road element of the project is already fully funded by the Council and Advantage West Midlands and does not rely on a contribution from Bloor Homes. The Actual spend to date on the project is £10,524,810. The funding of spend to date is Advantage West Midlands £6,500,000. Council Local Transport Plan funding £1,817,076. Council Prudential borrowing £2,207,734. The estimated final cost is £12,780,000.

### **(c) The High Court Challenge**

(i) The application issued by Dinedor Residents Association Limited seeking a review of a proposed site for residential development at Bullinghope will be heard by the High Court at London on the 26 and 27 June 2008. In readiness for that hearing a schedule of costs will be produced to the court by the Council, encompassing all legal costs up to and including the date of the hearing, incorporating Counsel's fees and any disbursements incurred in traveling to London, overnight accommodation and similar expenses. It is not possible to identify what sum will be submitted to both the court and to the Claimant, by a schedule of costs at this stage. The schedules are ordinarily submitted on the week of the hearing, so that all professional time can be captured. In answer therefore to the question no estimated costs have yet been submitted to the court as to do so would be wholly premature.

(ii) The Protective Costs Order obtained by the Claimant is for an overall figure of £15,000. The Claimant has not identified how this figure was generated, although the court considered that the sum was an appropriate level to which the Claimant's liability for the Council's costs should be limited, in the event that the Claimant was unsuccessful in those proceedings. In the event that the Claimant is unsuccessful and the Council is awarded its costs, the said sum of £15,000 would be used to pay for professional time and disbursements of the sort identified in the answer above.

### **(d) Highway Issues**

(i) There is no specific threshold relating to the requirement or not for contributions to public transport. A range of options would normally be considered including; the provision of new infrastructure (bus shelters with high level kerbs for disabled access), the diversion of an existing bus service to serve a new development (this would need to consider the benefits to new users against the increased journey time for existing users) or ultimately the provision of an entirely new service (this would require a substantial developer contribution to cover the cost of a 3-5 year contract). The Council will consider this application in respect of a wide range of sustainable transport issues including improvements to public transport provision.

(ii) The Transportation Service is currently reviewing the Transport Assessment supplied with the application. This will include comparison with assessment of the site during the UDP Inquiry and liaison with the Highways Agency with respect to impacts on the trunk road network. As this review has not yet been completed it is not possible to comment in detail on the comment included in the question. The result of this review will be submitted to the planning officer for consideration and inclusion in the report on the application.

### **(e) Housing Values & Affordable Housing**

(i) The issue of the market value of houses is not a material planning consideration. In the event that the application is granted planning permission it will be for the developer to set its own marketing strategy.

(ii) Neither the Central Area Planning Sub-Committee nor the Planning Committee has yet considered the application. When the application is reported to Committee it will be for Members to balance up the issues and any planning obligations, in general, and the absence of affordable housing in particular.

**(f) Archaeological Issues**

(i) The Council's Archaeologist is liaising with contractors acting for Bloor Homes to identify the scale and nature of the archaeological importance of the site. Contractors working for Bloor Homes are completing a full evaluation process as set out in PPG 16. This will allow the County Archaeologist to have an appropriate opportunity to assess the results before the Committee determines the application. Additional consultation will be carried out on the completed evaluation.

**(g) The Proposed Section 106 Agreement**

(i) The planning application proposes a financial contribution to Rotherwas Futures. This is unspecified and will be the subject of detailed discussions between the Council and Bloor Homes around the scale and nature of any planning obligations package in the event that planning permission is forthcoming.

(ii) The planning application proposes a financial contribution of £40,000 towards local libraries including Belmont Library and £40,000 towards Belmont Community facility. This part of the proposed application will also be considered in the detailed discussions to be arranged. These discussions will explore the opportunities that exist to secure community facilities in the three mentioned wards and others in the City.

**(h) Technical Matters**

(i) Welsh Water is one of the statutory Consultees on the Planning Application. Council officers have consulted Welsh Water on the application and are awaiting their response.

**(j) Rotherwas Industrial Estate and Rotherwas Futures**

(i) The issues of sustainable residential design have been discussed with the applicant and the application proposes the following features:

- surface water drainage through a private system.
- the use of sustainable drainage techniques where possible.
- construction methods to respect the Code of Sustainability themes.

(ii) The asset valuation for the Council owned part of Rotherwas Industrial Estate for 01/04/08 is £10,850,000. This figure is provided for financial regulation purposes and not as a value for the Council.

(iii) The applicant has had detailed discussions with the Environment Agency as part of the submission of the application. The details of Flood Risk and Water Resources are set out in Section 15 of the Environmental Statement. The Association of Rotherwas Enterprises indicated its support for the housing development at Bullinghope prior to the start of construction of the Access Road and has made no comment for or against it since construction started.

**11.4 Questions from Mr R Steeds, Bringsty, Worcestershire**

### SCHOOL CLOSURES

11.4.1 *Prospective Bromyard school parents and current teachers need to know which policy the Council are following? This cannot wait until 2011 as determined people will seek the best long term outcome for themselves and their families and will seek to avoid uncertainty.*

11.4.2 *As it seems geographic considerations and current educational performance are not to be criteria for school assessment in the matter then it is reasonable to ask the Council to list the criteria they will consider?*

#### **Answer from Cllr J Hyde, Cabinet Member Children's Services:**

11.4.3 The Council is not considering the closure of any school, and therefore the identification of criteria to give schools 'a degree of protection' is irrelevant.

11.4.4 The Council has invited schools in their areas to discuss if and how falling numbers of children will affect schools, and what action could be taken to mitigate any problems. We are aware the schools in the Bromyard Area have already begun this debate and we look forward to seeing positive outcomes from this, which may provide not only ideas for other areas of the County but possibly for other areas of the country.

### THE GOVERNANCE OF BROMYARD DOWNS

11.4.5 (i) *In December 2006 the Cabinet responded with an action plan involving proper consultation to be completed by April 2007. Nothing happened.*

(ii) *When can we expect a response?*

(iii) *Why has the District Council involved Legal Counsel? Surely this cost is not justified and if needed should be AFTER consultation NOT BEFORE.*

(iv) *Is the District Council aware that the Commons Management Committee, to whom it has been formally delegated financial responsibility, spent just £49 on the Common in the year 2006/07?*

(v) *How much did Herefordshire District Council spend on the Bromyard Downs Common "physically and administratively" in 2006/07?*

(vi) *Why did Herefordshire Council spend anything?*

(vii) *Are the Commons Management Committee's accounts properly audited and incorporated into the Parish Council's accounts? If not, why not? Have the District Council ever inspected the accounts?*

#### **Answer from Councillor A Blackshaw, Cabinet Member Economic Development and Community Services**

11.4.6 Mr Steeds is referring to the Consultation process last year. The consultation documentation has been prepared following Counsels advice. This will be circulated shortly to all interested parties, including the User Groups, Committee Management Group and Parish Councils and others. The issues raised over the current arrangements involve complex legal issues which have required adequate advice.

11.4.7 I would invite all concerned to participate in the consultation to express their views for further consideration.

- 11.4.8 The accounts for the Management Committee are open for inspection and copies are available at the Annual General Meeting (AGM) of the Commons Management Committee.
- 11.4.9 The Council paid for the "Firebreak" cutting, but no separate account is kept of the amount of time spent on individual commons.
- 11.4.10 Herefordshire Council owns the common and therefore has overall responsibility for it.
- 11.4.11 The Management Committees accounts are completely separate from the parish Councils. The accounts are available and they are handed out at the AGM. There is no requirement in the management agreement for Herefordshire Council to audit the accounts

#### LINTON TILE WORKS

11.4.12 (i) *Why does the Council say it has no right to repair the access road? Surely it has a duty to see the road is repaired. No good will come by threatening the existing owners with the law. Surely the Council should seek their cooperation and pay most if not all the costs? Has there been any joint meeting of all the parties with an interest in the road?*

*(ii) When can we expect to see the road improved?*

*(iii) As the road is so poor would the Council allow 4x4's and trailers to use the site "domestically"?*

#### **Answer from Councillor J Jarvis Cabinet Member Environment and Strategic Housing**

- 11.4.13 The access road is a private road in private ownership; the Council only has access rights over the road and a requirement to contribute to the cost for the maintenance. The Council has no right to maintain it the road and whatever works the Council did would have to be by agreement with the owners. The registered owners have been written to with a request that they confirm they still are the owners and requesting that they carry out works for which the Council will contribute. The Council could, if the owners agree the specification and how much each party contributes, carry out the works. There are three registered owners, so far a response from only one of the owners.
- 11.4.14 Vehicles with trailers and 4x4's can use the Household waste sites across Herefordshire and Worcestershire for domestic waste recycling and disposal as long as they are driven by a resident and have a "Commercial vehicle & trailer permit". The permit system was brought into effect in April 2007 to ensure that only residents with household (domestic) waste used these sites rather than traders using it as a free tip. Permits are available to residents by ringing 0845 607 2007.

#### MALVERN ROAD, BRINGSTY

11.4.15 (i) *Who authorised the work?*

*(ii) Why were the proper authorities not consulted?*

*(iii) Whose budget is expected to pay for it?*

*(iv) The work is neither sufficient nor complete. Can we be assured that the job will be completed to the satisfaction of both the Land Agent and the victims?*

*(v) When will the Council implement Mr Grover's simple recommendations and bring to an end this era of mismanagement?*

**Answer from Councillor A Blackshaw Cabinet Member Economic Development and Community Services**

- 11.4.16 The Bromyard Downs Management Committee are entitled to make management decisions under the Schedule of Regulations, which under paragraph three includes drainage works. The matter was discussed with the Committee and an executive decision was made to employ Mr Poyner to do the work.
- 11.4.17 There is no obligation for Herefordshire Council to be consulted, although various Council officers were consulted, mainly highways.
- 11.4.18 The Management Committee will be paying for the works.
- 11.4.19 The work has yet to be completed and the Herefordshire Council drainage officer will be consulted before it is completed.
- 11.4.20 The Council are shortly to issue consultation on the governance issues regarding the Downs to include all interested parties.

**12. QUESTIONS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS**

- 12.1 The Chairman advised that 11 Councillors had lodged questions with several relating to Bloor Homes at Bullinghope. One composite answer was been provided at the Council meeting by Councillor J Jarvis Cabinet Member Environment and Strategic Housing which covered all key points raised by questions received from Councillors Dawe, Chappell, Hubbard, James and Davies.

**12.2 Composite answer provided by Councillor J Jarvis, Cabinet Member for Environment and Strategic Housing**

**12.2.1 (a) Position on the Planning Application**

(i) The application to develop 300 dwellings on land at Bullinghope, Hereford (DCCE2008/0970/F) was submitted on 3 April 2008. A detailed Environmental Statement and other supporting information have been submitted and are available for public scrutiny and comment. No detailed timetable has been established for the determination of the application. A separate but related challenge to the allocation of the site in the UDP would be considered in the Royal Court of Justice on 26 and 27 June 2008.

(ii) The Council is currently carrying out detailed consultations with statutory consultees and local groups. At this stage elements of the detailed information raised in some of the questions is not available at this stage of the processing of the application.

(iii) The quality and detail set out in any planning application is ultimately a matter for the applicant's discretion within the context set by national and local standards. Contractors working for Bloor Homes are completing a full evaluation process as set out in PPG 16. This will allow the County Archaeologist to have an appropriate opportunity to assess the results before the Committee determines the application. Additional consultation will be carried out on the completion of the evaluation.

(iv) The issues raised on the accuracy or otherwise of the traffic assessment and the flood risk assessment submitted with the application is a matter which is awaiting detailed responses from key consultees. Due to the comprehensive nature



of the Environmental Statement the Council is procuring its own consultants to verify the accuracy or otherwise of its contents.

**(b) Position on Funding for the Rotherwas Access Road**

(i) The Rotherwas Access Road is fully funded as part of the Rotherwas Futures Project. The Council has fully explored a range of different funding methods for the Rotherwas Access Road and as a result secured a funding package for the Road through the Rotherwas Futures Scheme. In addition, the Council will continue to seek Section 106 agreements from any developments that could further contribute to the package. The Rotherwas Access Road has secured its own funding package and is not financially reliant on the development of the Bullinghope site.

(ii) Detailed discussions will take place with Bloor Homes shortly on the range and nature of the Section 106 agreement package that would accompany the application in the event that planning permission is granted. The submitted application includes no proposals for affordable homes on the site. This reflects the contents of paragraph 5.4.13 of the adopted Unitary Development Plan.

**(c) Archaeology**

(i) The Council carried out some preliminary studies on the site when it was proposed as an objection site in earlier stages of the UDP. Further detailed work has been carried out since the adoption of the Plan and as the application has been prepared. This work is informing the detailed archaeological assessment which is being undertaken by contractors engaged by Bloor Homes.

**(d) Flooding and Sewerage**

(i) Bloor Homes has carried out a range of work on the technical considerations in relation to its proposed development of the Bullinghope site. This work is detailed in the Environmental Statement and other supporting documents. The Council is still awaiting the detailed responses from a range of statutory consultees on the proposal.

**Supplementary question from Councillor Dawe**

12.2.2 *Is the Rotherwas Access Road fully funded as in earlier answer reference was made to prudent borrowing?*

**Answer from Councillor J Jarvis Cabinet Member Environment and Strategic Housing**

12.2.3 Yes, that is correct

**Supplementary question from Councillor Chappell**

12.2.4 *It is perplexing as to why houses are developed in the North of the City of Hereford and pay for the development of the Rotherwas Access Road. Could details be made available of all funding methods for the Rotherwas Futures and Road.*

**Answer from Councillor J Jarvis Cabinet Member Environment and Strategic Housing**

12.2.5 The information relating to the funding of the Rotherwas Access Road funding is in the public domain.

**Supplementary question from Councillor M Hubbard**

- 12.2.6 There is a link between affordable housing and funding of the Access Road as there is no reference to affordable housing in the Bloor Homes development as the development would be contributing to the Access Road. If the development is not contributing to the Access Road, why have Bloor Homes been relieved of the requirement to ensure the development provides for 35% affordable housing?

**Answer from Councillor J Jarvis Cabinet Member Environment and Strategic Housing**

- 12.2.7 When the development is considered by the Planning Committee, Members will discuss the content of the application. It is for the Planning Committee to determine the outcome of the application having taken all aspects into consideration.

**Supplementary question from Councillor T James**

- 12.2.8 What is really known about the archaeological importance of the site as this needs to be clarified before any further progress is made?

**Answer from Councillor J Jarvis Cabinet Member Environment and Strategic Housing**

- 12.2.9 PPG 16 states that proper investigation must take place prior to further development. It is difficult to know in detail what may be found until the works commence. Additionally, in responding to a point of order raised by Councillor Toon, the Cabinet Member stated that a further response would be provided with relation to question 6.1 (which refers to the Council's records on historic archaeological information on the Bullinghope/Bloor Homes site).

**12.3 Question from Councillor ACR Chappell to Cabinet Member Corporate and Customer Services and Human Resources**

- 12.3.1 *With an ever increasing population of migrants coming to the county, from several different parts of Europe and Asia, will the Leader give serious consideration to the appointment of a 'Herefordshire Ambassador'?*

- 12.3.2 *An 'Ambassador' for the county would travel to the main countries from which migrants to the county come, would liaise with government departments, local authorities, families etc., to foster good relations between our communities. In the event of illness, or other serious incidents within the migrant community, the Ambassador would be first port of call for migrants and their families and for the authorities in this country.*

**Answer from Councillor French, Cabinet Member Corporate and Customer Services and Human Resources**

- 12.3.3 An ambassador that is funded by public money, travelling to an extensive number of countries (over 20) would be difficult to justify. What we would like to see is a local approach, with a central point of contact, to support foreign nationals.
- 12.3.4 Significant elements of the ambassador role are already undertaken within this country with local and international business and public service partners by Herefordshire's Leader, Deputy Leader and other political leaders.

**Supplementary question from Councillor Chappell**

12.3.5 *The Council seeks to maintain the status quo. The economic contribution of migrant groups within the County is substantial and this, together with their other contributions should be acknowledged through a dedicated position. The business sector could also be requested to consider a similar proposal.*

**Answer from Councillor French, Cabinet Member Corporate and Customer Services and Human Resources**

12.3.6 Whilst the Council is actively involved in a number of projects, including the Friendship Centre this does not preclude consideration with partners of future options.

**12.4 Question from Councillor GFM Dawe to Cabinet Member Corporate and Customer Services and Human Resources.**

12.4.1 *Can you tell me how many times Herefordshire Council has used the Regulation of Investigatory Powers Act (2000)?*

12.4.2 *If the RIPA Act (2000) has been used, what offences were investigated and what surveillance methods employed.*

12.4.3 *Which departments within HC have made use of RIPA?*

**Answer from Councillor French, Cabinet Member Corporate and Customer Services and Human Resources**

12.4.4 Article 8 of the European Convention on Human Rights confers a right to respect for private and family life. This right makes it unlawful for a public body to covertly monitor the private or family life of a citizen unless it be for the purposes of investigating crime, safeguarding national security or public safety, the protection of public health or morals, the protection of the rights of others or safeguarding the economic well being of the country. In the exercise of its duties, the Council sometimes needs to covertly investigate allegations of wrongdoing. Where such techniques are used, the Council adheres to the legal requirements of The Regulation of Investigatory Powers Act (RIPA). Before undertaking any surveillance, investigators must firstly obtain a written authority from one of a handful of specially trained senior officers. In Herefordshire authorisations are comparatively rare, as less intrusive evidence-gathering techniques must be exhausted or prove impractical before permission will even be considered. The Office of the Surveillance Commissioner oversees all public bodies operation of procedures under The Regulation of Investigatory Powers Act and conducts periodic spot-audits. The Council has received two such audits over the past few years and has received consistent praise for the way in which it operates its procedures, under the supervision of The Legal Practice Manager. The Council also completes an Annual return to the Office of the Surveillance Commissioner each April, outlining the numbers of authorisations made in the previous twelve months. The following numbers of authorisations have been made:- 2003/04 - 11 authorisations; 2004/05 - 2 authorisations; 2005/06 - 3 authorisations; 2006/07 - 4 authorisations; 2007/08 - 7 authorisations.

12.4.5 RIPA authorisations have been given to assist Council officers investigate various matters including allegations of benefit fraud; the apprehension of 'joy-riders' in the County's parks at night; the adherence of retailers to the new no-smoking laws and the operation of unlicensed vehicles in the City. Additionally RIPA powers have been used to facilitate test-purchases at a number of stores in order to clamp down on the sale of alcohol and tobacco to minors. The Council also makes RIPA authorisations at the request of the Police, to allow our CCTV cameras to be used in

the furtherance of police-lead criminal investigations. Surveillance methods include video and still photography along with officer observations which are subsequently captured in formal statements.

12.4.6 The Directorates which have used RIPA are Resources and Environment.

**12.5 Questions from Councillor GFM Dawe to Cabinet Member Corporate and Customer Services and Human Resources**

*12.5.1 Is it Council Policy to censor political films, if so can you point me to that policy?*

*12.5.2 On 26 March 2008 (or thereabouts) The Barrels pub received a hand delivered letter from the council saying that if the film 'On The Verge' was screened the landlord would be fined and possibly imprisoned. Who wrote the letter, on whose instructions and why? Was this letter written with the full backing of the Council?*

*12.5.3 Who was the most senior officer to authorise the Council's action to prevent the showing of the film 'On The Verge' at the Barrells pub on 26 March 2008?*

*12.5.4 Who gave the advice that the Landlord could be fined or imprisoned if the film was shown?*

*12.5.5 Since the Police had chosen not to intervene, who would have initiated a prosecution if the film had been shown? Please identify the exact legal reference that demonstrates an obligation for the Council to have followed this course.*

**Answer from Councillor French, Cabinet Member Corporate and Customer Services and Human Resources**

12.5.6 No, it is not Council Policy to censor political films

12.5.7 The Barrels was not licensed for showing films. The penalties for breaching the licence were detailed as is normal in these circumstances and follows the principles laid out in the National "Enforcement Concordat" issued by the Home Office and agreed by the LGA. We acted as a responsible council by helping them apply for and obtain a temporary events notice.

12.5.8 It was agreed by the Head of Service

12.5.9 The Licensing Service gave the advice that the Landlord could be fined or imprisoned if the film was shown.

12.5.10 The Head of Environmental Health and Trading Standards has delegated powers to initiate prosecutions for a breach of licensing conditions. Section 136 of the Licensing Act 2003 makes it an offence for a premises to be used for any licensable activity otherwise than under and in accordance with an authorisation subject to which the licence is held.

**12.6 Question from Councillor ACR Chappell to Cabinet Member Environment and Strategic Housing**

*12.6.1 With a long waiting list for allotments, will the Leader ensure that Planning Policies include either a financial contribution towards provision of allotments or land provision by Developers?*

**Answer from Councillor J Jarvis Cabinet Member Environment and Strategic Housing**

- 12.6.2 Para 3.9.12 of the recently adopted Supplementary Planning Document on Planning Obligations recognises the importance of allotment gardens as a response to a specific set of needs. The document indicates that any contributions will be negotiated on a case by case basis. The Head of Planning Service is in direct contact with the Acting Town Clerk at Hereford City Council on this matter

**Supplementary question from Councillor ACR Chappell**

- 12.6.3 Consideration of access to allotments needs to be given for both market towns and City dwellers.

**Answer from Councillor J Jarvis Cabinet Member Environment and Strategic Housing**

- 12.6.4 Comments were noted and would be taken into consideration.

**12.7 Question from Councillor ACR Chappell to Cabinet Member Economic Development and Community Services**

- 12.7.1 *The Hay Festival is a week away and 1000s of people from across the UK and further will pass through Herefordshire. Next year Hereford will host the Three Choirs Festival. The Royal National College for the Blind will host part of the Blind World Cup Football Championships in 2010 and will be host to one of the national teams for the 2012 Para Olympics in 2012.*

- 12.7.2 *What plans does the Cabinet Member have to ensure the County and the City gets maximum benefit from these events? Will he talk to traders, hoteliers, cafes etc., about extending opening hours and ensuring that suitable access is available for all?*

**Answer from Councillor A Blackshaw, Cabinet Member Economic Development and Community Services**

- 12.7.3 Visit Herefordshire are working with the Hay Festival by helping with accommodation enquiries via the Tourist Information Centre and we have contributed to a shuttle bus service running from Hereford Railway station to Hay on Wye and back 4 times a day. This makes it easier for people who are travelling by train but also has the benefit of ensuring that people stay within Herefordshire during the festival. The total cost for this service is £10,000, of which Herefordshire Council was contributing £1,000 (other partners included the Welsh Assembly, Powys Council and Brecon Beacons National Park)
- 12.7.4 In relation to the Three Choirs Festival we have always helped with accommodation enquires if we can but the Three Choirs have their own accommodation sub committee that they have indicated they would be pleased to have us sit on, this is being followed up and there is close working taking place with the Chairman of the Committee.
- 12.7.5 The World Blind Football Championships in 2010 is already being prepared for, the Visit Herefordshire team are working on a guide of accessible accommodation, attractions, restaurants, shops etc and this is being done in partnership with the Royal National College for the Blind. There is an action point on the Herefordshire Olympics Action plan to develop relationships with overseas teams and we are working with Tony Larkin, Chair of the Sports Council (who is leading on the project from the Royal National College for the Blind) to establish what countries will be visiting Hereford in 2010 and how we can work with them to maximise the publicity for both residents and visitors who may be in the county at that time. It is planned to

have a full meeting and put a formal proposal together following the Paralympics in Beijing this year.

- 12.7.6 In relation to getting people to stay open for longer for visitors we did have a discussion with operators in the city before the last Three Choirs and many of them operate at their full capacity did not really feel the need to extend their opening hours or change the way they operated their business. We will however approach them again for next year's Three choirs Festival by working with the Festival committee to get times of concerts out early for businesses to plan.
- 12.7.7 In relation to the 2012 games we will have a comprehensive guide available by then and hopefully we will have offered training to businesses (subject to funding) on Customer Care and dealing with customers with disabilities.

#### **Supplementary question from Councillor Chappell**

- 12.7.8 Most retailers close by 6.00p.m each evening and are closed on a Sunday. Public conveniences close by 10.00p.m. With the huge possibilities events of this nature can offer, it is imperative that local businesses, both within the City and in the Market Towns, are made aware of such opportunities.

#### **Answer from Councillor A Blackshaw, Cabinet Member Economic Development and Community Services**

- 12.7.9 It is recognised that there are phenomenal opportunities to grasp in relation to the centres of our city and market towns. It is important to emphasise that a thriving café culture is not about extending the opportunity for binge drinking. It is acknowledged that there is much to do prior to 2010 and 2012.

#### **12.8 Question from Councillor ACR Chappell to Cabinet Member Children's Services**

- 12.8.1 *Following the Scrutiny Committee's overwhelming support to re-open the St Martin's LEA Swimming Pool, which organisation has she spoken to with regard to 'Partnership' working of the pool?*

#### **Answer from Councillor J Hyde, Cabinet Member Children's Services**

- 12.8.2 Officers have not spoken to individual organizations about the possibility of a partnership running the pool, as it was important to clarify possible costs. Scrutiny Committee did request an independent view of running costs of the St Martin's Pool. These have been estimated by an independent consultant to be over £130,000 per annum, excluding maintenance costs. Cabinet will be considering the future of the pool and a report is being prepared setting out options, and including the views expressed at Scrutiny Committee.
- 12.8.3 In response to concerns raised concerning the lack of reference about partnerships, the Chairman stated that he understood the concerns raised and had been present at the Scrutiny Committee in question.

#### **Supplementary question from Councillor Chappell**

- 12.8.4 *The South Wye Regeneration Partnership was only contacted about this issue yesterday and other organisations that use the pool had yet to be contacted. As Cabinet would discuss the item on 29 May, it was important that all problems were raised in order that they could be fully considered.*

**Answer from Councillor J Hyde, Cabinet Member Children's Services**

- 12.8.5 An independent scrutiny of costs outlined the importance of getting the full costs known which included the increased cost of pool use. It was emphasised that that full consideration of all information would be taken on board and that it was not about forming a quick decision.
- 12.8.6 Councillor Toon stated that Halo had been good partners in the provision of Swimming Pools and in accommodating the needs of both schools and ordinary swimmers.

**12.9 Question from Councillor ACR Chappell to Cabinet Member Children's Services**

- 12.9.1 What is the Cabinet Member doing to ensure that county schools provide locally accessed food for our schools? Is she aware that local producers want to provide decent wholesome food in our schools and schools are trying to encourage pupils to learn to cook home grown fresh food?*

**Answer from Councillor J Hyde, Cabinet Member Children's Services**

- 12.9.2 The Council is aware of the interest of local producers in this matter and of the efforts of schools to promote local, healthy food. There are a number of initiatives being undertaken to use locally grown food in schools.
- 12.9.3 There is a policy encouraging school caterers to use local sources, and this is being translated into contracts. In future the aspiration is for schools to work towards the Food for Life Targets of using 75% fresh, 50% local and work towards 30% organic ingredients in the next two years. This is being put into catering contracts as they are renewed.
- 12.9.4 In partnership with Bulmer's foundation and through the Healthy Schools Initiative, staff have been employed to establish gardens in schools to produce fruit and vegetables for consumption.
- 12.9.5 Under the Fruit Scheme complaints have been made to the government appointed agency who manage this scheme through regional contracts. The Council has made representation that we wish our schools to be supplied where possible from Herefordshire Grown fruit rather than fruit from Europe. It has now been established that we can get out of the regional contract and establish our own arrangements. The practical arrangement of how this is to be done is being discussed by a Schools Meals Working party on which all interested parties are represented.
- 12.9.6 An initiative in partnership with the Duchy of Cornwall Local Food Partnership Feeding Young Minds, the Bulmer Foundation and Health Schools is encouraging schools to; promote food safety, increase the consumption of healthy and nutritious food, improve sustainability of production and distribution, increase tenders from local producers, increase co-operation among buyers and producers and increase the sustainability of public food procurement

**12.10 Question from Councillor RI Matthews to Cabinet Member Highways and Transportation**

- 12.10.1 Having discovered by reading in the local press, that the Cabinet Member for Highways and Transportation was hopeful that the extra cash being raised from the recent increase in Car Parking charges would be invested in a Park and Ride*

*scheme to be situated off the A49 at Holmer, is it not time that he informed Members of the exact location and size of this proposed site? Or, does he intend to announce that through the press as well?*

**Answer from Councillor DB Wilcox, Cabinet Member Highways and Transportation**

12.10.2 The link between the Council's approach to car park charges and future support for Park and Ride is made clear in the Council's Local Transport Plan. The Plan highlights that it is necessary to coordinate the provision of park and ride sites with our strategy for car parking charges in the centre of the City to encourage use of park and ride and to assist with the future revenue costs of operating such services. As Chairman of the Environment Scrutiny Committee, Councillor Matthews may recall this link in policy terms was also recently highlighted at the Environment Scrutiny Committee meeting on 25 February 2008 in relation to a report on On-Street Parking.

12.10.3 With regard to progress on delivering the Hereford Park and Ride Scheme to the north of the City, this has been subject to lengthy land negotiations. Whilst potential sites have been identified in the vicinity of the A49, discussions are currently underway with land owners to secure agreement for a suitable site. As these negotiations have not been concluded it has not been appropriate to discuss the details in the public arena. Once negotiations are complete it is anticipated that a planning application would be submitted to take the proposal forward. This will enable full consideration of the proposal in the public arena and will need to be accompanied by details on environmental and traffic impacts of park and ride. In accordance with normal practice, Members will be advised of the proposed site at the appropriate time and any press releases placed in the Members Room.

**Supplementary question from Councillor Matthews**

12.10.4 *Whilst appreciating the need to maintain confidentiality, Members take a dim view of reading issues of such a nature in the press. It is imperative that relevant and appropriate briefings are provided to Members.*

**Answer from Councillor DB Wilcox, Cabinet Member Highways and Transportation**

12.10.5 The issues under question were raised on 25 February during a public meeting.

**12.11 Question from Councillor PJ Edwards to Cabinet Member Children's Services**

12.11.1 *Why were Local Members not informed of plans to withdraw transport provision for all non entitled riders' going to Bishops and St Mary's RC High School, from South Wye?*

12.11.2 *Has the Council considered promoting some alternative environmental friendly transport scheme to aid these pupils travel to schools of their preference, given that the withdrawal of buses will almost certainly exasperate school travel congestion times across the City?*

12.11.3 *Local Councillors were advised by e-mail on 8 May of the planned withdrawal of the Vacant Seat opportunities for some of the denominational transport routes, effective from September 2008.*

**Answer from Councillor J Hyde, Cabinet Member Children's Services**



- 12.11.4 The reasons for the withdrawal was a review of the routes and provision of transport for pupils attending The Bishop Of Hereford's Bluecoat School & St Mary's RC High School from all areas south of the river including Belmont, Hinton, Putson areas along the A49, Ross on Wye, Fownhope and Mordiford.
- 12.11.5 The numbers of non-entitled riders (56 overall ), the numbers of pupils leaving at the end of year 11 being less than those starting in year 7 and the numbers of spare seats on buses. Currently we have 7 buses serving the schools and this will be reduced to 5, resulting in savings of approx £40,000 as from September 2008.
- 12.11.6 Transport will be withdrawn from all non-entitled riders (those pupils who are not attending the schools on denominational grounds or are in the catchment area for Bishop's), as from September 2008.
- 12.11.7 Parents of those pupils affected were informed and local Members were also supplied with a copy of that letter for their information.
- 12.11.8 In the letter to parents there was information about alternative public transport arrangements that they could make use of if they so wished - a particularly environmentally friendly transport solution albeit it may cost more than the subsidised Vacant Seat Scheme. The uptake of alternative public transport would not exacerbate travel congestion.

#### **Supplementary Question from Councillor PJ Edwards**

- 12.11.9 *As the local Ward Member, he was only informed of the issue when a number of parents contacted him. Whilst letters were sent to parents on a Friday the email to Members was not sent until the following Monday. It is imperative for Members to be notified in a timely manner and for them to be informed of such issues.*

#### **12.12 Question from Councillor PJ Edwards to Cabinet Member Highways and Transportation**

- 12.12.1 *Given that I have requested the very poor quality paving at Haywood Lane / A465tr between Belmont Housing Estate and Newton Coppice plus Belmont Abbey PCT Office complex be repaired for some years, when will this important 'pedestrian safety action' be carried out?*
- 12.12.2 *Is the Cabinet Member aware that "South Wye Walking to Health" formal guided walks use this junction? Is he aware that approx 600 staff are employed at the PCT offices, many wishing to walk between their homes and their place of employment?*
- 12.12.3 *Is the Cabinet Member aware that the footway was scheduled to be reinstated during August 2007, then January 2008 (due to Bellwin flood damage works) and was last promised to be completed by the end of March 2008 yet has not yet been attended to?*
- 12.12.4 *Whilst welcoming the new speed limit order on Haywood Lane approach road to Belmont from The Callow, was there a statutory duty to place 16 speed limit signs along this relatively short distance of 2 mile country lane and are they to be a permanent or temporary blots on the landscape?*

**Answer from Councillor DB Wilcox, Cabinet Member Highways and Transportation**

- 12.12.5 It had been hoped to provide a section of footway behind the existing kerb-line across the frontage of Lake Cottage, on the approach to the junction of Haywood Lane with the A465. This work would have dealt with part of the concerns expressed but was delayed due to resources having to be directed towards flood damage repairs and the ongoing revision of the highways programme for 2007/08. Whilst generally the overall programme was successfully delivered, it was not possible to complete this particular scheme during the financial year. Unfortunately due to staff changes the local Member was not kept informed of this change to the programme, and for that I apologise.
- 12.12.6 The footways alongside the A465 Trunk Road are the responsibility of the Highways Agency, and this includes any current or new paving around the corner of the junction into Haywood Lane. The Highways Agency has identified a proposed scheme for footways and cycleways at the Tesco roundabout, and the wider picture of other pedestrian movements around the Trunk Road will be raised with them.
- 12.12.7 In order to provide a more comprehensive solution to improving conditions for pedestrians at this location, it is now proposed to combine the minor works previously planned as part of a new footway from the junction on the A465 along Haywood Lane to where the recently re-stoned footway emerges onto the lane opposite Newton Coppice. It is intended to take forward a suitable scheme during the current financial year.
- 12.12.8 I am aware of the importance of this pedestrian route both for the staff employed at the PCT and those taking part in the Walking to Health initiative. I will ensure that we continue to work with the Highways Agency to seek to bring forward a comprehensive scheme to improve conditions for pedestrians.
- 12.12.9 I am pleased that the introduction of the new speed limit order on Haywood Lane is welcomed. The speed limit has been introduced in accordance with the relevant standards to ensure that it is effective and enforceable.
- 12.12.10 The Traffic Signs And General Directions Regulations require repeater signs to be placed throughout speed limits, with a few exceptions, such as 30mph limits under streetlights. These repeater signs have been placed in Haywood Lane at the maximum spacing distance required by the regulations to keep the number of signs to the minimum whilst still complying with the regulations. Without these signs the speed limit is not legal and cannot be enforced and, as such, the effectiveness of this Experimental Traffic Regulation Order, and its impact on the safety and network management issues that led to its introduction, would therefore be curtailed. The regulations seek to ensure motorists remain aware of the prevailing speed limit throughout its length. The Council cannot deviate from the requirements of the Regulations without Department for Transport authorisation. It is considered that this authorisation is highly unlikely to be forthcoming in this particular case. Should the Experimental Traffic Regulation Order be deemed a success, then the signs will have to remain as a consequence.

**Supplementary question from Councillor PJ Edwards**

- 12.12.11 *How can an authority leave a well used paving in such a dangerous state?*

**Answer from Councillor DB Wilcox, Cabinet Member Highways and Transportation**

- 12.12.12 There is a possibility of a better scheme once the Highways Agency have given due consideration. The work on the footway will be undertaken in this financial year.

### **12.13 Question from Councillor AT Oliver to Cabinet Member Resources**

*12.13.1 In respect of the new contract that Herefordshire Council has taken out with TNT for the sorting of the Council's second class mail at their Bristol Centre and return to Royal Mail's Worcester office for final delivery by Royal Mail, projected savings are said to be £70,000 a year. Would you advise the following:*

*(a) The length of the contract with TNT?*

*(b) The consultancy fee paid to Civica UK Ltd for reviewing the Council's postal services?*

*(c) The consultancy fee paid to Stenmoore for reviewing the review by Civica UK Ltd, and implementing the new service?*

*(d) What are the average number of items collected daily by TNT?*

### **Answer from Councillor H Bramer, Cabinet Member Resources**

- 12.13.2 The Council agreed a procurement efficiency programme as part of its financial strategy for 2008 – 2011 in March 2008. We are aiming to deliver £750k a year in savings through more efficient procurement of goods and services in order to protect services to the public. One of the projects included in that programme was to reduce postal costs. Initial estimates are that up to £70k a year could be saved.
- 12.13.3 The Council is therefore piloting new postal arrangements with TNT for second-class post with a view to making cost savings. This company collect post from Council offices and take it to their sort station and are paid a fee per item. Royal Mail then collects the sorted post and makes the final delivery. They also get paid a fee. The Council saves approximately 7p per item compared to the existing arrangement with Royal Mail.
- 12.13.4 We have secured TNT's services through a framework contract prepared by the Eastern Shires Purchasing Consortium, a partner of West Mercia Supplies, the purchasing organisation that Herefordshire Council co-owns with Worcestershire, Shropshire and Telford & Wrekin. This framework contract expires in 2010 and the current fees paid to TNT are guaranteed until then. The Council is not, however, tied into using TNT until this period. This gives us total flexibility in piloting this initiative. Approximately 1,400 items of second class post a day were handled by TNT in their first month of operation. The number of items handled by TNT is expected to grow as more buildings pilot the new arrangement. Where the new arrangement proves not to be practical, the Council will pursue cost reductions with Royal Mail although we do not expect this to produce the same level of saving.
- 12.13.5 Civica UK carried out an initial review of the Council's procurement arrangements for postal services in 2007. The review cost £16,000 in total with the cost shared equally between the Council and the West Midlands Centre of Excellence – the regional body promoting procurement efficiency.
- 12.13.6 The Council didn't have the in-house capacity to review Civica's work so this activity was outsourced to Stenmore at a cost of £4,500.

- 12.13.7 The total one-off cost to the Council of reviewing procurement arrangements for postal services in order to deliver recurring annual savings of up to £70k a year has been £12,500.

**Supplementary question from Councillor Oliver**

- 12.13.8 *The comprehensive answer was appreciated. However on the statistics given, the Council would need to send 1 million items to deliver the annual £70,000 savings at 7pence per item. Current figures provided are way off the mark. An additional concern is the risk placed on Royal Mail postal delivery and the possible consequences on the provision of rural services. Does the Council not have a social conscience to maintain the services within the Royal Mail system?*

**Answer from Councillor Bramer, Cabinet Member Resources**

- 12.13.9 The Council has a duty of care for the public's money. The authority has spent £12,500 to deliver an annual saving of £70,000 which demonstrates that we are using the Council's money wisely. There is no doubt that the £70,000 will be delivered in efficiency savings as additional office sites are included in the scheme.

**12.14 Question from Councillor WLS Bowen to Cabinet Member Environment and Strategic Housing**

- 12.14.1 *Do you agree that it is time that Herefordshire became a plastic bag fee county? Are you aware that there are several extremely viable alternatives to plastic bags ranging from paper to jute and even bio-degradable bags made from starches?*

**Answer from Councillor J Jarvis, Cabinet Member Environment and Strategic Housing**

- 12.14.2 The Council has the opportunity to consider whether or not it wishes to become a "Plastic Bag Free" County as it is in the process of agreeing a Draft Joint Municipal Waste Management Strategy with its partner local authorities in Worcestershire. The aim for Herefordshire to become "Plastic Bag Free" should be included in the consultation process for that Strategy and discussions are taking place with Officers on this issue.

**12.15 Question from Councillor PJ Watts to Cabinet Member Environment and Strategic Housing**

- 12.15.1 *Would the Cabinet Member Environment and Strategic Housing consider a complete review of Herefordshire Council Housing Allocation Policy to take place in conjunction with the ongoing review of Homepoint which is currently taking place by the appropriate Scrutiny Committee chaired by Councillor PA Andrews.*

**Answer from Councillor J Jarvis Cabinet Member Environment and Strategic Housing**

- 12.15.2 As this is a matter relating to the operation of Home Point and the Housing Allocations Policy the question would normally be responded to by the Cabinet Member for Social Care Adults and Health. However, in view of cross-cutting considerations around access to affordable housing my colleague Councillor Barnett has agreed that I will respond in my role as Cabinet Member for Strategic Housing. I would like to reassure Councillor Watts that a review of the Home Point Housing Allocations Policy is taking place as part of the current scrutiny review being Chaired by Councillor Andrews and that once concluded, both Cabinet Members will consider what, if any, further actions or amendments to policy will be put into action if required.

12.15.3 Mr McLaughlin, the Assistant Chief Executive Legal and Democratic Services gave a general statement with regards to past ICT issues.

12.15.4 Members and Councillor Oliver will recall that a compromise agreement was entered into by the Council with the person concerned. As part of that agreement both parties are bound by the confidentiality requirements of that agreement. Failure to adhere or comply with the terms of the compromise agreement would place the Council at risk of legal action and cost. Therefore it is not possible to discuss the matter further.

**12.16 Question from Councillor AT Oliver to Cabinet Member Corporate and Customer Services and Human Resources**

12.16.1 *What was the total cost of individual contractors on long term placements in the ICT division engaged in implementing the Back Office System (BOP) and the Community Network Upgrade (CNU) projects?*

**Answer from Cabinet Member Corporate and Customer Services and Human Resources**

12.16.2 Contractors were appointed within ICT to ensure that the Council has the necessary capacity and expertise to deliver on its programmes.

12.16.3 In common with other local authorities contractors are used to facilitate delivery not necessarily limited to one programme or project but to a number of projects that are ongoing at any particular time within a local authority. It is therefore very difficult to breakdown the cost of individual projects to an individual contractor for that reason.

12.16.4 In respect of the Committee network upgrade and back office project five contractors can be identified whose primary role is to support these projects.

12.16.5 Over the three year period 2005 – 2007 the costs identified within ICT for these contractors is approximately £677,546.39.

12.16.6 At present there are not contractors supporting either of these projects within ICT so there is no contractor cost to the Council. Much effort has been put into the recruitment of permanent staff.

12.7 The Chairman thanked all Members for their questions and Cabinet Members for their responses.

12.8 In response to a statement made about the style and content of the meeting, and especially the possible negative impression given to the public on the activities of the Council meeting, the Leader stated that he was committed to ensuring a thorough review of both the civic and political processes to ensure their robustness and relevance.

**MEETING SUSPENDED AT 1.15 pm for lunch**

**MEETING RECONCENED AT 2.45 pm**

**13. NOTICES OF MOTION UNDER STANDING ORDERS**

13.1 The Chairman advised the Council that one notice of motion had been received from Councillors TM James and PA Andrews.

13.2 Councillor TM James advised that the notice of motion had been withdrawn.

## 14. CABINET

- 14.1 The Leader of the Council, Councillor RJ Phillips presented the report of the meetings of Cabinet held on 27 March, 10 April and 1 May 2008.
- 14.2 In discussion the following comments were raised:
- 14.3 In response to a question raised by Councillor Matthews on the annual funding given by the Council to the Courtyard Theatre, the Leader advised that he would provide the information direct to the Member.
- 14.3 Responding to a comment raised by Councillor Lloyd Hayes, the Leader clarified that whilst the Auditor presented a report to the Strategic Monitoring Committee, no formal presentation had been given to Cabinet directly. In future years, the Cabinet had requested that the District Auditor presented the Annual Audit and Inspection Letter to a joint meeting of the Cabinet and SMC. It was emphasised that this would be undertaken in an open session with Members of the Council and the public welcome to attend.
- 14.4 Councillor Toon raised a question on the governance structure of Wyebridge College, and advised the Council of apparent gaps in the outline business case and scrutiny provision. Additionally, concerns were raised around ICT specifications and costings together with the sixth form park. Councillor Toon asked if the issues had been resolved with the Sports Council and whether a transport assessment had been undertaken. The Cabinet Member for Children's Services stated that a written response would be sent to the Councillor on the matters raised.
- 14.5 In response to a question on ICT software costs, Councillor French advised Members that in the work undertaken to review software licenses the Council's attention was down to the fact that the Council could not access the PCT software contracts which were more competitively priced. The Chief Executive would raise this issue in the appropriate forums; no formal response had been received by Government.
- 14.6 Councillor Lloyd Hayes requested a general update on the review of smallholdings. In response, the Leader stated that he was not involved in any individual discussions on this matter and took part solely in strategic matters (as he had declared an interest on the matter), however he assured Councillor Lloyd Hayes that the Cabinet Member for Resources would provide details of the review.
- 14.7 **RESOLVED: That the report of the meetings of Cabinet held on 27 March, 10 April and 1 May be received.**

## 15. DRAFT CORPORATE PLAN 2008/2011

- 15.1 The Leader presented the report which informed Council that the Corporate Plan set out the Council's priorities and how they would be achieved. Additionally the plan outlined the targets what would be used to measure achievements in addition to the key actions that would be undertaken to achieve the targets. It was stated that as with other local authorities, the Council was in a period of change and had to grapple with many issues e.g. funding.
- 15.2 In response to a question raised about the accuracy of data and methodology used, the Leader stated that the questions were derived from a national survey.
- 15.3 In a response to a concern raised that the authority currently neglected to ensure that the welfare of rural areas are protected and improved, the Leader stated that our

concerns were being logged with Government. Additionally, work was being undertaken to inform Government of our challenges – new housing, sustainability of villages, there is a debate to be had on sustainable rural communities which will benefit from linking in with other authorities of a similar nature e.g. Cumbria, Devon. The County was currently under pressure with the decline in provision of Post Offices with 114 businesses earmarked for phased closure. A similar issue on the immediate horizon would be over the provision of BT payphones, a comprehensive review of which was undertaken a few years ago in the county. These issues merely highlighted the wider debate which was focussing on how rural communities can be maintained and thrive.

**15.4 RESOLVED: That Council approve the Corporate Plan 2008-2011 subject to the negotiated Local Area Agreement targets being added**

**16. CHILDREN AND YOUNG PEOPLE'S PLAN 2008**

- 16.1 The Cabinet Member for Children's Services, Councillor J Hyde presented the report and commended the Children and Young People's Plan 2008 to the Council. She stated that whilst the plan was a statutory document a thorough consultation had been undertaken.
- 16.2 The Plan was commended by several Councillors especially in the manner in which the consultation process was undertaken.
- 16.3 Councillor Toon raised issues in relation to governance and scrutiny, especially the fact that the sole elected member representative on the Children's Trust Board was the Cabinet Member. The question of how could the authority effectively scrutinise and audit this body was raised, and an example was given of how the Board held discussions around school closure prior to discussion at Council.
- 16.4 The report and consultation process (which included the input of the scrutiny process) was welcomed by Councillor Edwards. However, concern was expressed that the whole of the South Wye shared a youth officer with the Golden Valley area and that there was a need to appropriately fund a number of officers to provide dedicated help to volunteers.
- 16.5 In welcoming the Plan, Councillor Lloyd Hayes requested that consideration be given to extend the scope to include youths who had Mental Health problems. She highlighted a situation from personal experience which she wished to discuss with the Cabinet Member outside of the formal meeting. Councillor Lloyd Hayes added that she was concerned that should mental health issues not be considered and acted upon, vulnerable individuals could find themselves within to the penal system.
- 16.6 Councillor Atfield expressed a wish for a written reply to the following statement. Whilst she considered the plan to be excellent, it was stated that an implicit problem within the Children Services were children with aspergers syndrome. Written plans were only as good as the outcomes and therefore there was a need to provide all children with the opportunity and skills to contribute to their communities and to encourage opportunities for their lives to be on a par with their cohort.
- 16.7 In recognising the comments raised on mental health and youth service provision, Councillor S Robertson encouraged Members with experience on these issues to contribute to relevant scrutiny groups.
- 16.8 In response, to the issues raised above, the Cabinet Member of Children's Services emphasised that looked after children were one of the most vulnerable sections of

society and stated that she would welcome speaking with the Councillor following the meeting to be provided with information on the particular situation.

- 16.9 In response to Councillor Toon, the Cabinet Member stated that the Children's Trust was still currently evolving and that she would take on board the concern expressed and consider how they could be addressed.
- 16.10 Responding to the concerns regarding youth service provision, the Cabinet Member stated that she would address points raised together with councillor Price as the new Cabinet portfolio holder for ICT and Educational Achievement.
- 16.11 The Cabinet Member for Children's Services commended the value of input provided by Children's Services Scrutiny and emphasised that as children had no second chances it was imperative to ensure that Council provisions were right for their needs.
- 16.12 RESOLVED: That: The Council accepts Cabinet's recommendation to approve the Children and Young People's Plan 2008-2011.**

**17. HEREFORDSHIRE COMMUNITY SAFETY AND DRUGS PARTNERSHIP – PARTNERSHIP PLAN 2008-2011**

- 17.1 Cabinet Member for Economic Development and Community Services presented the report which sought the agreement of the Council to adopt the Plan. It was stated that the statutory document outlined key partnership priorities which had been determined through analysis of a broad range of information. These broad priorities were:
- (a) Reducing Crime through Offender Management and other interventions:
  - (b) Reducing Drug and Alcohol Harm
  - (c) Promoting and Delivering increased Road Safety
  - (d) Providing Community Reassurance in Anti-Social Behaviour, Disorder and Crime
  - (e) Multi-Agency and Community Dynamic Tasking and Co-ordination
- 17.2 Councillor Toon raised concern regarding data systems and analysis and requested information on the outputs achieved from Herefordshire Connects.
- 17.3 In referring to the bulleted priorities (paragraph 6, page 220), Councillor S Robertson highlighted priority (c) 'Promoting and Delivering increased Road Safety'. Following a tragic death in her ward Councillor Robertson emphasised the need to use every opportunity to educate drivers on the perils of drink driving and expressed a need for an ongoing campaign of education which should include the active engagement of the local press. In response, Councillor Blackshaw, Cabinet Member for Economic Development and Community Services stated that he would take on board this issue and bring it to the attention of partners and the local press.
- 17.4 Councillor Bowen, in referring to section 2.2, page 248 (Reduce alcohol-related violent crime in Herefordshire by 6.9% between 20:00 and 06:00 hrs) stated that the Council should be more robust with premises that had been caught selling alcohol to underage individuals; current sanctions given were too light and give a wrong message. Police and Trading Standards should be encouraged to continue their



concerted effort to bring to light such behaviour and that Members use their powers of sanction in order to deter others.

17.5 As the Chairman of the Regulatory Committee, Councillor Brigadier Jones stated that action measures were being taken and that at a recent meeting, the Committee had discussed four cases of illegal selling and licences had been suspended for the following periods of time: one for 48 hours, one for 24 hours and two for 7 days. It was emphasised that regular checks of premises were carried out. The Committee took stringent action if alcohol was sold to children. In addition to the suspensions, compliance with the Challenge 25 scheme was a condition to premises licences for each premises.

**17.6 RESOLVED that: Council adopt the Herefordshire Community Safety and Drugs Partnership Plan.**

## **18. PLANNING COMMITTEE**

18.1 Councillor T Hunt presented the report of the meetings of the Planning Committee held on 29 February and 11 April.

**18.2 RESOLVED: That the report of the meetings of the Planning Committee held on 29 February and 11 April be received subject to a minor correction on para 2(b) page 328 deletion of 'approve' in fifth bullet point.**

## **19. STANDARDS COMMITTEE**

19.1 Mr R Rogers presented the report of the meeting of the Standards Committee held on 18 April 2008. He drew members attention to three particular items of note:

- i) The development of the 'Local Filter' in determining any complaint against a Herefordshire Councillor, or Parish/Town Councillor in Hereford. This came into force on 8 May. It was emphasised that this should not be regarded as a relaxing of the code but provided for a greater local ownership of the standards and ethics process.
- ii) The Standards Committee Annual Report would be published soon and distributed to all Members and interested parties.
- iii) The Standards Board for England had selected Herefordshire as one of six 'centres of excellence', highlighting it as an exemplar of working relationships between Herefordshire Association of Local Councils, the Standards Committee and the Monitoring Officer. Councillors were encouraged to continue to support the work of HALC in furtherance of its role of actively supporting the County's town and parish councils.

19.2 The Chairman thanked the Standards Committee for their active work.

**19.3 RESOLVED: That the report of the meeting of the Standards Committee held on 18 April be received.**

## **20. STRATEGIC MONITORING COMMITTEE**

20.1 Councillor PJ Edwards, Chairman of the Strategic Monitoring Committee presented the report of the meetings held on 6 March, 10 March, 20 March and 28 April 2008 and gave particular thanks for Members' professional and industrial work over the previous year. He also stated that a number of recommendations had been put

forward to Cabinet for consideration, and he acknowledged the manner that these had been discussed.

- 20.2 In referring to the Smallholdings Estate Policy and Working Practices item, listed as paragraphs 16 and 16 on page 337, Councillor Robertson asked whether the review could consider those tenancies that had been given notice to quit, and could not the tenants be supported in growing and providing locally grown food for the County's schools. She additionally mentioned that Gloucestershire had a policy of forging closer relationships between their tenancies and schools (e.g. by way of educational visits).
- 20.3 Councillor Edwards stated that the comments would be noted and considered by SMC.
- 20.4 In response to a question regarding the progress on the accommodation strategy, the Cabinet Member for Corporate, Customer Services and Human Resources stated that the Strategic Monitoring Committee had established a working group and that a report would be forwarded for consideration in due course.
- 20.5 The membership of the working group was confirmed as Councillors, Andrews, Smith, and Bowen with the chairman of SMC attending in an observer capacity. It was additionally stated that Alan Curless represented the PCT Board on this working group.
- 20.6 In reference to the recommendations of the Scrutiny Review of Tourism as listed on page 343, Councillor Toon requested that consideration be given for the publication of a multiple language brochure for the County. The Cabinet Member for Economic Development and Community Services stated that he would bring the issue to the attention of the Board of Visit Herefordshire.
- 20.7 The Chairman thanked Councillor Edwards for his work during the previous year as Chairman of Strategic Monitoring Committee.

**20.8 RESOLVED: That the report of the meetings of the Strategic Monitoring Committee held on 6 March, 10 March, 20 March and 28 April 2008 be received.**

## **21. REGULATORY COMMITTEE**

- 21.1 Councillor Brigadier P Jones presented the report of the meetings of the Regulatory Committee held on 6 March, 25 March, 9 April, 22 April and 30 April 2008.
- 21.2 Members were reminded of the wide remit of the Committee and Councillor Brigadier Jones stated that he was confident that the current issue regarding taxis would be resolved soon.
- 21.3 RESOLVED: That the report of the meetings of the Regulatory Committee held on 6 March, 25 March, 9 April, 22 April and 30 April 2008 be received.**

## **22. AUDIT AND CORPORATE GOVERNANCE COMMITTEE**

- 22.1 Councillor ACR Chappell presented the report of the meetings of the Audit and Corporate Governance Committee held on 29 February and 4 April 2008. He thanked the Cabinet Member for Resources for keeping him informed as Chairman of Audit and Corporate Governance of issues relating to the smallholding policy.

- 22.2 In response to a question raised Councillor Chappell assured Members that as Chairman of Audit and Corporate Governance, he had been kept informed of issues relating to ICT expenses.

The Leader left the meeting.

### **23. WEST MERCIA POLICE AUTHORITY**

- 23.1 Councillor B Hunt presented the report of the meeting held on 19 February of the West Mercia Police Authority.

- 23.2 Members were advised that the Chief Constable had been unable to attend this Annual Meeting, however confirmation would be given of the date for this attendance at Council prior to the July meeting. Councillor Hunt expressed his thanks to Councillor Grumbley who would be standing down as a Member of the WMPA, and welcomed Councillor RS Smith who would be joining the WMPA as a Herefordshire representative. Reference was additionally made to the pack of information provided to Members from the WMPA. He stated that the P&C Groups would be replaced with Policing Matters Groups (PMG), which he would be chairing. There would be three PMGs established; North, Central and South Herefordshire. He urged both public and Members to attend.

- 23.3 Councillor P Morgan stated that there had been three recent fatalities in her ward and whilst three speed surveys had been undertaken, many vehicles had been found to be over the speed limit. The Councillor raised concerns over the lack of mobile enforcement vehicles in her ward and expressed disappointment in this as speeding was considered a priority for the police.

- 23.4 In supporting the point raised, Councillor Wilcox stated that speeding was considered the top priority for residents. It was essential that the Council worked with partners to address this important issue, however it was stated that the enforcement of speeding restrictions proved a challenge. Increased enforcement was imperative to ensure that fatalities within the County decreased and it was important for the policy to clearly outline their input when they address the Council.

Councillors Hope and Lloyd Hayes left the meeting

- 23.5 In responding to the comments above, Councillor Hunt advised Council that Councillor Grumbley had written to the Chief Executive expressing concerns about speeding and the perceived lack of enforcement.

Councillors Cllr JB Williams and Matthews left the meeting.

- 23.6 Councillor Hunt assured Members that the Policing Matters Groups did not clash with known Partners and Communities Together (PACT) meeting dates, and that the PMG meetings had been scheduled to the end of 2009.

- 23.7 RESOLVED: That the report of the West Mercia Police Authority be received.**

### **24. HEREFORD AND WORCESTER COMBINED FIRE AUTHORITY**

- 24.1 Councillor Brigadier P Jones presented the report of the meeting of the Hereford and Worcester Combined Fire Authority held on 20 February 2008. He stated that the Authority was still working on the problems created by the lack of funding, however he stressed that it was not the intention to reduce front line workers.

**24.2 RESOLVED:** That the report of the Hereford and Worcester Combined Fire Authority be received.

**25. DATES OF FUTURE MEETINGS**

25.1 The dates for Council meetings in the 2008/09 year were agreed as:

Friday, 25 July 2008  
Friday, 31 October 2008  
Friday, 6 February 2009  
Friday, 6 March 2009  
Friday, 29 May 2009

The meeting ended at 3.45p.m.

**CHAIRMAN**

## Appendix 1

Chairman of Audit and Corporate Governance Committee	Cllr ACR Chappell
Vice-Chairman of Audit and Corporate Governance Committee	Cllr R H Smith
Chairman of Planning Committee	Cllr TW Hunt
Vice-Chairman of Planning Committee	Cllr RV Stockton
Chairman of Regulatory Committee	Cllr Brig. P Jones CBE
Vice-Chairman of Regulatory Committee	Cllr JW Hope MBE
Chairman of Strategic Monitoring Committee	Cllr PJ Edwards
Vice-Chairman of Strategic Monitoring Committee	Cllr WLS Bowen
Chairman of Adult Social Care and Strategic Housing Scrutiny Committee	Cllr PA Andrews
Vice-Chairman of Adult Social Care and Strategic Housing Scrutiny Committee	Cllr WLS Bowen
Chairman of Children's Services Scrutiny Committee	Cllr SJ Robertson
Vice-Chairman of Children's Services Scrutiny Committee	Cllr WU Attfield
Chairman of Environment Scrutiny Committee	Cllr RI Matthews
Vice-Chairman of Environment Scrutiny Committee	Cllr KG Grumbley
Chairman of Health Scrutiny Committee	Cllr JK Swinburne
Vice-Chairman of Health Scrutiny Committee	Cllr AT Oliver
Chairman of Community Services Scrutiny Committee	Cllr TM James
Vice-Chairman of Community Services Scrutiny Committee	Cllr PM Morgan
Chairman of Central Area Planning Sub-Committee	Cllr JE Pemberton
Vice-Chairman of Central Area Planning Sub-Committee	Cllr GA Powell
Chairman of Northern Area Planning Sub-Committee	Cllr JW Hope
Vice-Chairman of Northern Area Planning Sub-Committee	Cllr PJ Watts
Chairman of Southern Area Planning Sub-Committee	Cllr PGH Cutter
Vice-Chairman of Southern Area Planning Sub-Committee	Cllr M J Fishley
Chairman of Standards Committee	Robert Rogers

**BELOW ARE THE FORMAL RESPONSES TO INDIVIDUAL QUESTIONS ON BLOOR HOMES AND ROTHERWAS ACCESS ROAD**

**Question from Ms B Evans, Kingsthorpe**

*What financial contribution to the Rotherwas Access road has been promised by Bloor Homes?*

*Where is the published evidence supporting this?*

**Answer from Cllr J Jarvis Cabinet Member Environment and Strategic Housing:**

The package of measures proposed by Bloor Homes to be included in any Section 106 Agreement is set out in supporting information with the planning application. An unspecified amount has been offered to the Rotherwas Futures project, and of which the Access Road forms a key part.

**Question from Mrs U Clay, Hereford**

*What indications of support for housing development at Bullinghope has the Council received from the Rotherwas business community since construction commenced on the Rotherwas Access Road?*

**Answer from Cllr J Jarvis Cabinet Member Environment and Strategic Housing:**

The Association of Rotherwas Enterprises indicated its support for the housing development at Bullinghope prior to the start of construction of the Access Road and has made no comment for or against it since construction started.

**Question from Mr T Brown, Hereford**

*What community facilities have been proposed by Bloor Homes in a) Hollington Ward, b) St Martins and Hinton Ward and c) Belmont Ward?*

*What predictions does the Council have for the proportionate use of these contributions by the residents of each of the three wards?*

**Answer from Cllr J Jarvis Cabinet Member Environment and Strategic Housing:**

The planning application proposes a financial contribution of £40,000 towards local libraries including Belmont Library and £40,000 towards Belmont Community facility. This part of the proposed application will also be considered in the detailed discussions to be arranged. These discussions will explore the opportunities that exist to secure community facilities in the three mentioned wards and others in the City.

**Question from Mr N Jones, Hereford**

*What contribution is Bloor Homes making to Rotherwas Futures?*

*What is the value and purpose of any contribution?*

*What estimate of the Council's costs was submitted to the Court in relation to the S287 review of the UDP?*

*What amounts under main headings comprise the total for protective costs?*

**Answer from Cllr J Jarvis Cabinet Member Environment and Strategic Housing:**

The planning application proposes a financial contribution to Rotherwas Futures. This is unspecified and will be the subject of detailed discussions between the Council and Bloor Homes around the scale and nature of any planning obligations package in the event that planning permission is forthcoming.

The application issued by Dinedor Residents Association Limited seeking a review of a proposed site for residential development at Bullinghope will be heard by the High Court at London on the 26th and 27th June 2008. In readiness for that hearing a schedule of costs will be produced to the court by the Council, encompassing all legal costs up to and including the date of the hearing, incorporating Counsel's fees and any disbursements incurred in traveling to London, overnight accommodation and similar expenses. It is not possible to identify what sum will be submitted to both the court and to the Claimant, by a schedule of costs at this stage. The schedules are ordinarily submitted on the week of the hearing, so that all professional time can be captured. In answer therefore to the question no estimate of costs has yet been submitted to the court as to do so would be wholly premature.

The Protective Costs Order obtained by the Claimant is for an overall figure of £15,000. The Claimant has not identified how this figure was generated, although the court considered that the sum was an appropriate level to which the Claimant's liability for the Council's costs should be limited, in the event that the Claimant is unsuccessful in those proceedings. In the event that the Claimant is unsuccessful and the Council is awarded its costs, the said sum of £15,000 would be used to pay for professional time and disbursements of the sort identified in the answer above.

**Question from Mr N Barrington, Newton Farm**

*Please can you state the total value of assets at the Rotherwas Industrial estate?*

*What discussions did the Council have with the Businesses at Rotherwas?*

**Answer from Cllr J Jarvis Cabinet Member Environment and Strategic Housing:**

The asset valuation for the Council owned part of Rotherwas Industrial Estate for 01/04/08 is £10,850,000. This figure is provided for financial regulation purposes and not as a value for the Council.

The Association of Rotherwas Enterprises indicated its support for the housing development at Bullinghope prior to the start of construction of the Access Road and has made no comment for or against it since construction started.

**Question from J Cannell, Dilwyn, Herefordshire**

*What archaeological discoveries have been made at or near to the proposed Bloor Homes site and what other archaeology is likely to be found in the coming months?*

*What discussions have council officers had with the Environment Agency concerning the likelihood of flooding in the vicinity of the proposed development?*

**Answer from Cllr J Jarvis Cabinet Member Environment and Strategic Housing:**

The Council's Archaeologist is liaising with contractors acting for Bloor Homes to identify the scale and nature of the archaeological importance of the site.

Contractors working for Bloor Homes are completing a full evaluation process as set out in PPG 16. This will allow the County Archaeologist to have an appropriate opportunity to assess the results before the Committee determines the application. Additional consultation will be carried out on the completed evaluation.

The applicant has had detailed discussions with the Environment Agency as part of the submission of the application. The details of Flood Risk and Water Resources are set out in Section 15 of the Environmental Statement.

**Questions from Mr I Jardin, Herefordshire CPRE**

*With regard to the project for the construction of the Rotherwas Access Road,*

*How much has been expended to date on this project?*

*How has (1) been funded, itemised by source and amount?*

*What is the latest estimate of the final total cost of this project?*

**SUSTAINABLE RESIDENTIAL DESIGN**

*Policy H13/5-8 of the Unitary Development Plan requires proposals for residential development to provide for energy efficiency, recycling, water conservation, and sustainable drainage.*

*What standards have the Council set to determine whether proposals meet these requirements and where are these standards published?*

**Answer from Cllr J Jarvis Cabinet Member Environment and Strategic Housing:**

Actual spend to date £10,524,810

Funding of spend to date: AWM £6,500,000. Council LTP funding £1,817,076. Council prudential borrowing £2,207,734.

The estimated final cost is £12,780,000.

The issues of sustainable residential design have been discussed with the applicant. The application proposes the following features:

- surface water drainage through a private system.
- the use of sustainable drainage techniques where possible.
- Construction methods to respect the Code of Sustainable themes.

Clearly it will be for a committee of Members to determine the appropriateness and acceptability of this package.

(A copy of the Supplementary Planning Guidance - Design and Development Requirements', published in July 2004 was sent to Mr Jardin following the Council meeting)

**Questions from Mr B Clay, Hereford**

*How would the funding expected from Bloor Homes for the Rotherwas access road be replaced if their planning application at Bullinghope failed?*

*At current market values for the area concerned, what estimate does the Council have for the probable selling price of each type of house proposed by Bloor Homes at Bullinghope?*

**Answer from Cllr J Jarvis Cabinet Member Environment and Strategic Housing:**

The Rotherwas Access Road is being funded as part of the Rotherwas Futures Project. The road element of the project is already fully funded by the Council and Advantage West Midlands and does not rely on a contribution from Bloor Homes.



The issue of the market value of the houses is not a material planning consideration. In the event that the application is granted planning permission it will be for the developer to set its own marketing strategy.

**Questions from Mr M Hill, Hereford**

*How can a planning committee consider a proposal that offers no socially affordable housing if it has no specific information from which to evaluate the alternative benefits offered?*

**Answer from Cllr J Jarvis Cabinet Member Environment and Strategic Housing:**

Neither the Central Area Planning Sub-Committee nor the Planning Committee has yet to consider the application. When the application is reported to Members it will be for Members to balance up the issues and any planning obligations.

**Questions from Mr and Mrs A Hardwicke, Bullingham Lane, Hereford**

*What discussions have council officers had with Welsh Water concerning the effect on sewage disposal of 300 + more houses at Bullinghope?*

*What is the Council's estimate as to the additional vehicle movements, over and above those estimated by Halcrow for Bloor Homes, that would create the gridlock referred to in the Halcrow report?*

**Answer from Cllr J Jarvis Cabinet Member Environment and Strategic Housing:**

Welsh Water is one of the statutory Consultees on the Planning Application. Council officers have consulted Welsh Water on the application and are awaiting their response.

The Transportation Service is currently reviewing the Transport Assessment supplied with the application. This will include comparison with assessment of the site during the UDP inquiry and liaison with the highways agency with respect to impacts on the trunk road network. As this review has not yet been completed it is not possible to comment in detail on the comment included in the question. The result of this review will be submitted to the planning officer for consideration and inclusion in the report to the planning committee on application.

**Questions from Ms R Roseff, Hereford**

*On what date did Bloor Homes first indicate to Herefordshire Council that they would be willing in principle to make a contribution to the Rotherwas Access Road if land at Bullinghope was included in the UDP?*

*Was the first discussion only with members, only with officers, or both?*

**Answer from Cllr J Jarvis Cabinet Member Environment and Strategic Housing:**

Bloor Homes first broached the possibility of residential development at Bullinghope making provision for related road infrastructure in their submission to a public consultation entitled 'Planning for the New Millennium' in 1999. This was linked to the then safeguarded route of the former Hereford bypass scheme in this locality. This route was also taken as a basis for the Rotherwas Access Road. As a public consultation, the results of this were appraised by officers and reported to members following usual processes.

**Questions from Mr R Hattersley, Hereford**

*What level of tailback at the Belmont roundabout would be regarded as acceptable after the construction of 300 new houses at Bullinghope? Please answer specifically with length of tailbacks over periods of time.*

*What is the maximum number of houses that should be constructed without any provision of public transport outside the city centre?*

**Answer from Cllr J Jarvis Cabinet Member Environment and Strategic Housing:**

The Transportation Service is currently reviewing the Transport Assessment supplied with the application. This will include comparison with assessment of the site during the UDP inquiry and liaison with the highways agency with respect to impacts on the trunk road network. As this review has not yet been completed it is not possible to comment in detail on the question.

The Service's response will be submitted to the planning officer for consideration and inclusion in the report to the planning committee.

There is no specific threshold relating to the requirement or not for contributions to public transport. A range of options would normally be considered including; the provision of new infrastructure (bus shelters with high level kerbs for disabled access), the diversion of an existing bus service to serve a new development (this would need to consider the benefits to new users against the increased journey time for existing users) or ultimately the provision of an entirely new service (this would require a substantial developer contribution to cover the cost of a 3-5 year contract). The Council will consider this application in respect of a wide range of sustainable transport issues including improvements to public transport provision.

**QUESTIONS FROM MEMBERS OF THE PUBLIC****Report By: Assistant Chief Executive, Legal and Democratic****Wards Affected****Purpose**

To receive any questions from members of the public deposited more than six clear working days before the meeting of Council.

**Background**

1. Standing Order 4.24 of the Constitution states that: A member of the public may 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 that question is deposited more than six clear working days before the meeting i.e. by close of business on a Wednesday in the week preceding a Friday meeting. No supplementary questions may be asked.
2. A total of 25 minutes shall be set aside for the answering of questions from members of the public save that the Chairman, or Vice-Chairman, if presiding, shall have absolute discretion to vary the period of time by making it shorter or longer as he/she considers appropriate. Any questions unanswered at the expiry of the time limit shall be dealt with by way of written reply to the questioner.
3. Any question which contains defamatory material or the publication of which is likely to be detrimental to the Council's interests, may be rejected.

**Questions**

4. A number of questions have been received by the deadline and are attached at Appendix 1.



Question from Ms Susana Piohtee, Hereford

As you will know, after a great deal of campaigning, the Sustainable Communities Act is now a reality.

In the introductory information it says: 'the Sustainable Communities Act is a new law that empowers citizens and councils to ask for help from government to promote sustainable communities – and then requires the government to reach agreement with them. This is NOT the usual consultation everyone is so fed up with – government cannot just say 'no' to all the good proposals and ideas that local people have. This is new wording and precedent in law.

The whole process will start in October when the government will write to councils inviting them to 'opt in' to the Sustainable Communities Act. It is crucial that your council does this, otherwise you and your community will be excluded from the process and your voice will not be heard.'

Given the amount of development planned for our county over the next years, this Act will provide The Herefordshire Council with a useful tool with which to challenge government on the appropriateness of some of its requirements of this Council. How are you going to respond to this invitation to 'opt in' when invited to do so in October?



Question from Ms Barbara Evans, Kingsthorpe, Hereford

Is it permissible within the Council's constitution for political groups on the Council to receive financial donations from external bodies?





Question from Mr Brian Organ, Tillington, Hereford

Following a number of accidents in the village of Tillington. The road through Tillington, being a high risk road in view of the number of activities conducted on the village road including horse riding, walking, running and cycling. I have a number of questions.

- 1 Do the Council accept the Department of Transport definition of a village as having more than 20 houses?
- 2 Does the Council accept that Tillington has more than 20 houses?
- 3 Does the Council accept that in addition to 20 houses Tillington has a school, a garage, a village shop, a village pub and a village cricket ground?
- 4 Does the Council accept the Department of Transport recommendation that the norm for the speed limit through a village should be 30 mph?
- 5 Does the Council accept its own local transport plan that states it intends to have a "a stepped up speed limit reductions programme to provide more villages with 30 mph limits"?
- 6 Does the Council accept its own five year Local Transport Plan that it requires more school 20 mph zones to enable more children to walk and cycle to school?
- 7 In the light of the Department for Transport recommendations and Herefordshire's Local Transport Plan safety objectives, why is Tillington not a 30 mph speed limit and the school a 20 mph zone?
- 8 Does the Council accept the Department of Transport sponsored research findings that an increase of 10% in speed causes a 30% increase in the accident rate for poor quality roads, as defined in TRL report 511, such as the one through Tillington?
- 9 Could the Council give the number of schools that have had a 20 mph zone instigated in the current 2006/07 to 2011/12 five year plan?
- 10 What are the mobility objectives for the road through the village of Tillington?
- 11 Can I have a copy of the Single Carriageway Rural Roads and the speed assessment framework?
- 12 Why cannot members of the public put supplementary questions to the Council in the light of the ones received, as for instance happens in Portsmouth City Council? An inability to ask supplementary questions to answers given severely limit's the democratic process. A system of supplementary questioning is allowed in many councils why not Hereford?



From Mrs R Gill, Hereford

My husband and I, and my twin boys currently live with my mother. We have been classed as Silver on the homepoint scheme for four years. There is a possibility that we may be given a piece of land to build our own home, therefore relieving the Council of our housing need burden. However with the section 106 agreement contribution which has been brought in this would mean we would have to find about £20,000 for our four bedroom house.

In view of the current economic climate, mortgage and housing shortages and approaching a recession, does the administration think that it is morally right to impose this "roof tax" on first time buyers like myself on one plus dwellings, especially when it was contrary to your own officers' recommendations? Also with the present construction industry redundancies, does the administration realise the impact this decision is having on small building firms?

I know it is being said that the money is for the extra burden being put on local schools and libraries etc., but as I am already living in the area no extra impact is being made, and will under five dwellings really make that much of an impact?



**REPORT OF THE MEETINGS OF CABINET HELD ON:****29 May, 12 June and 10 July 2008**

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**Cabinet Members:** RJ Phillips (Leader of the Council),  
JP French (Deputy Leader),  
LO Barnett, AJM Blackshaw, H Bramer,  
JA Hyde, JG Jarvis, PD Price, DB Wilcox.

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

- 1.1 No decisions reserved for Council approval were considered by Cabinet at meetings covered by this report.

**2. NOTICES OF MOTION**

- 2.1 Cabinet considered no motions to Council at the meetings covered by this report.

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

- 3.1 There were no key decisions made by individual Executive Members which were not included in the forward plan.

**4. CORPORATE STRATEGY AND FINANCE  
(Chairman of Cabinet – Cllr RJ Phillips)****Report on Decisions Taken****4.1 Development of the Local Area Agreement**

- 4.1.1 The Cabinet agreed the final version of the Local Area Agreement for submission to Government Office for the West Midlands, for Ministerial sign off.

**5. CHILDREN'S SERVICES  
(Cabinet Member: Councillor JA Hyde)****Report on Decisions Taken****5.1 Wyebriidge Academy**

- 5.1.1 Cabinet considered a report which sought approval to the closure of Wyebriidge Sports College by way of a public notice, in order to enable the opening of the new Wyebriidge Academy. The Cabinet approved the closure of Wyebriidge College (which would take effect on 31 August 2008).

**5.2 Primary Strategy for Change**

- 5.2.1 Cabinet considered a report in respect of the Primary Strategy for Change, which outlined the programme of capital investment in Primary Schools in Herefordshire over the next 14 years. The report additionally outlined the priorities over the next

two years. The Primary Strategy for Change document was approved by Cabinet for submission to the Department for Children, Schools and Families. It was also agreed that further work would take place in consultation with Leominster Infant and Junior Schools on the siting, design and future organisation prior to a final decision from the DCSF, and that a match funding budget of £250,000 in 2009/10 and in 2010/11 be established.

### **5.3 Cabinet Member ICT, Education and Achievement**

- 5.3.1 Following his appointment to the position of Cabinet Member ICT, Education and Achievement, Councillor PD Price was welcomed to Cabinet meetings

## **6 CORPORATE AND CUSTOMER SERVICES AND HUMAN RESOURCES (Cabinet Member: Councillor JP French)**

### **Report on Decisions Taken**

- 6.1. There were no decisions by Cabinet relating to this portfolio during the reporting period.

## **7 ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES (Cabinet Member – Councillor AJM Blackshaw)**

### **Report on Decisions Taken**

### **7.1 Action Plan to Meet the Challenge of the Government’s Post Office Closure Programme - Update**

- 7.1.1 Cabinet considered an update report on the Government’s Post Office Closure programme and were advised that the proposed closures in Herefordshire were due to be announced publicly on 27 August 2008. Members were informed of the progress being made on an initiative to develop sustainable options for the delivery of post office services to rural communities in Herefordshire. The report also provided an outline evaluation of how Essex County Council’s intervention may be applicable to a rural county.

- 7.1.2 The views of Members were strongly expressed and it was acknowledged that Post Offices provided a vital community facility. It was resolved that the Cabinet Member and officers would work actively with the Rural Shops Alliance, Business Link, Post Office Ltd and other parties in delivering the action plan proposed.

### **7.2 Edgar Street Grid Development – Selection of Preferred Urban Village Strategic Partner.**

- 7.2.1 The Cabinet approved the selection of the preferred strategic partner for the Edgar Street Grid Urban Village and authorised detailed negotiations with that supplier prior to consideration of a full Development Agreements.

## **8 ENVIRONMENT AND STRATEGIC HOUSING (Cabinet Member: Councillor JG Jarvis)**

### **Report on Decisions Taken**

## **8.1 West Midlands Spatial Strategy**

- 8.1.1 The Cabinet considered a report which outlined the Council's proposed response to the West Midlands Regional Assembly consultation on the current review of the Regional Spatial Strategy (RSS) Phase Two, which looked ahead to 2026 and which focussed on housing, employment, the role of centres, and waste.
- 8.1.2 Cabinet agreed to submit representation to the Panel Secretary generally supporting the Phase Two Revisions and that the response be based on the recommendations as outlined in the report and which would additionally reflect the Council's approach to climate change.

## **8.2 Herefordshire Local Development Framework: Core Strategy: Developing Options Paper**

- 8.2.1 Cabinet approved, for consultation, the publication of the Herefordshire Core Strategy : Developing Options Paper, together with the accompanying Sustainability Appraisal and Habitats Regulations Assessment Reports. The publication outlined a series of options for how the County could develop up to 2026 and was based on the new levels of growth contained in the revised RSS (see 8.2). Cabinet was informed that the Sustainability Appraisal and Habitat Regulation Assessment which accompanied the report were a requirement of both national and European legislation.

## **8.3 Strategic Housing Land Availability Assessment**

- 8.3.1 Cabinet considered a report which advised of the ongoing Strategic Housing Land Availability Assessment which was an important part of the emerging evidence base for the Local Development Framework (see 8.3). The report presented the factual position of the assessment of potential as required by the national planning policy to demonstrate the requirements of regional housing provision. Cabinet noted that the maps originally circulated had been amended to reflect the appropriate status of protected open spaces and amenity areas and that the new versions would be made available on the web.
- 8.3.2 Cabinet approved the work to date as a basis for ongoing work and agreed for the preparation of a more detailed survey report on the identified land. Approval was also given by Cabinet for the technical consultation on the study to be signed off by the Cabinet Member Environment and Strategic Housing.

## **8.4 Redevelopment of Defective Concrete Homes at Woodedge, Ross-on-Wye and Archenfield Madley**

- 8.4.1 Cabinet considered and approved the recommendations of a confidential report on the redevelopment of defective concrete homes at Woodedge, Ross on Wye and Archenfield, Madley.

## **8.5 Polytunnels Supplementary Planning Document**

- 8.5.1 Cabinet received and agreed for consultation, a draft supplementary planning document (SPD) which set out further planning guidelines on polytunnel development. The document is included within the Council's Local Development

Scheme (January 2008) and was produced in line with the regulations of the new planning system introduced under the Planning and Compulsory Purchase Act 2004.

## **8.6 Strategic Housing Capital Programme 2008/09**

8.6.1 Cabinet's approval was sought and given to the approval of the Strategic Housing Capital Programme (as outlined in Table 2 of the report), which incorporated the Affordable Housing Development Programme and the Private Sector Programme for 2008/09. Members were additionally informed of external funding contributions, including National Affordable Housing Programme and Specified Capital Grant contributions. This item was presented as a joint report from both the Cabinet Member Environment and Strategic Housing and the Cabinet Member Adult Social Care.

## **9 HIGHWAYS AND TRANSPORTATION (Cabinet Member – Councillor DB Wilcox)**

### **Report on Decisions Taken**

#### **9.1 Highways Network Management Plan 2008 to 2017**

9.1.1 Cabinet considered the Highways Network Management Plan 2008 - 2017, a statutory requirement, which would form the basis for operation and development of the highways network to deliver the Local Transport Plan network management targets. The Cabinet agreed to adopt the Highway Network Management Plan as Council policy.

## **10 RESOURCES (Cabinet Member – Councillor H Bramer)**

### **Report on Decisions Taken**

#### **10.1 Final Revenue and Capital Outturn Report 2007/08**

10.1.1 The Cabinet considered and approved the Final Revenue and Capital Outturn for 2007/08. Approval was also sought and given for the use of unspent budget as outlined in paragraphs 55 and 56 of the report, and approval given of new specific reserves as outlined in paragraph 59 of the report.

#### **10.2 Minimum Revenue Position (MRP) Statement**

10.2.1 Cabinet approved the statutory Minimum Revenue Provision Statement (MRP), as required to comply with the Local Authority (Capital Financing and Accounting) (England) (Amendments) Regulations.

#### **10.3 Procurement Strategy**

10.3.1 Cabinet considered and approved the updated Procurement Strategy, subject to the inclusion of reference to the Council's fair-trade policy. The Strategy defined the approach to be followed by officers and encompassed the corporate policies that needed to be taken into consideration before, during and after the procurement process.



**11 SOCIAL CARE**  
**(Cabinet Member - Councillor LO Barnett)**

**Report on Decisions Taken**

**11.1 Strategic Housing Capital Programme 2008/09**

11.1.1 A decision was made by Cabinet relating to a joint report on Strategic Housing Capital Programme 2008/09 from this portfolio and the Cabinet Member Environment and Strategic Housing (see 8.7).

**11.2 Herefordshire Homelessness Strategy 2008-13**

11.2.1 The Cabinet endorsed the Homelessness Strategy 2008 – 2013, including the associated Action Plan, for publication in accordance with the requirements of the Department of Communities and Local Government (DCLG). Cabinet agreed that annual update reports be presented to Cabinet on progress against the Homelessness Strategy Action Plan.

**COUNCILLOR RJ PHILLIPS**  
**LEADER OF THE COUNCIL**

**Background Papers**

- Agenda papers of the Cabinet meetings held on 29 May, 12 June and 10 July 2008



**CONSTITUTIONAL AMENDMENTS**

**Report By: Assistant Chief Executive, Legal and Democratic Services**

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**Wards Affected**

County-wide

**Purpose**

For Council to consider and approve the adoption of changes to the Council's constitution.

**Recommendation**

**THAT: the Council:**

- (a) Considers and adopts for inclusion in the Constitution a revised Part 6: The Executive which reflects the changes to the Cabinet portfolio Structure
- (b) Notes the need to amend the Constitution's Part 8: Standards Committee to reflect the Standards Committee's extended remit. A formal recommendation for adoption is included in the Standards Committee report at agenda item 12.
- (c) Considers and adopts for inclusion in the Constitution a new Part 12: Officers' Responsibilities (Scheme of Delegation).
- (d) Considers and adopts a new Appendix 12: Protocol for Member / Officer Relations.
- (e) Notes and adopts a new Appendix 14: Code of Conduct for Employees.
- (f) Considers and adopts for inclusion in the Constitution revisions to section 4.24 of the Constitution which refers to Questions and Petitions from Members of the Public as outlined in paragraphs 9-11 below.

**Reasons**

- 1 All Councils are required by law to prepare and keep up to date a Constitution that explains and regulates how the Council operates, how decisions are made and the procedures which are followed.
- 2 To ensure that the Constitution is kept up to date, is robust and meets legislative requirements, Council is requested to adopt changes outlined in the report.

## Considerations

### Part 6: The Executive

4. Following the changes to the Cabinet Portfolio Structure, the Council is requested to adopt the changes as outlined in Appendix 1 which would directly replace Part 6 of the current constitution.

### Part 8: Standards Committee

5. Members will be aware that since May, the law now provides that the Standards Committee will take on the task of examining any complaint against a Herefordshire Councillor, or a Parish or Town Councillor in Herefordshire, and deciding whether it should be investigated. This is in addition to the Committee's present power to hear and determine cases. The Council will be requested to consider the amended Terms of Reference and Constitution of the Standards Committee and sub-committees which reflects the Standards Committee's extended role as outlined in item 12 of the agenda.

### Part 12: Officers' Responsibilities (Scheme of Delegation)

6. The proposed amendments to Part 12 of the Constitution (attached as Appendix 2) reflect the changes to the senior management structure for the Council and its partner, the PCT and provides additional clarity on both the roles of Directors and Cabinet Members on decision-making. This document, has during its drafting stages, been considered by the Audit and Corporate Governance Committee and the Constitutional Review Working Group, and the Council is now formally invited to consider and adopt these revisions.

### Appendix 12: Protocol for Member / Officer Relations

7. The Council is requested to consider and adopt a new version of Appendix 12 (Annex 1) of the Constitution which outlines the Protocols for Member / Officer Relations. This code is considered important in terms the behaviour and interaction between officers and members. This document has been considered by the Constitutional Review Working Group and the Standards Committee during the drafting stages, and is now subject to Council's comments and adoption (attached as Appendix 3).

### Appendix 14: Code of Conduct for Employees

8. The Council is requested to consider and adopt a new version of Appendix 14 of the Constitution which outlines the Code of Conduct for Employees which sets out the standards expected of the officers who work for the Council. This document has been considered by the Constitutional Review Working Group and is brought forward for Council adoption by the Chief Executive as the Head of Paid Services (attached as Appendix 4).

### Questions and Petitions from Members of the Public (Section 4.24 of the constitution)

9. At its Annual Meeting held on 16 May 2008, the Council expressed the need to review its processes and protocols. Whilst a wider revision of the Constitution is being progressed, Council is asked to consider a variation to current arrangements on questions from Members of the Public.

- Suggested wording for a new paragraph 4.24.3
10. *It is proposed that questions received by Members of the Public that have been received in accordance with 4.24.1[of the Constitution] will be dealt with by way of a written reply to the questioner and copies of the questions and answers be circulated at the Council meeting and made available to the press and public. The full written response will be included in the formal record of the meeting.*
- Suggested as additional wording to paragraph 4.24.6
11. *In the case of questions received from Members of the Public which in the opinion of the Assistant Chief Executive Legal and Democratic, amount to the same/similar topic, a composite answer may be provided as a formal response encompassing all matters highlighted by the individual submissions, with an individual letter of response sent to the questioner responding to their particular question. Both the composite answer and individual written response will be included in the formal record of the meeting.*

## Legal Implications

The Constitution is a legal requirement and must be kept up to date reflecting legislative, portfolio and management changes.

## Appendices

Appendix 1: Part 6: The Executive

Appendix 2: Part 12: Officers' Responsibilities (Scheme of Delegation)

Appendix 3: Appendix 12: Protocol for Member / Officer Relations

Appendix 4: Appendix 14: Code of Conduct for Employees

## Background Papers

Reports as considered by the Constitutional Review Working Group, Audit and Corporate Governance Committee and the Standards Committee.



## PART 6

# THE EXECUTIVE

### 6.1 LEADER WITH CABINET

**6.1.1** The Leader and Cabinet Members (known as the Cabinet) will together constitute the Executive of the Council for the purposes of Part II, Local Government Act 2000.

#### 6.1.2 Role and Function

**6.1.2.1** The Cabinet will have responsibility for discharging all the functions of the Council, which are not otherwise the responsibility of any other part of the Council, whether by virtue of law or this Constitution, and it has all the powers that the Council has to discharge these functions.

### 6.2 THE CABINET

**6.2.1** The Cabinet will consist of the Leader of the Council and between three and nine other Cabinet Members appointed by the Leader. The Leader must also appoint one of the Cabinet Members to the post of Deputy Leader. Membership of the Cabinet is set out at Appendix 19.

#### 6.2.2 Terms of Reference

**6.2.2.1** The Cabinet's roles will be:

- To consider the overall management and direction of the Council. Directed by the Leader of the Council, it will work with senior managers to ensure the policies of Herefordshire are clear and carried through effectively;
- To propose to Council a strategic policy framework and individual strategic policies;
- To identify priorities and recommend them to Council;
- To propose to Council the Council's budget and levels of Council Tax;
- To be responsible for risk management
- To give guidance in relation to: policy co-ordination; implementation of policy; management of the Council; senior employees in relation to day to day implementation issues;
- To receive reports from Cabinet Members on significant matters requiring consideration and proposals for new or amended policies and initiatives;

- To consider and determine policy issues within the policy framework covering more than one programme area and issues relating to the implementation of the outcomes of monitoring reviews.

### **6.2.3 Conduct of Business etc**

**6.2.3.1** Cabinet will conduct its business in accordance with the Cabinet Procedure Rules set out at Appendix 1.

### **6.2.4 Appointment of Committees of the Executive**

**6.2.4.1** ✓ Cabinet will have the power to establish Committees to discharge any of its functions in accordance with the Local Government Act 2000.

## **6.3 THE LEADER OF THE COUNCIL**

**6.3.1** The Leader shall be a Councillor elected to the office of Leader by the Council Meeting in accordance with Standing Order **4.3**. The Leader shall hold office until the next annual meeting of Council or if sooner until:

- He/she resigns from the office; or
- He/she is suspended from being a Councillor by virtue of action under Part III of the Local Government Act 2000; or
- He/she ceases to be a Councillor.

### **6.3.2 Exercise of Powers**

**6.3.2.1** The Leader shall assign or re-assign to the Members appointed to Cabinet their portfolio responsibilities.

**6.3.2.2** The Leader and other individual Cabinet Members may exercise all the powers available to the Cabinet to discharge those functions of the Cabinet within their respective programme area responsibilities.

**6.3.2.3** The Deputy Leader will deputise for the Leader (in his absence) and in the management of the administration.

**6.3.2.4** The Leader (and in his absence the Deputy Leader) may make decisions in relation to any of the Cabinet portfolio areas in the absence or otherwise of any individual Cabinet Member.

### **6.3.3 General Terms of Reference**

**6.3.3.1** The Leader's roles are:

- To lead the Council and Cabinet
- To appoint the other members of Cabinet and assign portfolio responsibilities
- To appoint a Deputy Leader of the Council from the Cabinet



- To appoint Cabinet Support Members who, individually, may be allocated long-term responsibility for a particular piece of work, may be allocated time-limited pieces of work, might work jointly with a Cabinet Member in support of parts of their portfolios and/or take responsibility for cross-cutting issues.
- To act as the principal spokesman for the Cabinet
- To manage the Cabinet in accordance with the Cabinet Procedure Rules
- To be responsible for the Corporate Strategy and Finance Programme Area of the Council's operations
- Liaison between the Cabinet and Community Forums
- To convene and chair meetings of the Political Group Leaders
- Corporate policies and strategies
- The policy framework (subject to Council)
- The allocation of resources: finance (capital and revenue) including overall budget and council tax
- Council Tax, National Non-Domestic Rate (NNDR) (subject to Council approval)
- Promotion of the Council as a public authority and external liaison
- Local Government issues including functions, structure, boundaries or electoral arrangements
- European, national and regional matters
- Any initiative not specifically allocated to any other Programme Area.

#### **6.3.4 Conduct of Business**

**6.3.4.1** The Leader of the Council will be responsible for the political management of the Council and, as Leader of the Cabinet, will be consulted by the Chairman of the Council on matters relating to the business of the Council. The Leader will appoint a Deputy Leader of the Council to assist with the political management role.

### **6.4 LEADER'S PROGRAMME AREA RESPONSIBILITIES**

**6.4.1** Subject to the rights of Council in relation to the Policy Framework and Budget, the Leader will be responsible for the Corporate Strategy and Finance remit including:

- 6.4.1.1** Corporate policies and strategies;
- 6.4.1.2** The policy framework (subject to Council approval);
- 6.4.1.3** The allocation of resources: finance (capital and revenue) including overall budget and council tax, property and people;
- 6.4.1.4** Council Tax, National Non-Domestic Rate (NNDR), (subject to Council approval);
- 6.4.1.5** Financial and administrative arrangements including business planning;

- 6.4.1.6 Risk Management
- 6.4.1.7 Communications Strategy, promotion of the Council and external liaison
- 6.4.1.8 Local Government issues including functions, structure, boundaries or electoral arrangements and elections and electoral registration;
- 6.4.1.9 European, national and regional matters;
- 6.4.1.10 Any initiative not specifically allocated to any other Programme Area
- 6.4.1.11 Herefordshire Partnership and the Local Area Agreement

## **6.5 OTHER EXECUTIVE (CABINET) MEMBERS PROGRAMME AREA RESPONSIBILITIES**

- 6.5.1 The other Executive (Cabinet) Members shall be Councillors appointed by the Leader to the Cabinet. There may be no co-optees and no substitutes for Executive Members. Neither the Chairman nor Vice-Chairman of the Council may be appointed to the Executive and members of the Executive (including the Executive Leader) may not be members of a Scrutiny Committee.
- 6.5.2 These other Cabinet Members shall hold office until the next annual meeting of Council or if sooner until:-
  - 6.5.2.1 They resign from office; or
  - 6.5.2.2 They are suspended from being Councillors by virtue of action under Part III of the Local Government Act 2000; or
  - 6.5.2.3 They cease to be Councillors; or
  - 6.5.2.4 They are removed from office, either individually or collectively, by resolution of the Council Meeting, following reference by the Leader to the Council in relation to the continuance of their office.
- 6.5.3 They will exercise day-to-day oversight of the area for which they are assigned responsibility. They will be responsible to Cabinet for its management and for reports on policy development and the achievement of service objectives.

### **6.5.4 General Terms of Reference**

- 6.5.4.1 Without prejudice to their powers in this Constitution, Cabinet Members will have regard to the following principles in the exercise of their powers:
  - Decision making in respect of their area of responsibility within the policy framework and budget
  - Expressing a view on policy implementation issues in their programme area in particular when consulted by a Director or making a recommendation to the Cabinet
  - Recommending major policy changes and referring sensitive policy matters to Cabinet
  - Responding to reports from Scrutiny Committees on service performance
  - Oversight of services within the relevant programme area
- 6.5.4.2 The receipt of information and advice on the exercise of the role from:
  - The full Council of Herefordshire

- The Cabinet
- Directors and other senior employees
- Scrutiny Committees in respect of policy implementation, monitoring and reviews

**6.5.4.3** The Cabinet Member, subject to the specific terms of reference for each individual member set out below, will consider and offer advice on policy issues:

- Of a political nature in relation to their programme area;
- Of a non-strategic nature;
- In conjunction with senior employees, in relation to a management framework for services.

## **6.6 CABINET MEMBER CHILDREN'S SERVICES PROGRAMME AREA RESPONSIBILITIES**

- Terms of Reference
- The Cabinet member Children's Services shall be responsible for:
- Providing leadership and ensure co-ordination across the range of Local Authority children's services, and through engagement with partners, in delivering the Every Child Matters outcomes with a particular focus:
- Be Healthy
- Stay Safe
- Make a Positive Contribution.
- Youth Services including Youth Offending
- Functions conferred on or exercisable by the lead Member for Children's Services under the Children Act 2004 not within the portfolio of the Cabinet Member ICT and Children & Young People's Achievement , including:
- Social Services functions conferred on the Council in relation to children formally in the Council's care under section 23C to 24D of the Children's Act 1989 and the Local Authorities Social Services Act 1970
- Functions under sections 10 – 17 of the Children's Act 2004 to establish services together with partner organisations to safeguard, promote and improve the well-being of Children in Herefordshire
- Any functions exercisable by the Council under section 31 of the Health Act 1999 on behalf of any NHS body so far as those functions relate to children
- Inter agency cooperation
- Champion the cause of effective integration and develop the strategic direction of children services together with partners in a shared vision

## **6.7 CABINET MEMBER CORPORATE AND CUSTOMER SERVICES AND HUMAN RESOURCES PROGRAMME AREA RESPONSIBILITIES**

### **6.7.1 Terms of Reference**

6.7.1.1 The Cabinet Member Corporate and Customer Services and Human Resources will be responsible for:

- Corporate Services (legal and democratic services, communications implementation and delivery, corporate programmes, research)
- Customer Services (including complaints)
- Registration Services (life events)
- Information Services (modern records and archives)
- Personnel issues other than the appointment of staff and those specifically reserved for the Cabinet Member (Children's Services)
- Emergency Planning
- Service Improvement Programme
- Performance Management & Improvement – including performance indicators
- Diversity
- Elections and electoral registration

## **6.8.1 CABINET MEMBER ECONOMIC DEVELOPMENT AND COMMUNITY SERVICES PROGRAMME AREA RESPONSIBILITIES**

### **6.8.2 Terms of Reference**

6.8.2.1 The cabinet member Economic Development and Community Services will be responsible for:

- Common Land (including Council-owned Commons and determination of any complaints about the management of the Council's Commons)
- Community Safety
- Cultural Services
- Heritage Services
- Leisure
- Library Services
- Lifelong Learning
- Parks and Countryside
- Public Rights of Way
- Tourism
- Voluntary/Community Sector Support
- Edgar Street Grid Project

- Economic Development including liaison with local, regional, national and European bodies and appropriate
- Economic Policy
- Planning, provision and management of regeneration activities across the County including Rural Regeneration Zone activity
- Co-ordinating approach to rural issues – community, transport, housing, economy through the Community Strategy (Herefordshire Plan) process
- Liaison with local regional, national and European bodies as appropriate
- Farmers' Markets
- Markets (outside Hereford City)
- Hereford City markets and associated business
- Fair-trade and local produce & products

## **6.9 CABINET MEMBER ENVIRONMENT AND STRATEGIC HOUSING PROGRAMME AREA RESPONSIBILITIES**

### **6.9.1 Terms of Reference**

**6.9.1.1** The Cabinet member Environment and Strategic Housing shall be responsible for:

- Environment promotion and protection issues
- Planning and land use including historic buildings, conservation and archaeology and the approval of supplementary planning guidance, excluding development control and other applications reserved to the Planning Committee
- Waste Management
- Regulatory matters excluding quasi-judicial and other matters reserved to the Regulatory Committee but including Animal Health and Welfare, Environmental Health and Trading Standards
- Cemeteries, crematoria and disused burial grounds
- Public conveniences
- Travellers
- Air Quality Management Strategy
- Contaminated land (where the Council is the owner of otherwise responsible as the polluter)
- The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area
- Any function under a Local Act as referred to in Appendix 22 of the Constitution
- Co-ordination of sustainable environment issues within the County with all Cabinet Members
- The authority's strategic housing responsibilities
- The Housing Investment Programme

## **6.10 CABINET MEMBER HIGHWAYS AND TRANSPORTATION PROGRAMME AREA RESPONSIBILITIES**

### **6.10.1 Terms of Reference**

**6.10.1.1** The Cabinet member Highways and Transportation shall be responsible for:

- Highways and transport matters save for those reserved to the Regulatory Committee
- Land drainage & flood alleviation
- Rivers and waterways
- Street scene

## **6.11 CABINET MEMBER ICT, EDUCATION AND ACHIEVEMENT AREA RESPONSIBILITIES**

### **6.11.1 Terms of Reference**

**6.11.1.1** The Cabinet member ICT, Education and Achievement shall be responsible for:

- Information Technology and e-government
- To provide leadership across the range of Local Authority services and through engagement with partners in delivering the Every Child Matters outcomes with a particular focus on:
- Enjoy & Achieve
- Achieve Economic Wellbeing
- To exercise functions conferred on or exercisable by the lead Member for Children's Services under the Children Act 2004 in relation to Education Services function as a LEA (except further, higher and adult education)
- Education matters, excluding quasi-judicial matters reserved to the SEN Tribunal and Pupil Admissions/Exclusions Appeal Panels, and also excluding responsibilities delegated to school governing bodies
- Promote the educational achievement of looked after children as set out in section 22 (3A) of the Children Act 1989 as amended
- Post-16 education and training (excluding lifelong learning)

## **6.12 CABINET MEMBER RESOURCES PROGRAMME AREA RESPONSIBILITIES**

### **6.12.1 Terms of Reference**

**6.12.1.1** The Cabinet member Resources shall be responsible for:

- Supporting the Leader in the corporate finance area and Financial Management

- Strategic Property
- Procurement (strategic)
- Audit
- Housing Benefit
- Smallholdings Estates including selecting tenants in consultation with two non-executive members (one from the administration and one from the opposition) and maintaining the estate
- Amey Wye Valley Ltd.

## **6.13 CABINET MEMBER SOCIAL CARE ADULTS PROGRAMME AREA RESPONSIBILITIES**

### **6.13.1 Terms of Reference**

6.13.1.1 The Cabinet member Social Care Adults and Health shall be responsible for:

- Social Services matters excluding matters relating to children and quasi-judicial matters reserved to the Social Care Appeals Panel and other bodies
- Integrated services and partnership arrangements in social care
- Adult Social Care including Supporting People and Learning Disabilities
- Older Peoples Services Leader
- Homelessness, housing allocation and housing condition





## PART 12

## SCHEME OF DELEGATION

## 12.1 INTRODUCTION

12.1.1 Within the limitations specified below, discharge of the Council's executive functions is delegated to the Chief Executive, Directors and specific officers.

12.1.2 This Scheme of Delegation ("the Scheme") sets out the procedures to be followed in the performance of delegated executive functions. It is an extremely important part of the corporate governance framework that helps to guarantee the integrity of the Council's business processes. The requirement for officers to comply with the Scheme is mandatory and their delegated responsibilities are outlined within their specific job descriptions. Consistent or significant failure to comply with the Scheme may be a matter for disciplinary investigation.

12.1.3 For the purposes of this Scheme:

- a) The 'Leader' is the Leader of the Council as elected by the Council.
- b) A 'Cabinet Member' is a member appointed as such by the Leader.
- c) A 'portfolio' is the area of Council activity allocated by the Leader to a Cabinet Member.
- d) 'Joint Management Team' (JMT) is the overarching management team for both Herefordshire Council and the Herefordshire PCT. The term 'Joint Management Team', is used in this document to refer to JMT members with Council responsibilities acting in their individual capacities rather than collectively as the JMT:
  - (i) Those positions listed below as (I-VIII) are those Members of JMT who are directly employed by Herefordshire Council and are covered by this scheme.
    - I. The Chief Executive.
    - II. Deputy Chief Executive.
    - III. The Director of Children's Services.
    - IV. The Director of Resources (Council)
    - V. Director of Regeneration.
    - VI. Director of Environment and Culture.
    - VII. Assistant Chief Executive – HR.
    - VIII. Assistant Chief Executive – Legal and Democratic.

(ii) Those positions listed below (IX and X) are those Members of JMT who, whilst directly employed by Herefordshire PCT, have specific responsibilities outlined in this Scheme.

- IX Director of Integrated Commissioning (DASS).
- X Director of Public Health (PCT)

(iii) Those positions listed below as (XI To XIII) are Members of JMT who are directly employed by Herefordshire PCT. It is mandatory for these positions to be mindful of and adhere to this Scheme in respect of any matters of direct impact to the Council or its employees.

- XI The Director of Resources (PCT).

- XII Managing Director of Provider Services (PCT)
- XIII Director of Clinical Leadership and Quality (PCT)

e) There are three 'Statutory Officers', as follows:

- I. The **Head of Paid Service (Chief Executive)** who reports to the Council on the way in which the discharge of the Council's functions is co-ordinated, the number management and salary of employees needed to discharge those functions, and the organisation of those employees.
- II. The **Monitoring Officer (Assistant Chief Executive – Legal and Democratic)** who is responsible for advising on any proposal, decision or omission actually or potentially giving rise to a breach of law or of any statutory code of practice or may lead to maladministration.
- III. The **Chief Finance Officer (Director of Resources (Council))** who is responsible for the proper administration of the Council's financial affairs.

f) There are four 'Heads of Profession' with specific delegations, as follows:

- I. The **Assistant Chief Executive – Human Resources**: all human resources and employee health & safety issues.
- II. The **Head of Financial Services**: all contracting and procurement issues relating to works, goods and services, also the deputy Chief Finance Officer role.
- III. The **Head of Asset Management & Property Services**: all land and property issues.
- IV. The **Head of ICT** in respect of all information and communications technology hardware, software, systems and support services.

12.1.4 Reference to the Director of Resources hereafter shall be to the Director of Resources (Council).

12.1.5 For the purposes of this Scheme, any reference to any legislation, statutory regulation, schedule of an Act, Code of Practice, etc. shall be construed to include any amendments that may be made to them from time to time.

## **12.2 LIMITATIONS**

12.2.1 This Scheme does not delegate to officers:

- a) Any matter reserved by law or by the Constitution to the Council, Cabinet, Committee or Sub-Committee of the Council.
- b) Any matter which by law may not be delegated to an officer.
- c) A Key Decision as defined in the Council's Constitution.

12.2.2 Officers may only exercise delegated powers in accordance with:

- a) The Budget and Policy Framework Rules approved by the Council.
- b) The budget approved by the Council.

- c) The Council's Constitution including its Contract Procedure Rules and Financial Procedure Rules as set out in Appendices 4 and 5 of the Constitution.
- d) Any statutory restrictions, statutory guidance or statutory code of practice.

12.2.3 In exercising delegated powers, officers shall:

- a) Act within the Council's approved revenue and capital budgets for the relevant service, subject to any variation permitted by the Council's Financial Procedure Rules or the Director of Resources under delegated authority.
- b) Comply with the restrictions set out in paragraph 12.2.2 and consult with the Council's Statutory Officers as appropriate before making a decision
- c) Comply with any professional standards or operational policies of the Council and consult with the Assistant Chief Executive - Legal and Democratic or Heads of Profession relevant to the matter under consideration.
- d) Be mindful of and act within the appropriate Schemes of Delegation when working on matters relating to both Council and PCT.

### **12.3 SUB-DELEGATION**

12.3.1 This Scheme authorises members of the Joint Management Team to further delegate any function that has been delegated to them under this Scheme to another officer or officers. Sub-delegations can be temporary arrangements and are to be made to individuals rather than posts.

12.3.2 Every sub-delegation shall be in writing, setting out the confines and accountability for the function and the terms and conditions for the performance of it.

12.3.3 Each member of the Joint Management Team shall record all sub-delegations in a register maintained for the purpose by them. These registers are to be kept in line with the Council's policies for the retention of documents.

### **12.4 CABINET MEMBER DECISIONS**

#### **Definition**

12.4.1 Cabinet Member decisions shall be confined within the terms of the relevant Cabinet Member's area of responsibility set out in Part 6 of the Constitution and also in accordance with the General Terms of Reference for Cabinet Members set out in Part 6.6.5.4. of the Constitution.

12.4.2 Cabinet Member Decisions are those that do not fall within the definition of an Administrative or Management Decisions (see 12.5) and are not Key Decisions as defined in the Council's Constitution.

12.4.3 Each member of the Joint Management Team is responsible for identifying and advising on Cabinet Member Decisions and managing the process in line with the arrangements set out below.

#### **Reports**

12.4.4 Before asking a Cabinet Member to make a decision, the member(s) of the Joint Management Team concerned shall draft a report using (but not necessarily limited to) a pro-forma prepared by the Assistant Chief Executive – Legal and Democratic identifying:

- a) The title of the report.
- b) The Cabinet Member portfolio(s) concerned.
- c) The report author and telephone contact details.
- d) The date the report will be considered.
- e) The restrictions on publishing the Cabinet Member Decision report which will be determined by reference to Sections 100 and 100A to 100K of the Local Government Act 1972.
- f) The electoral wards affected.
- g) The purpose of the report, that is, the issue to be decided.
- h) The recommendations being proposed.
- i) The reasons and issues for those recommendations, such as:
  - I. the facts of the matter;
  - II. any legislative requirements;
  - III. any Council policies relating to the issue; and
  - IV. any relevant national or regional guidance.
- j) The alternative options available to the Cabinet Member with a financial assessment of those options provided or supervised by the Director of Resources or sub-delegated officer.
- k) The employment/staffing implications.
- l) The legal issues.
- m) The financial implications, both strategic and operational.
- n) The risk management issues.
- o) The implications for any other areas of the Council's activities and crosscutting themes.
- p) Confirmation from the report author that comment has been sought from the Statutory Officers, Heads of Profession and any other member of the Joint Management Team affected by the proposals.
- q) The appendices.
- r) The background papers and previous reporting decisions.

**Consultation**

12.4.5 The member(s) of Joint Management Team concerned shall then send a copy of the Cabinet Member Decision report to:

- a) The Cabinet Member(s) whose portfolio(s) includes the area of activity under consideration or, if unavailable for any reason or has a personal and prejudicial

interest in the matter, the Leader or alternative Cabinet Member nominated by the Leader.

- b) Any local Member whose ward might be affected.
- c) All Statutory Officers.
- d) All relevant Heads of Profession.
- e) Any other member of the Joint Management Team who is responsible for services that might be affected by the proposed decision.

#### **Objections**

12.4.6 The Cabinet Member and other consultees listed in 12.4.5 have 5 working days after receiving the draft report to object in writing to the report.

#### **Determination**

12.4.7 If no objections are received, the Cabinet Member shall concur to sign the report to confirm his/her agreement to the recommendations adopting the reasons set out in the report. Once the Decision Notice is published, the member(s) of the Joint Management Team concerned will implement the decision.

12.4.8 If a consultee has objected to the proposed decision, the report will be referred to Cabinet. The member(s) of Joint Management Team concerned shall not take any action in respect of the proposed recommendations until Cabinet has determined the matter.

12.4.9 The member(s) of Joint Management Team concerned shall send a copy of the report to the Assistant Chief Executive – Legal and Democratic who will include it on the agenda for the next convenient Cabinet meeting. Cabinet shall determine the recommendations of the member(s) of Joint Management Team.

#### **Referring to Cabinet**

12.4.10 A member of the Joint Management Team may consider that an issue requires a Cabinet key decision and in discussion with their Cabinet Member, the member of Joint Management Team may report the matter to Cabinet in such circumstances.

#### **Urgent Cabinet Member Decisions**

12.4.11 Cabinet Members have the power to take an Executive Decision in exceptional circumstances even if the full decision-making process has not been followed.

12.4.12 If a member of Joint Management Team is of the opinion that an Executive Decision should be taken by a Cabinet Member more urgently than the decision-making process allows – for example to prevent or reduce risk to persons, property or the Council's interests – the member of the Joint Management Team shall:

- a) Use his/her best endeavours, as far as the urgency of the matter permits, to consult those persons they would normally have consulted had the full decision-making process been followed before advising the Cabinet Member on the decision to be made.
- b) Ensure that a report in the format outlined in 12.4.4 is written promptly and includes the reasons for taking the decision urgently. The report must be sent to the Assistant Chief Executive – Legal and Democratic to present to the next convenient Cabinet meeting.

### **Recording Cabinet Member Decisions**

- 12.4.13 A member of Joint Management Team drafting a Cabinet Member Decision report shall provide the Assistant Chief Executive Legal and Democratic with the signed decision of the Cabinet Member within two working days of the date of decision.
- 12.4.14 The Assistant Chief Executive – Legal and Democratic shall publish all Cabinet Member Decisions within 5 working days of the date of the decision.
- 12.4.15 The Assistant Chief Executive – Legal and Democratic shall ensure that a record of Cabinet Member Decisions is published and reported to the relevant Scrutiny Committee. This record shall also be available for public inspection during normal office hours and be publicly available on the Council's website. Copies can be made available and may be subject to the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.
- 12.4.16 The record of Cabinet Member Decisions shall include the member of Joint Management Team's report supporting the Decision subject to any requirement for confidentiality.

### **Call-in Mechanism**

- 12.4.17 Where a Cabinet Member Decision involves expenditure or reductions in service in total of more than £500,000, then that decision is provisional unless the Council has previously approved the specific expenditure or reduction.
- 12.4.18 A provisional Cabinet Member Decision will be notified in accordance with the Scrutiny Committee rules.
- 12.4.19 A provisional Cabinet Member Decision may be called in under the terms of the Council's scrutiny procedure rules.
- 12.4.20 A provisional Cabinet Member Decision can be implemented if not called-in.

### **Accountability**

- 12.4.21 Members of the Joint Management Team are accountable to the Council for every Cabinet Member Decision they advise on. They may be required to report to and attend Strategic Monitoring Committee or a Scrutiny Committee in respect of their advice on Cabinet Member Decisions.

## **12.5 ADMINISTRATIVE DECISIONS**

### **Definition**

- 12.5.1 Administrative Decisions are day-to-day operational decisions delegated to officers. Directors are encouraged to take responsibility for Administrative Decisions to assist with the effective discharge of the Council's functions.
- 12.5.2 A decision is deemed to be an Administrative Decision unless it:
- a) Is a Key Decision as defined in the Council's Constitution.
  - b) Is a reserved decision.
  - c) Is not included in the approved budget.
  - d) Conflicts with the Council's Budget and Policy Framework.
  - e) Raises new issues of policy.

- f) Involves any of the following:
  - I. changing employees' employment contracts or TUPE transfer employees;
  - II. acquiring or disposing of land or property outside of the specific designations to the Head of Asset Management & Property Services;
  - III. viring capital or revenue budget of more than the prevailing European procurement limit for supplies and services (currently £144,000);
  - IV. accepting a tender for a capital or revenue contract in excess of the European procurement limits for supplies or services (currently £144,000); or
  - V. accepting any tender for a contract that involves a departure from the Contract Procedures Rules.
- g) Involves making, approving or publishing a draft order, scheme or plan that may require, either directly or in the event of an objection, the approval of a Secretary of State.
- h) Requires the passage of local order or the adoption by the Council of national legislation.
- i) Proposes an ex-gratia payment or payment of a sum in settlement of a complaint against the Council or in local settlement of an Ombudsman complaint.
- j) Is in response to an Ombudsman finding of maladministration with injustice.
- k) Proposes to write-off a debt to the Council of more than £20,000.
- l) Proposes an alteration in the charges that the Council makes for any of its services other than allowed for in the Financial Procedure Rules.
- m) Raises an objection from any of the Statutory Officers or a Head of Profession.
- n) A member of the Joint Management Team is of the opinion it should be treated as an Executive Decision.

### **Consultation**

12.5.3 Members of the Joint Management Team do not have to prepare or publish a formal written report in respect of an Administrative Decision. However, they are responsible for ensuring that appropriate written records of the advice sought from the Statutory Officers and Heads of Profession are kept.

12.5.4 If an Administrative Decision proposes the write-off of a debt to the Council, the Director of Resources/Head of Benefit & Exchequer Services must be consulted on the application of the relevant Financial Procedure Rules.

### **Referring an Administrative Decision**

12.5.5 This Scheme encourages members of the Joint Management Team to take responsibility for Administrative Decisions. However, members of the Joint Management Team can decide to treat an Administrative Decision as a Cabinet Member Decision in which case the arrangements set out in Section 12.4 apply.

### **Recording and Reporting Administrative Decisions**

12.5.6 There is no requirement to report Administrative Decisions to Council, Cabinet, Committees or Sub-Committees.

12.5.7 Members of the Joint Management Team are responsible for ensuring that all those who need to know about Administrative Decisions are informed promptly.

**Retaining Records**

12.5.8 Members of the Joint Management Team are responsible for retaining a record of Administrative Decisions that they take and the reasons for them. The records kept must be sufficient for audit and evidential purposes (for example Judicial Review, Employment Tribunal, Ombudsman, Audit Commission, OFSTED or other proceedings or investigation).

12.5.9 Members of the Joint Management Team are responsible for ensuring that records supporting Administrative Decisions are stored securely and for the period required in the Council's policy on document retention.

**12.6 REPORTS TO COUNCIL, CABINET, COMMITTEES OR SUB-COMMITTEES**

**Joint Management Team's Responsibilities**

12.6.1 Members of the Joint Management Team are responsible for ensuring that reports are drafted in accordance with the protocol set out in this section of the Scheme of Delegation. This includes obtaining comments from the Statutory Officers, Heads of Profession, any other Directors, relevant Cabinet Members and local Members affected by the proposals contained in the report in good time.

12.6.2 Any reports presented to the Assistant Chief Executive – Legal and Democratic that have not been drafted in accordance with this Scheme and do not contain confirmation that these consultations have taken place are to be deferred by him/her until the process outlined in section 12.6 has been followed.

**Forward Plan**

12.6.3 Members of the Joint Management Team are responsible for identifying reports that need to be incorporated into the Forward Plan setting out a timescale as to when such a report will be provided to Cabinet.

**Report Format**

12.6.4 All Cabinet, Committee and Sub-Committees reports and those relating to Cabinet Member decisions must be prepared using the pro-forma prescribed by the Assistant Chief Executive – Legal and Democratic. .

12.6.5 The Assistant Chief Executive – Legal and Democratic may prescribe a pro-forma specific to Council, Cabinet, each Committee, each Sub-Committee and Cabinet Member decision. The following information will be required as a minimum:

- a) The title of the report.
- b) The Cabinet Member(s) portfolio(s) concerned.
- c) The meeting at which the report is to be considered.
- d) The date of the meeting at which the report is to be considered.
- e) The name of the report author and telephone contact details.
- f) The restrictions on publishing the report as set out in Sections 100 and 100A to 100K of the Local Government Act 1972.
- g) The electoral wards affected.



- h) The purpose of the report, that is, the issue to be decided.
- i) Whether the decision is a Key Decision or not, the reasons why in either case, and whether there are any Forward Plan implications.
- j) The recommendations being proposed.
- k) The reasons for those recommendations:
  - I. the facts of the matter;
  - II. any legislative requirements;
  - III. any Council policies relating to the issue; and
  - IV. any relevant national or regional guidance.
- l) The alternative options available with a financial assessment of those options provided or supervised by the Director of Resources or sub-delegated officer.
- m) The employment/staffing implications – comments must be agreed with the Head of Human Resources.
- n) The legal issues – comments must be agreed with the Assistant Chief Executive – Legal and Democratic
- o) The financial implications, both strategic and operational – comments must be agreed with the Director of Resources, or in their absence, a nominated representative.
- p) The risk management issues – comments must be agreed with the Risk & Insurance Manager.
- q) The consultations undertaken and the views expressed by the consultees.
- r) The implications for any other areas of the Council’s activities and crosscutting themes.
- s) Confirmation from the report author that comment has been sought from the Statutory Officers, Heads of Profession and any another member of the Joint Management Team affected by the proposals.
- t) The appendices.
- u) The background papers and previous reporting and decision making.

12.6.6 The accuracy of such report is the responsibility of the report author.

**Finalising Reports**

12.6.7 The Chief Executive is responsible for giving final approval to all reports scheduled for Council and Cabinet once he is satisfied that the Director of Resources and Assistant Chief Executive – Legal and Democratic have been properly consulted.

12.6.8 Members of the Joint Management Team are responsible for giving final approval to all reports scheduled for Committees and Sub-Committees once they are satisfied that the Statutory Officers have been properly consulted.

### **Agenda Despatch**

- 12.6.9 Members of the Joint Management Team must ensure that their reports are available for the Assistant Chief Executive – Legal and Democratic to despatch with respective agenda papers in order to meet the legal requirements for Council/Committee and Cabinet meetings.
- 12.6.10 Members of the Joint Management Team must ensure that a report subsequent to release of the agenda only happens in exceptional circumstances in the interest of efficiency and to aid effective decision-making.
- 12.6.11 Members of the Joint Management Team are to take personal responsibility for seeking approval from the Chief Executive for late despatch of a report to Council and Cabinet prior to the agenda being printed. The Chief Executive will discuss the position with the Leader before confirming late despatch is acceptable.
- 12.6.12 Members of the Joint Management Team are to take personal responsibility for agreeing late despatch of any of their reports to Committees or Sub-Committees with the Chair of the relevant Committee or Sub-Committee before the agenda is due to be printed.

## **12.7 GENERAL DELEGATIONS TO THE CHIEF EXECUTIVE AND DIRECTORS**

### **General**

- 12.7.1 Members of the Joint Management Team are authorised to act on behalf of the Council in relation to any matters within the service area for which they are responsible and as set out in Appendices 18, 22 and 23 of this Constitution, subject to the limitations set out in 12.2.
- 12.7.2 Members of the Joint Management Team are expected to maintain a close liaison with the relevant Cabinet Members and Committee Chairmen.
- 12.7.3 Members of the Joint Management Team must consult with the local members that might be affected by the exercise of their delegated powers.
- 12.7.4 Members of the Joint Management Team will comply with the Protocol for Member / Officer Relations as set out in the Council's Constitution.
- 12.7.5 Members of the Joint Management Team must ensure the Chief Executive is consulted on key or controversial issues when appropriate and kept informed.
- 12.7.6 An authorised officer can exercise any power conferred on a member of the Joint Management Team in their absence or at other times subject to 12.3 of the constitution.
- 12.7.7 Members of the Joint Management Team shall take all necessary steps to protect or advance the business interests of the Council after having consulted with the relevant Cabinet Member, Committee Chairman or full Cabinet as appropriate. Any such action shall be reported to the appropriate body. The roles and responsibilities of the Statutory Officers are set out in 12.8, 12.14 and 12.16.
- 12.7.8 Members of the Joint Management Team are authorised to decide whether the Common Seal of the Council should be affixed to a document indicating the appropriate authority for such sealing. It must be affixed to all contracts with a total value in excess of the prevailing European procurement limits. Such sealing shall be carried out by the Assistant Chief Executive – Legal and Democratic on receipt of authorisation.

- 12.7.9 Members of the Joint Management Team are authorised, having consulted with the Chief Executive, to give notice of their intention to make a written report to the full Council on a proposed decision they consider to be contrary to or not in compliance with the Council's Constitution, policies or government advice. Members of the Joint Management Team may not take any further action to implement the decision being challenged and the matter will be automatically reported to the Cabinet or Council for decision or recommendation as appropriate. A special Council meeting may have to be arranged in order that the matter can be considered promptly.
- 12.7.10 Members of the Joint Management Team are responsible for ensuring the Council's Criminal Records Bureau policies and procedures are followed.
- 12.7.11 Members of the Joint Management Team, whether acting individually or corporately, are responsible for:
- Contributing to the effective leadership of the Council.
  - Contributing to the management of the Council.
  - Ensuring the Council's financial resources are well managed.
  - Contributing to cross-authority issues and to the development of the Council.

**Asset Management & Property Services**

- 12.7.12 Members of the Joint Management Team may in consultation with the Head of Asset Management & Property Services declare Council land or property surplus to requirements.
- 12.7.13 Members of the Joint Management Team may in consultation with the Head of Asset Management & Property Services arrange for sessional lettings of Council premises for periods of less than 24 hours.
- 12.7.14 Members of the Joint Management Team may in consultation with the Head of Asset Management & Property Services propose the acquisition of land or property in accordance with the provisions of the Asset Management Plan and Capital Strategy.
- 12.7.15 Members of the Joint Management Team may in consultation with the Head of Asset Management & Property Services propose the acquisition of a leasehold interest in land or property in accordance with the provisions of the Asset Management Plan and Capital Strategy.
- 12.7.16 Members of the Joint Management Team and Heads of Service shall ensure that lessees and other prospective occupiers of Council land are not allowed to take possession or enter land or property until a lease or agreement, in a form approved by the Director of Resources and the Assistant Chief Executive – Legal and Democratic, has been agreed.
- 12.7.17 Members of the Joint Management Team shall ensure the proper security of all buildings and other assets under their control.
- 12.7.18 Members of the Joint Management Team shall periodically review the Council's land and property in order to identify any that are surplus to requirements.
- 12.7.19 Where Council-owned land and buildings are identified as surplus to requirements, a recommendation for the sale of land should be the subject of a joint report by the Chief Executive or Director and the Director of Resources.

- 12.7.20 Where the use of Council land or property is subject to a proposal for a change of use, the member(s) of the Joint Management Team concerned shall consult with the Director of Resources. The Director of Resources will decide if such proposals are acceptable and inform the Cabinet Member (Resources) and relevant Cabinet Member(s), of his/her decision on the proposal.
- 12.7.21 Members of the Joint Management Team shall pass title deeds to the Assistant Chief Executive – Legal and Democratic who is responsible for the custody of all the Council's title deeds.
- 12.7.22 Members of the Joint Management Team must ensure that no Council asset is subject to third party or personal use by an employee or Member without proper authority.
- 12.7.23 Members of the Joint Management Team must ensure the safe custody and proper recording and use of vehicles, equipment, furniture, stock, stores and other property belonging to the Council.
- 12.7.24 Members of the Joint Management Team must ensure that a register of moveable assets is kept in compliance with arrangements defined by the Director of Resources.
- 12.7.25 Members of the Joint Management Team must ensure assets are identified, their location recorded and that they are appropriately security marked and insured.
- 12.7.26 Members of the Joint Management Team must consult the Director of Resources in any case where security is thought to be defective, where it is considered that special security arrangements may be needed or where issues of health and safety are involved.
- 12.7.27 Financial management** Members of the Joint Management Team shall ensure that the relevant Cabinet Member is advised of the financial and legal implications of all proposals to change existing or develop new services. Following their identification and consideration of a full options appraisal process, including a financial assessment of the options identified. Members of the Joint Management Team are responsible for securing financial and legal advice from the Director of Resources and Assistant Chief Executive – Legal and Democratic respectively.
- 12.7.28 The Director of Resources in consultation with the Assistant Chief Executive – Legal and Democratic is to prepare Financial Procedure Rules and Contract Procedure Rules. These rules will be proposed for formal adoption by the Council by the Assistant Chief Executive.
- 12.7.29 Members of the Joint Management Team are responsible for ensuring that a Scheme of Financial Delegation is in place for their area of responsibility in consultation with the Director of Resources and the Assistant Chief Executive – Legal and Democratic. The Scheme of Financial Delegation is to set out the arrangements for the discharge of their responsibilities contained in the Council's Contract Procedure Rules and Financial Procedure Rules and is to be kept up to date.
- 12.7.30 Members of the Joint Management Team are responsible for ensuring that budget estimates reflecting agreed service plans are prepared in line with guidance issued by the Director of Resources.
- 12.7.31 Members of the Joint Management Team are authorised to sign contracts with third parties on behalf of the Council provided the expenditure to be incurred is necessary, the appropriate budget approval is in place and the action complies in all other respects with the Council's Financial Procedure Rules and Contract Procedure Rules.

- 12.7.32 Before any commitments are incurred, members of the Joint Management Team are responsible for consulting with the Director of Resources and seeking his/her written approval regarding any matters that are not included in the approved budgets and are liable to materially affect the Council's finances (amounts greater than the prevailing European procurement limit for supplies and services which is currently £144,000).
- 12.7.33 Members of the Joint Management Team are responsible for drawing to the attention of all officers in their areas of responsibility, the existence and content of the Council's Contract Procedure Rules and Financial Procedure Rules and related guidance prepared by the Director of Resources. Members of the Joint Management Team shall ensure that these documents are readily available for reference within their Directorates and are complied with by the officers for whom they are responsible
- 12.7.34 Members of the Joint Management Team are responsible for ensuring that officers they propose to include in their Schemes of Financial Delegation have attended the mandatory in-house financial management training appropriate to their level of financial responsibility before being authorised to exercise those responsibilities.
- 12.7.35 Members of the Joint Management Team are responsible for managing service delivery within the agreed revenue and capital budgets for their area of responsibility. For revenue budgets, the permitted tolerance is +1% of the in year budget. For capital budgets, the tolerance is +5% of approved capital budget over the lifetime of the project. These tolerances allow for approved changes to budgets within a financial year and take account of any properly authorised urgent decisions.
- 12.7.36 Members of the Joint Management Team are responsible for identifying any income in excess of the known budget and on the availability of budget no longer required for the purpose for which its allocation was approved. Additional financial capacity shall be considered a corporate resource and allocated in line with corporate priorities.
- 12.7.37 Members of the Joint Management Team are responsible for providing performance information that contributes to effective financial modelling for budget setting and outturn forecasting purposes.
- 12.7.38 Members of the Joint Management Team are responsible for ensuring team, service and Directorate risk registers are established and maintained in line with the Council's Risk Management Strategy.
- 12.7.39 Members of the Joint Management Team are responsible for ensuring that works, goods and services are purchased from preferred Council suppliers where such have been identified. A list of preferred Council suppliers is maintained by, and is available from, the Director of Resources.
- 12.7.40 Members of the Joint Management Team are responsible for ensuring that the Director of Resources and/or the Assistant Chief Executive - Legal and Democratic or nominated representatives, together with Internal and/or External Audit officers, have immediate access if required to any assets, documents, staff or systems.
- 12.7.41 Members of the Joint Management Team are responsible for taking immediate remedial action if the financial governance arrangements in their area of responsibility do not achieve the required standard, conducting recorded investigation(s) and instigating disciplinary proceedings if appropriate. They shall report every such incident in writing to the Director of Resources and Assistant Chief Executive – Legal and Democratic.
- 12.7.42 Members of the Joint Management Team are required to work together to ensure that all fundamental systems achieve as a minimum a 'satisfactory' internal audit opinion.

- 12.7.43 Members of the Joint Management Team are responsible for ensuring that all fundamental systems and financial systems are reconciled on a monthly basis.

#### **Human Resources**

- 12.7.44 Subject to the requirements as set out in Appendix 6 of the Council's Constitution, all members of JMT are authorised to appoint, dismiss, discipline and determine all other matters relating to the employment of staff (Appendix 6 - Appointment and Discipline of Employees) and in accordance with the Council's terms and conditions of employment. The Chief Executive and Directors can sub-delegate such responsibilities in accordance with 12.3.
- 12.7.45 Members of the Joint Management Team are responsible for ensuring action is taken in accordance with the Council's Disciplinary Procedures in the event that an employee consistently fails to meet the agreed standards of performance in their role.
- 12.7.46 Members of the Joint Management Team and all other officers will comply with the Code of Conduct for Employees and will be required to formally acknowledge receipt and understanding of the code on taking up employment with the Council.

### **12.8 SPECIFIC DELEGATIONS TO THE CHIEF EXECUTIVE**

#### **Statutory Officer Responsibilities**

- 12.8.1 The Chief Executive as Head of Paid Service will discharge the statutory responsibilities of the Head of Paid Service and is responsible for reporting to the Council on the manner in which the discharge by the Council of its functions is co-ordinated.
- 12.8.2 The Head of Paid Service shall have the right of access to all Members both individually and collectively and to the Council, Cabinet and any Committee or Sub-Committee. This does not extend to any meetings held by or on behalf of any political group.

#### **Other Responsibilities**

- 12.8.3 The Chief Executive shall be authorised to act on behalf of the Council in relation to all functions relating to elections as set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended from time to time.
- 12.8.4 The Chief Executive is responsible for the overall corporate management of the Council and has overall management responsibility for all employees.
- 12.8.5 The Chief Executive is responsible for the provision of professional advice to all officers and Members on the decision making process.
- 12.8.6 The Chief Executive (or in his absence the Assistant Chief Executive - Legal and Democratic) is authorised to attest the application of the Common Seal of the Council to a document in a book provided for the purpose with sequentially numbered entries.
- 12.8.7 In the absence of the Assistant Chief Executive - Legal and Democratic, the Chief Executive is authorised to authenticate documents needed for legal proceedings or legal agreements, contract notices or orders under hand on behalf of the Council.
- 12.8.8 The Chief Executive is responsible for reviewing and enforcing the Council's Anti-Fraud and Corruption policy except for matters relating to Housing and Council Tax benefit.

## **12.9 SPECIFIC DELEGATIONS TO THE DIRECTOR OF INTEGRATED COMMISSIONING (DASS)**

- 12.9.1 To have responsibility for the following activities:
  - a) Adult Social Care Services.
  - b) Strategic planning and purchasing of adult and children's social care and health services
  - c) Section 75 agreements between the council and the primary care trust
  - d) Supporting People programme
- 12.9.2 Development and delivery of integrated strategies and action plans covering services for older people, mental health, learning difficulties and other groups as required.
- 12.9.3 Delivery of a joint approach to the identification of service needs, planning of services, and the development of integrated management, monitoring and reporting systems for the delivery of adult and children's health and social care across Herefordshire.
- 12.9.4 Co-ordinating the approach to the strategic commissioning of adult and children's services across statutory agencies, voluntary and independent sectors.
- 12.9.5 Development of commissioning from the PCT and Herefordshire Council provider services and oversight of the delivery of future arrangements for the care management function
- 12.9.6 Joint needs assessment, procurement and contract management.
- 12.9.7 Development of a plan for the provision of community care services in the County
- 12.9.8 To undertake the statutory Director of Adult Social Services (DASS) role.
- 12.9.9 To comply with the appropriate general provisions as outlined in the National Health Service and Community Care Act 1990 (as amended from time to time).
- 12.9.10 To carry out any functions assigned in pursuance of the Council's Constitution, Standing Orders, Contract Procedure Rules, Financial Procedure Rules, Budget & Policy Framework Rules, protocols and any approved policies, plans, codes, practices and procedures of the Council.

## **12.10 SPECIFIC DELEGATIONS TO THE DIRECTOR OF CHILDREN'S SERVICES**

- 12.10.1 To carry out the functions of the Council as a Children's Services Authority including those functions referred to in Section 18(1) of the Children Act 2004 (as amended from time to time) and set out in the Statutory Guidance for Director of Children's Services and Lead Member Children's Services dated 2004.
- 12.10.2 To carry out the function of the Council as Local Education Authority including the functions of the Council relating to child employment and the youth service but excluding functions relating to adult learning and further and higher education set out in Section 18(3) of the Children Act 2004 (as amended from time to time).
- 12.10.3 To exercise functions under the Local Authority Society Services Act 1970, so far as they relate to children, and ensure local authority functions are discharged with regard to the need to safeguard and promote the welfare of children through the delivery of services which support:
  - a) Herefordshire Safeguarding Children Board (HSCB);

- b) Children looked after by the Council, children fostered or adopted and those on the protection register;
  - c) Social care services to vulnerable children and young people, and their families;
  - d) Children subject to child protection;
  - e) Children in need, including those with a disability;
  - f) Emotionally and behaviourally disturbed children; and
  - g) Any other vulnerable child or young person.
- 12.10.4 To exercise any health related functions exercised on behalf of any National Health Service body under Section 75 of the National Health Service Act 2006.
- 12.10.5 To establish, maintain and operate a children information database.
- 12.10.6 To prepare and publish a Children & Young Persons Plan.
- 12.10.7 To be responsible for the administration and planning of the review of organisation of schools within the County.
- 12.10.8 To carry out the functions of the Council in relation to early years/Education and care.
- 12.10.9 To carry out the functions of the Council in relation to Youth Offending Services.
- 12.10.10 To be responsible for the development of Corporate Parenting.
- 12.10.11 To carry out the functions of the Council as an Adoption Agency.
- 12.10.12 To carry out the functions of the Council under section 31 of the Health Act 1999 (as amended from time to time) so far as those functions relate to children.
- 12.10.13 To carry out the functions of the Council under sections 23C to 24D of the Children Act 1989 (as amended from time to time). (After care arrangements, etc).
- 12.10.14 To carry out any functions assigned in pursuance of the Council's Constitution, Standing Orders, Contract Procedure Rules, Financial Procedure Rules, Budget & Policy Framework Rules, protocols and any approved policies, plans, codes, practices and procedures of the Council.
- 12.10.15 To discharge the functions allocated to the Lead Member for Children's Services comprising:
- a) The Council's Performance and Partnership activities in relation to children and young people;
  - b) The Council's commissioning activities in relation to children and young people;
  - c) The improvement of schools and the provision of resources and support services to schools, including planning and information;
  - d) School organisation and admissions;



- e) Education for children with special needs;
  - f) Early years education and childcare;
  - g) Exclusions from schools, and children at risk of offending; and
  - h) Home to school transport.
- 12.10.16 To establish a Children's Trust, engaging partners as required in the Children's Act 2004.
- 12.10.17 To ensure appropriate and robust monitoring functions in terms of Value for Money in liaison with the Schools Forum and partners.

**12.11 SPECIFIC DELEGATIONS TO THE DEPUTY CHIEF EXECUTIVE**

- 12.11.1 To act as deputy to the Chief Executive in the executive leadership of both the PCT and the Council across the whole range of functions.
- 12.11.2 To have responsibility for the following activities:
- a) Corporate Policy Planning and Performance.
  - b) Legal and Democratic Services (except with reference to the Monitoring Officer).
  - c) Information and Communications Technology and Customer Services.
  - d) HR and Organisational Development
  - e) Public Relations and Communications.
  - f) Equality and Diversity Agenda
  - g) External Partnership Relationships and Herefordshire Partnership.
  - h) Emergency Planning and Business Continuity.
  - i) Corporate Programmes, Herefordshire Connects and Capacity Building.

**Risk Management & Insurance**

- h) Co-ordinating and sustaining the Council's risk management strategy and monitoring compliance and effectiveness.
  - i) Arranging economic, efficient and effective insurance cover for all insurable risks including self-insurance if appropriate.
- 12.11.2 To carry out any functions assigned in pursuance of the Council's Constitution, Standing Orders, Contract Procedure Rules, Financial Procedure Rules, Budget & Policy Framework Rules, protocols and any approved policies, plans, codes, practices and procedures of the Council.

**12.12 SPECIFIC DELEGATIONS TO THE DIRECTOR OF ENVIRONMENT AND CULTURE**

- 12.12.1 To have responsibility for the following activities:

- a) Highways & traffic management.
  - b) Environmental Health & Trading Standards Services.
  - c) Environmental Support Services.
  - d) Cultural and Leisure Services
  - e) Waste Strategy, Waste Collection and Recycling
- 12.12.2 To carry out any functions assigned in pursuance of the Council's Constitution, Standing Orders, Contract Procedure Rules, Financial Procedure Rules, Budget & Policy Framework Rules, protocols and any approved policies, plans, codes, practices and procedures of the Council.
- 12.12.3 The Director of Environment and Culture is authorised to:
- a) Discharge any function relating to contaminated land.
  - b) Discharge any function relating to the control of pollution or the management of air quality.
  - c) Serve an abatement notice in respect of statutory nuisance.
  - d) Investigate any complaint as to the existence of statutory nuisance.
  - e) Make agreements for the execution of highways works.
  - f) Make decisions to advertise any proposals for a Traffic Regulation Order (including traffic calming measures) and proceeding to make the same if no objections are forthcoming.
  - g) Commence prosecutions under the provisions of the Food Safety Act 1990 (as amended) and the European Communities Act 1972, including regulations made pursuant to those acts or any re-enactment thereof.
  - h) Discharge any functions under any of the 'Relevant Statutory Provisions' within the meaning of Part 1 (Health, Safety and Welfare in connections with Work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974 to the extent that those functions are not discharged otherwise than in the Council's capacity as an employer.
  - e) To authorise modifications or diversions to Public Rights of Way.
  - f) To ensure the Council meets its statutory responsibilities in respect of housing, libraries, parks, countryside and Public Rights of Way development.

**12.13 SPECIFIC DELEGATIONS TO THE DIRECTOR OF REGENERATION**

- 12.13.1 To have responsibility for the following activities:-
- a) Planning Development and Enforcement.
  - b) Transportation Services.
  - c) Strategic housing.

- d) Conservation and archaeology.
  - f) Economic Regeneration and Community Development (including 'place shaping' work)
  - g) Conservation and Archaeology
  - h) Customer Service (front line delivery)
  - i) Equality, Diversity and Inclusion
  - j) Community Safety
- 12.13.2 To carry out any functions assigned in pursuance of the Council's Constitution, Standing Orders, Contract Procedure Rules, Financial Procedure Rules, Budget & Policy Framework Rules, protocols and any approved policies, plans, codes, practices and procedures of the Council.
- 12.13.3 The Director of Regeneration is authorised to:
- a) Obtain information under Section 330 of the Town and Country Planning Act 1990.
  - b) Obtain particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

#### **12.14 SPECIFIC DELEGATIONS TO THE DIRECTOR OF RESOURCES (COUNCIL)**

##### **Statutory Officer Responsibilities**

- 12.14.1 The Director of Resources is delegated the statutory responsibilities of Chief Finance Officer.
- 12.14.2 Save as provided for in 12.14.28 below, the Chief Finance Officer has statutory responsibility for the financial administration and stewardship of the Council. The statutory duties, which may neither be abrogated nor further delegated, arise from:
- a) Section 151 of the Local Government Act 1972.
  - b) The Local Government Finance Act 1988 and 1992.
  - c) The Local Government and Housing Act 1989.
  - d) The Local Government Acts 2000 and 2003.
  - e) The Accounts and Audit Regulations 2003.
  - f) The Local Government Pension Scheme Regulations 1974 and 1997.
  - g) The Local Authorities Goods and Services Act 1970.
- 12.14.3 The Chief Finance Officer shall ensure the lawfulness of expenditure and financial prudence of decision making in consultation with the Chief Executive and Monitoring Officer and report to the Council, Cabinet or external auditor as appropriate including any report under Section 114 of the Local Government and Finance Act 1988.

- 12.14.4 The Chief Finance Officer shall contribute to the corporate management and leadership of the Council, in particular providing professional financial advice as set out in the statutory guidance issued by the Secretary of State under the Local Government Act 2000.
- 12.14.5 The Chief Finance Officer shall advise all Members and officers about statutory powers, financial maladministration, financial impropriety and probity, budget, reserves and policy framework issues as set out in the statutory guidance issued by the Secretary of State under the Local Government Act 2000.
- 12.14.6 The Chief Finance Officer shall provide financial information to the media, members of the public and the community as set out in the statutory guidance issued by the Secretary of State under the Local Government Act 2000.
- 12.14.7 The Chief Finance Officer shall have the right of access to all documents held by or on behalf of the Council needed to fulfil his/her statutory responsibilities. This does not extend to any documents or information held by or on behalf of any political group.
- 12.14.8 The Chief Finance Officer shall have the right of assistance of any officer in undertaking his/her role.
- 12.14.9 The Chief Finance Officer shall have the right of access to all Members both individually and collectively and to the Council, Cabinet and any Committee or Sub-Committee. This does not extend to any meetings held by or on behalf of any political group.
- 12.14.10 The Chief Finance Officer shall have the right to add written advice to the report of any other officer of the Council.
- 12.14.11 The Chief Finance Officer shall be a member of the Joint Management Team in order to ensure that financial and funding implications are factored into all decisions from the outset.
- 12.14.12 The Chief Finance Officer shall have line management responsibility for the internal audit function and the authority to direct the work programme of internal audit in support of his/her statutory duties. The Council will make available the appropriate quantity and quality of staff to undertake the necessary audit review work.
- 12.14.13 The Chief Finance Officer shall have access to external audit and the inspectorates to ensure that they have a good understanding and complete, up to date information about the Council's financial management arrangements.
- 12.14.14 In line with guidance issued by the Chartered Institute of Public Finance & Accountancy, the Chief Finance Officer's functions and responsibilities will be discharged in the following ways in order to fulfil the statutory and public interest responsibilities of the role:
- a) **Maintaining strong financial management underpinned by effective financial controls:**
- Advising on corporate risk profiling, and management, including safeguarding assets, risk avoidance and insurance.
  - Advising on effective systems of internal control.
  - Ensuring there are effective systems of internal financial control.
  - Ensuring financial management arrangements are sound and effective.

- Ensuring a prudential financial framework is in place.
  - Ensuring that any partnership arrangements (or other innovative structures for service delivery) are underpinned by clear and well-documented internal financial controls.
  - Securing effective arrangements for prudential borrowing, treasury management, and trust and charitable funds.
  - Ensuring there is an effective internal audit function and assisting management in providing effective arrangements for financial scrutiny.
  - Advising on anti-fraud and anti-corruption strategies and measures.
  - Securing effective systems of financial administration.
  - Ensuring that statutory and other accounts and associated claims and returns in respect of grant are prepared.
- b) **Contributing to the effective corporate management and leadership of the Council** including:
- Ensuring the Council's financial resources are well managed.
  - Contributing to cross-authority issues and to the development of the Council.
- c) **Supporting and advising democratically elected representatives:**
- Advising on protocols setting out the respective roles and responsibilities for financial management of Members and officers.
  - Providing advice to Members on developing an overall financial strategy that serves policy and service objectives.
  - Advising on the level and utilisation of reserves.
  - Helping Members to identify priorities, prepare the annual budget and identify how resources will be used.
  - Helping Members to monitor financial performance against the annual budget and resourcing plan.
  - Ensuring that all 'branches' of the Council (including the Council, Cabinet, Strategic Monitoring Committee, Scrutiny Committees, political groups and individual Members) receive advice and information.
- d) **Supporting and advising officers in their operational roles:**
- Ensuring there is an effective approach to financial management.
  - Ensuring that financial strategies serve policy and service objectives.
  - Ensuring that the Council's resources are well managed.
  - Ensuring that budgets are properly managed.

- Ensuring that financial advice and information is provided.
- Advising on performance management and measurement.

e) **Leading and managing and effective and responsive finance function:**

- Securing high standards of performance and service to the public.
- Demonstrating accountability to members of the public and the community by providing robust financial and performance information.
- Establishing a good, professional working relationship with external auditors, inspectors and other statutory agencies.
- Ensuring that services provided by the finance function are in line with the expectations and needs of internal stakeholders.
- Ensuring there are high standards of performance throughout the finance function.
- Leading and managing the finance function.
- Acting as the head of profession for all finance staff in the Council.

12.14.15 The Chief Finance Officer's statutory responsibilities will be discharged when:

- a) Officers formulating new policy proposals routinely inform and consult them.
- b) Significant breaches of Contract Procedure Rules, Financial Procedure Rules and Scheme of Delegation arrangements for consulting the Chief Finance Officer are reported in accordance with the principles of open government so as to avoid the external auditor making a report in the public interest.
- c) Potential breaches of the Contract Procedure Rules, Financial Procedure Rules and Scheme of Delegation arrangements for consulting the Chief Finance Officer are resolved amicably whilst ensuring that any illegality, failure of process or breach of the Council's Constitution is avoided or rectified.

12.14.16 The Council shall provide the Chief Finance Officer with such officers, accommodation and other resources as are necessary to allow him/her to perform his/her duties including those under Section 114 of the Local Government and Finance Act 1998.

**Director Responsibilities**

12.14.17 To carry out any functions assigned in pursuance of the Council's Constitution, Standing Orders, Contract Procedure Rules, Financial Procedure Rules, Budget & Policy Framework Rules, protocols and any approved policies, plans, codes, practices and procedures of the Council.

12.14.18 To report on the viability of the Council's medium term financial strategy and resource plans.

12.14.19 To approve virement or use of general or specific reserves, subject to the Council's policies for maintaining and using such reserves, in cases of urgency for expenditure not otherwise covered by the Director of Resources' delegated authority.

- 12.14.20 To approve use of general or specific reserves, subject to the Council's policies for maintaining and using such reserves, for items that are unavoidable and are not inconsistent with the approved financial strategy that:
- a) Result from pay awards or price increases not taken into account in approved revenue budgets.
  - b) Result from expenditure arising from the mandatory implementation of Acts of Parliament or other Government directives.
  - c) Relate to goods, services or other expenses which were budgeted for and properly ordered or committed in the previous year but which, due to delays in the delivery or execution, have to be accounted for in the following year.
  - d) Are urgently necessary to maintain existing services and cannot reasonably be met from appropriate approved revenue budgets.
  - e) Authorise virements in accordance with the Council's Financial Procedure Rules providing there are not greater consequential revenue effects in later years.
  - f) Approve additional use of capital reserves and resources, subject to the Council's policies for maintaining and using such reserves and resources, and subject to the limitations set out in the Financial Procedure Rules.
- 12.14.21 To undertake the Council's functions relating to pensions as set out in Schedule 1(H) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended from time to time.
- 12.14.22 To authorise and approve, with the Assistant Chief Executive - Legal and Democratic' consent, the disposal of land and the granting or variation in granting of leases, licences and/or dedications of or over any land.
- 12.14.23 To authorise and approve the granting of smallholding tenancies.
- 12.14.24 To have overall responsibility for the activities of the following:
- Asset Management & Property Services;
  - Audit Services;
  - Benefit & Exchequer Services; and
  - Financial Services.

**Asset Management & Property Services Responsibilities**

- 12.14.25 Responsibilities delegated to the Head of Asset Management & Property Services are as follows:
- a) Maintaining an effective Asset Management & Property Service in accordance with all relevant legislation, regulations, codes of best practice, external inspection regimes and Council policy.
  - b) As Corporate Property Officer, managing the Council's land and property portfolio, including the maintenance of a property data base for all properties. Any use of a property by a Directorate or establishment other than for directorate service delivery should be supported by documentation identifying terms, responsibilities and duration of the use.

- c) Concluding terms for the purchase and sale of land and property that the Council has previously approved.
- d) Developing and maintaining the Council's Asset Management Plan, including the valuation of assets for accounting purposes to meet the requirements of relevant codes of accounting practice.

**Audit Services**

12.14.26 Operational responsibility for internal Audit Services is delegated to the Chief Internal Auditor as follows:

- a) Maintaining an effective internal audit service in accordance with the Accounts and Audit Regulations 2003, all other relevant legislation, codes of best practice, external inspection regimes and Council policy.
- b) Carrying out a risk based audit review of all Council services and function on a continuous basis.
- c) Reviewing at least annually the Council's Financial Procedure Rules making recommendations for change to Council.
- d) Carrying out or supervising investigations into any suspected or alleged financial irregularity, consulting and/or involving the Chief Finance Officer and Monitoring Officer as appropriate.
- e) Prescribing the form of inventories.
- f) Providing an assurance report to each meeting of the Audit & Corporate Governance Committee on the improvements to key internal control arrangements.
- g) Reporting annually to the Audit & Corporate Governance Committee on:
  - I. The proposed audit activity for the coming year and actual audit activity and findings in the previous year.
  - II. The effectiveness of the Council's internal control arrangements.

**Benefit & Exchequer Services**

12.14.27 Operational responsibility for the Benefit & Exchequer Services division is delegated to the Head of Benefit & Exchequer Services as follows:

- a) Maintaining an effective Benefit & Exchequer Service in accordance with all relevant legislation, regulations, codes of best practice, external inspection regimes and Council policy.
- b) Issuing summonses and signing and issuing orders, notices and other such documents.
- c) Setting the cost of a summons annually.
- d) Employing firms of certified bailiffs to execute liability orders under the terms of the Local Government Finance Acts 1988 and 1992 and associated regulations.



- e) Authorising sanctions against those found committing housing and Council Tax fraud (caution, administrative penalty or prosecution).
- f) Determining applications for discretionary rate relief under Sections 47 and 49 of the Local Government Finance Act 1988, the Local Government and Rating Act 1997 and associated regulations in accordance with the guidelines agreed with the Director of Resources.
- g) Determining applications for local council tax discounts under Section 13A of the Local Government Act 1992 in accordance with the guidelines agreed with the Director of Resources.
- h) Determining Discretionary Housing Payments for benefit claimants under the Child Support, Pensions and Social Security Act 2000.
- i) Maintaining, developing and publicising the Council's anti money laundering policies as the Council's designated Anti Money Laundering Officer.
- j) Writing off any account that is deemed suitable for write off up to the limits specified in the Financial Procedure Rules, referring all other cases to the Director of Resources to action in accordance with the Financial Procedure Rules.
- k) Supervising any system that involves the receipt of money and determining the form of income records.
- l) Making payments promptly once they have been authorised in accordance with Financial Procedure Rules by certifying officers.
- m) Managing and maintaining the corporate sundry debtors system.
- n) Paying salaries, wages, compensation and other emoluments.
- o) Declaring the rate of interest payable on loans for housing and other purposes.

#### **Financial Services**

12.14.28 The Head of Financial Services is the Council's deputy Chief Finance Officer and will assume the statutory responsibilities defined in Section 151 of the Local Government Act 1972 in the absence of the Chief Finance Officer due to a vacancy, holiday, illness or other reason.

12.14.29 The responsibilities sub-delegated to the Head of Financial Services are as follows:

#### **Treasury Management**

- a) Recommending for adoption treasury management policies, strategies and practices that accord with the Chartered Institute of Public Finance & Accountancy's latest code of practice.
- b) Executing and administering treasury management decisions in accordance with the Council's approved treasury management policies, strategies and practices.
- c) Reporting annually on treasury management strategy in advance of the year and annual activity following the end of each year.
- d) Making any urgent changes necessary to the list of organisations on the approved investors list or criteria for investment purposes in consultation with the Director of Resources.

- e) Engaging specialist treasury management advisers and cash fund manager to support execution of the Council's approved treasury management policies, strategies and practices.
- f) Monitoring proposed changes in the local government finance system and reporting on the implications to Council.

#### **Financial Management**

- g) Maintaining an effective financial management service in accordance with all relevant legislation, regulations, codes of best practice, external inspection regimes and Council policy.
- h) Administering the Council's Financial Procedure Rules.
- i) Reviewing the Council's banking arrangements to ensure they meet operational needs and represent value for money.
- j) Operating the Council's bank accounts in accordance with the banking agreement approved by the Council and its bankers.
- k) Managing the cashflow implications of BACS and CHAPS transactions and determining directions for their authorisation.
- l) Maintaining and developing the medium term financial strategy, the annual budget preparation strategy and financial monitoring procedures, including reporting on progress with Council approved financial targets.
- m) Arranging lease finance facilities.
- n) Providing advice on any liability falling on the Council that is not otherwise covered by the Financial Procedure Rules.
- o) Closing the annual accounts in line with all relevant codes and standards, taking appropriate action as part of the process to optimise the Council's financial position.
- p) Developing and maintaining the Council's capital strategy.
- q) Administering the employee loan schemes.
- r) Making appropriately authorised imprest account advances and determining the arrangements for operating such accounts.

#### **Procurement & Efficiency Review**

- s) Maintaining and developing the Council's procurement policy for goods and services.
- t) Administering, in consultation with the Assistant Chief Executive - Legal and Democratic, the Council's Contract Procedure Rules, including maintenance of contract registers.
- u) Maintaining and developing the Council's benefit realisation processes.
- v) Carrying out financial checks on prospective Council contractors.
- w) Reviewing annually the Council's Contract Procedure Rules making recommendations for change to Cabinet.

- x) Updating annually the monetary sums included in the Financial Procedure Rules in line with appropriate price indices.

## **12.15 SPECIFIC DELEGATIONS TO THE DIRECTOR OF PUBLIC HEALTH**

- 12.15.1 To have responsibility for the following activities:
  - (a) Promoting, protecting and improving the health and well being of the local population through the delivery of key public health goals
  - (b) Producing an independent annual report on the health of the population in Herefordshire.
  - (c) Development and implementation of multi-agency long-term public health programmes.
- 12.15.2 To comply with the appropriate general provisions as outlined in the National Health Service and Community Care Act 1990 (as amended from time to time).
- 12.15.3 To carry out any functions assigned in pursuance of the Council's Constitution, Standing Orders, Contract Procedure Rules, Financial Procedure Rules, Budget & Policy Framework Rules, protocols and any approved policies, plans, codes, practices and procedures of the Council.

## **12.16 SPECIFIC DELEGATIONS TO THE ASSISTANT CHIEF EXECUTIVE - LEGAL AND DEMOCRATIC**

### **Statutory Officer Responsibilities**

- 12.16.1 The Assistant Chief Executive - Legal and Democratic is delegated statutory responsibility for the Monitoring Officer role.
- 12.16.2 The Monitoring Officer shall report to the Council and Cabinet in any case where he/she is of the opinion that a proposed action or decision could give rise to any illegality, maladministration or breach of statutory code under Sections 5 and 5(a) of the Local Government and Housing Act 1989 – more usually referred to as 'reportable incidents'.
- 12.16.3 The Monitoring Officer shall arrange to investigate any matters relating to incidents or matters referred by the Standards Board for England in respect of the Member's Code of Conduct.
- 12.16.4 The Monitoring Officer shall be the principal adviser to the Standards Committee, except where the Monitoring Officer has previously advised a member on a matter referred by the Standards Board for England and for hearing by the Standards Committee.
- 12.16.5 The Monitoring Officer shall maintain the register of Members' Interests.
- 12.16.6 The Monitoring Officer will ensure the preparation, publication and retention of records of decisions taken by or on behalf of Council, Cabinet, Committees and Sub-Committees.
- 12.16.7 The Monitoring Officer shall deal with Ombudsman complaints.
- 12.16.8 The Monitoring Officer shall deal with the Standards Board for England in respect of any referral for investigation as a result of a breach of the Council's Code of Conduct.
- 12.16.9 The Monitoring Officer shall be responsible for all Monitoring Officer functions in respect of Town and Parish Councils within the Council's area in so far as they are constant with the function of the Town and Parish Clerk.

- 12.16.10 The Monitoring Officer shall make arrangements in conjunction with the Standards Committee for the provision of advice and training to Members of the Council and Members of Town and Parish Councils on the Member's Code of Conduct.
- 12.16.11 The Council shall provide the Monitoring Officer with such officers, accommodation and other resources as may be necessary to allow him/her to perform his/her duties.
- 12.16.12 The Monitoring Officer shall have the right of access to all documents held on behalf of the Council. This does not extend to any documents held by or on behalf of any political group.
- 12.16.13 The Monitoring Officer shall have the right of access to any meetings of officers (including Joint Management Team) or Members of the Council. This does not extend to any meetings held by or on behalf of any political group.
- 12.16.14 The Monitoring Officer shall have the right of assistance of any officer in undertaking the role of the Monitoring Officer.
- 12.16.15 The Monitoring Officer shall have the authority to agree a local resolution of any complaint of maladministration or breach of the Council's Code in consultation with the Chief Executive, including the power to agree a compensation payment up to £1,000 in any one case.
- 12.16.16 The Monitoring Officer shall have the authority to disclose information and documents to the Standards Board for England or an Ethical Standards Officer, even where such disclosure would otherwise be in breach of the Monitoring Officer's duty of confidentiality to the Council.
- 12.16.17 The Monitoring Officer shall have the authority, after consultation with the Head of Paid Service and the Chief Finance Officer, to notify the police and other regulatory agencies of concern in respect of any matter.
- 12.16.18 The Monitoring Officer shall have the right to obtain at the Council's expense external legal advice.
- 12.16.19 The Monitoring Officer shall have the right to add written advice to the report of any other officer of the Council.
- 12.16.20 The Monitoring Officer's statutory responsibilities will be discharged when:
- a) Officers formulating new policy proposals routinely inform and consult them.
  - b) The Monitoring Officer considers a report in the public interest should any officers fail to follow advice they have given.
  - c) Potential reportable incidents are resolved amicably whilst ensuring that any illegality, failure of process or breach of the Council's Constitution is avoided or rectified.
  - d) The Monitoring Officer will be able to rely on existing processes within the Council, such as internal appeals procedures or insurance arrangements, to resolve any potential reportable incidents.

**Other Responsibilities**

- 12.16.21 The Assistant Chief Executive - Legal and Democratic is authorised to serve statutory notices to ascertain the legal interests of any person in land.

- 12.16.22 The Assistant Chief Executive - Legal and Democratic is authorised to institute, defend or settle legal proceedings (either in the name of the Council or an individual officer of the Council) at Common Law or under any enactment, statutory instrument, order or bylaw conferring functions upon the Council or in respect of functions undertaken by them and to lodge an appeal against any such decision. This authority shall extend to the taking of all procedural steps, including the service of notices, statutory or otherwise, counter notices and Notices to Quit.
- 12.16.23 The Assistant Chief Executive - Legal and Democratic is authorised to delegate authority to officers of the Council to prosecute or defend or appear in any legal proceedings by virtue of the provisions of Section 222 of the Local Government Act 1972.
- 12.16.24 The Assistant Chief Executive - Legal and Democratic shall, without prejudice to the generality of the powers of the Director of Environment, the Head of Environmental Health and Trading Standards and the Head of Strategic Housing, have power to institute proceedings either in the name of the Council or the name of an officer of the Council under those statutory provisions that relate to their specific service areas. The Assistant Chief Executive - Legal and Democratic shall maintain a list of the enabling statutory provisions.
- 12.16.25 The Assistant Chief Executive - Legal and Democratic is authorised to issue and sign documents in relation to the Right to Buy provisions of the Housing Act 1985.
- 12.16.26 The Assistant Chief Executive - Legal and Democratic is authorised to make arrangements pursuant to:
- a) Subsection (1) of Section 67 of, and Schedule 18 to, the Appeals Against Exclusion of Pupils Act 1998.
  - b) Section 94 (1) and (4) of, and Schedule 24 to, the Admissions Appeals Act 1994.
  - c) Section 95 (2) of, and Schedule 25 to, the Children to Whom Section 87 Applies: Appeals by Governing Bodies Act 1998.
- 12.16.27 The Assistant Chief Executive - Legal and Democratic, after consultation with the relevant Cabinet Member, and Group Leaders as appropriate, has the authority to make and give effect to appointments to outside bodies. Where appropriate, and excluding quasi-judicial matters, those bodies will work with the relevant Cabinet Member and Director and report through the Cabinet to Council.
- 12.16.28 The Assistant Chief Executive - Legal and Democratic will maintain a Scheme of Delegation to Officers for planning matters and is authorised to review that Scheme at least annually and make recommendations for change. The Scheme currently approved is attached as Appendix 18 to the Constitution.
- 12.16.29 The Assistant Chief Executive - Legal and Democratic shall keep the Common Seal of the Council under lock and key and shall be responsible for the key.
- 12.16.30 The Assistant Chief Executive - Legal and Democratic is responsible for ensuring that the Common Seal of the Council is affixed to appropriately authorised documents only.
- 12.16.31 The Assistant Chief Executive - Legal and Democratic is authorised to attest the application of the Common Seal of the Council to a document in a book provided for the purpose with sequentially numbered entries. The Chief Executive is also authorised to attest entries in this book.

12.16.32 The Assistant Chief Executive - Legal and Democratic is authorised to authenticate documents needed for legal proceedings or legal agreements, contract notices or orders under hand on behalf of the Council providing no other person is authorised to do so.

## **12.17 SPECIFIC DELEGATIONS TO THE ASSISTANT CHIEF EXECUTIVE – HUMAN RESOURCES**

12.17.1 To have responsibilities for the following functions

- (a) Development, maintenance and reviewing of Corporate HR policy planning and implementation
- (b) Development of and effective HR strategy and Workforce Plans to ensure the delivery of improved services
- (c) Establishment of an Organisational Development function (with linkages to Training and Development)
- (d) Establish an integrated HR service across the Council and PCT
- (e) Development of good employee relations

12.17.2 To carry out any functions assigned in pursuance of the Council's Constitution, Standing Orders, Contract Procedure Rules, Financial Procedure Rules, Budget & Policy Framework Rules, protocols and any approved policies, plans, codes, practices and procedures of the Council.

## **12.18 ARRANGEMENTS FOR REVIEWING THE SCHEME OF DELEGATION**

12.18.1 The Chief Executive will be responsible for arranging at least an annual review of the Scheme of Delegation, the results of which will be reported to each annual meeting of Council or as necessary. The Director of Resources and the Assistant Chief Executive - Legal and Democratic shall agree the proposed changes and the Audit and Corporate Governance Committee shall be invited to review them reporting to Council as appropriate.

12.18.2 The Audit & Corporate Governance Committee is charged with reviewing the effectiveness of and level of compliance with the Scheme on an ongoing basis. It has the remit to make appropriate recommendations to Council for improvements to the Scheme as a method of internal control.

12.18.3 The Scheme will be treated as a fundamental system as defined by the Chief Internal Auditor. The Chief Internal Auditor will provide regular assurance reports to the Audit & Corporate Governance Committee on the operation of the Scheme as agreed by Cabinet and confirmed by Council. All elements subject to audit review are expected to achieve an audit opinion of **satisfactory** as a minimum on the scale of unsound, unsatisfactory, marginal, satisfactory and good.

# **HEREFORDSHIRE COUNCIL CONSTITUTION**

## **CODES OF CONDUCT AND PROTOCOLS**

### **PROTOCOL FOR COUNCILLOR/OFFICER RELATIONS**

#### **1. Introduction**

- 1.1 The purpose of this protocol is to guide Members and employees of the Council in their relations with one another.
- 1.2 Given the variety and complexity of such relations this protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues which most commonly arise.
- 1.3 This protocol also seeks to reflect the principles of the codes of conduct for Members and employees. These codes aim to enhance and maintain the integrity of local government and therefore demand very high standards of personal conduct from both employees and Members.
- 1.4 The protocol reflects good practice. It aims to provide an open and honest working relationship between Members and employees which ensures the delivery of the Council's statutory and other proper functions in a transparent and accountable way.

#### **2. Principles**

- 2.1 The provisions of the Model Code of Conduct for Members apply to all Members. A breach of those provisions can be the basis of a complaint to the Monitoring Officer and the Standards Committee. The Employees' Code of Conduct is part of the terms of conditions of their employment. Employees are accountable to their Line Manager; they will seek to assist any Member, but they must not be asked by Members to go beyond the bounds of the authority they have been given by their Line Manager.
- 2.2 Any dispute over any provision of this protocol in relation to employees should be referred in the first instance to the responsible Head of Service or the Chief Executive. If agreement cannot be reached the Chief Executive will seek to resolve the issue in conjunction with the Leader of the Council and/or the Leader of the appropriate party group. Issues relating to employee conduct will be dealt with under disciplinary procedures. Any unresolved dispute relating to a Member's conduct under this protocol will be determined by the Standards Committee.
- 2.3 This protocol should be read in conjunction with the the Planning Code and the Protocol on Hospitality and any other policies of the Council, for example the Whistleblowing Policy (Public Interest Disclosure) and the Harassment and Bullying Policy.

#### **3. Members' Code of Conduct**

3.1 The Relevant Authorities (General Principles) Order 2001 specify the principles governing the conduct of Members. These are set out in the schedule to this protocol. However, particular attention is drawn to principle No. 7:

"7. Respect for Others – Members should promote equality by not discriminating unlawfully against any person and by treating people with respect regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the Authority's statutory officers and its other employees."

### **3.2 The Members' Code of Conduct provides: -**

#### General Obligations

A member must:

- (a) treat others with respect;
- (b) not do anything which may cause the Authority to breach any of the equality enactments (as defined in Section 33 of the Equality Act 2006);
- (c) not bully any person;
- (d) not intimidate or attempt to intimidate any person who is likely to be:
  - (i) a complainant
  - (ii) a witness
  - (iii) involved in the administration of any investigation or proceedings in relation to an allegation that a member has failed to comply with the Members Code of Conduct;
- (e) not do anything which compromises or which is likely to compromise the impartiality of those who work for or on behalf of the Authority.

A member must, when reaching decisions:

- (a) Have regard to any relevant advice provided to them by –
  - (i) the Authority's Chief Finance Officer; or
  - (ii) the Authority's Monitoring Officer,

where those officers are acting pursuant to their statutory duties

- (b) Give reasons for those decisions in accordance with any statutory requirements and any reasonable additional requirement imposed by the Authority.

## **4. Employees' Code of Conduct**

4.1 The Employee Code of Conduct is broadly in line with the Local Government Management's Board Code of Conduct for local government employees. Any variations reflect the conditions and circumstances of Herefordshire Council.

### **(1) Standards**



Employees are expected to give the highest possible standard of service to the public and where it is part of their duties to provide appropriate advice to other employees and Members with impartiality and courtesy.

## **(2) Disclosure of Information**

(i) The law requires that certain types of information must be made available to Members, Auditors, Government Departments, service users and the public.

(ii) Under the Local Government Act 1972 the public have a right to see certain information. In most circumstances these rights are related to Committee Reports and background documents.

(iii) Employees must not use any confidential information obtained in the course of their employment for personal gain or benefit, pass it to others who might use it in such a way.

(iv) Only employees authorised by a Head of Service to do so may talk to the press or otherwise make public statements on behalf of their Service or Directorate. Generally an employee contacted by the press should refer the matter to the Communications Unit who will deal with it as appropriate.

(v) The Local Authorities Executive Arrangements (Access to Information) (England) Regulations 2000 provide additional rights of access to documents for Members of Overview and Scrutiny Committees

## **(3) Political Neutrality/Activities**

(i) Employees serve the Council as a whole. It follows that they must serve all Members, not just the Members of any controlling group, and must ensure that the individual rights of all Members are respected.

(ii) Some senior employees will be expected, within the Council's guidelines, to advise political groups. These employees have a duty to advise minority groups as well as the majority group.

(iii) Some employees, normally those in more senior positions, are in politically restricted posts. They are prevented by law from taking part in certain political activities outside their work. Employees who are in this position are told of this in writing and of the rules about claiming exemption. Any employee who is in doubt about their position should contact their Head of Service.

## **(4) Relationships**

Some employees are required to give advice to Members as part of their job. Mutual respect between employees and Members is essential to good local government, but close personal familiarity between employees and individual Members can damage the relationship and prove embarrassing to other employees and should, therefore, be avoided.

## **5. Advice to Party Groups**

5.1 No officer may be a Member of his or her employer local authority. Also, senior officers, except those specially exempted, may not be a member of any other local

authority or an MP. Nor can they speak or publish written work for the public with the apparent intention of affecting public support for a political party.

- 5.2 Because political groups are a feature of modern local government and have a role in the successful running of the Council, officers may on occasion be asked to provide support and assistance to political groups.
- 5.3 This support can take many forms, ranging from a briefing meeting with a Group Leaders or spokesperson, to a presentation to a full party group meeting. It is an important principle that such support is available to all political or party groups. Officers must not be involved in advising any political group of the Council or attend any meeting without the express consent of their Director or the Chief Executive.
- 5.4 Certain points must however be clearly understood by all those participating in this type of process, Members and officers alike. In particular:
  - (a) officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if officers are not expected to be present at meetings, or parts of meetings, when matters of party business are to be discussed;
  - (b) party group meetings form part of the preliminaries to Council decision making but are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such;
  - (c) similarly, where officers provide information and advice to a political or party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Committee when the matter in question is considered; and
  - (d) Members often seek officers' assistance in drafting resolutions or amendments which they wish to move at a meeting. It is proper for an officer to advise on the wording of such a proposal to ensure it is accurate, practical and lawful but there can be no inference that the officer supports the substance or merits of the proposition.
- 5.5 Special care needs to be exercised whenever officers are involved in providing information and advice to a political or party group meeting which includes persons who are not members of the Council. Such persons will not be bound by the code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons officers may not be able to provide the same level of information and advice as they would to a members only meeting.
- 5.6 Officers must respect the confidentiality of any political or party group discussions at which they are present and should not relay the content of any such discussion to another party group. Although there is no reason why other such groups should not be aware that a Group has sought and received officer advice, or be inhibited from requesting officer support themselves no political point should be made of that fact. Any difficulty or uncertainty should be raised with the Chief Executive who will discuss them with the relevant Group Leaders.

## **6. Support Services to Members and Party Groups**

- 6.1 The only basis on which the Council may lawfully provide support services such as stationery, typing, printing, photocopying, and transport to Members is to assist them in discharging their role of Members of the Council. Such support services must, therefore, only be used on Council business. They should never be used in connection with party political, campaigning activities or for private purposes. Further advice is given in the council Protocol on the Use of Resources.

## **7. Members' Access to Information, Council Documents and Employee Advice**

- 7.1 Members will need in the discharge of their duties to access information from employees. This will usually be most efficiently achieved through the Heads of Service or Directors who are able to provide an overview or direct the Member to the most appropriate employee. For individual cases Members may approach case officers, but junior staff are entitled to refer the Member to the responsible Service Manager or Head of Service.
- 7.2 Members who wish to obtain information from employees should request it as early as possible, recognising that employees may require reasonable time to collate or research the information. Members must state any deadline for the provision of this information. This also applies where a Member wishes to obtain information to supplement a report after the agenda for a meeting has been issued.
- 7.3 Employees will make every reasonable effort to provide Members with accurate factual information and professional advice in a timely manner, unless this would exceed the officer's authority or there are lawful reasons to prevent disclosure of the information.
- 7.4 Members have the same statutory right as any member of the public to inspect any Council document which contains material relating to any business which is to be transacted at a Council or Committee meeting or a meeting of Cabinet and any relevant background papers. This right applies irrespective of whether or not the Member is a Member of the committee concerned or acting as a substitute. This right does not, however, apply to documents relating to items containing information which is exempt from publication. Correspondence held by the Monitoring Officer in relation to his or her duties is similarly exempt unless released by him or her in the interest of furthering any enquiry.
- 7.5 The common law right of Members is much broader and based on the principle that any Member has a *prima facie* right to inspect Council documents so far as access to the documents is reasonably necessary to enable the Member properly to perform duties as Member of the Council. This principle is commonly referred to as the 'need to know' principle and will be determined in the first instance by the particular Head of Service whose service holds the document in question. Any disputes may be referred to the Monitoring Officer whose decision shall be final. Written reasons will be provided on request.

- 7.6 A member who asks to inspect documents which contain personal information about third parties will normally be expected to justify that request in specific terms.
- 7.7 A Member of one party group will not have a 'need to know' and does not have a right to inspect any document which forms part of the internal workings of another party group and is in the possession of the Council or of an individual employee.
- 7.8 A member of an Overview and Scrutiny Committee is entitled to a copy of any document which:
- (a) is in the possession or under the control of the Cabinet; and
  - (b) contains material relating to: -
    - (i) any business that has been transacted at a private meeting or a public meeting of a decision making body of the Council;
    - (ii) any decision that has been made by an individual Member of that Cabinet in accordance with Cabinet arrangements; or
    - (iii) any key decision that has been made by an officer of the Council in accordance with Executive arrangements.
- 7.9 No Member of an Overview and Scrutiny Committee is entitled to a copy of a document or part of a document which contains exempt information or confidential information unless that information is relevant to an action or decision that he or she is reviewing or scrutinising; or which is relevant to any review contained in any programme of work of such a committee or sub-committee.
- 7.10 More detailed advice regarding Members' rights to inspect Council documents may be obtained from the Monitoring Officer (Assistant Chief Executive (Legal and Democratic)).
- 7.11 Any Council information is provided to a Member on the basis that it must only be used by the Member in connection with the proper performance of the Member's duties as a Member of the Council. This forms part of the Council's Data Protection requirements. This obligation of confidentiality is part of the Members Code of Conduct (paragraph 3).

## **8 Relationships Between Officers and Cabinet Members, Chairs of Committees, and the Leader**

- 8.1 It is important to the efficient discharge of the Council's functions that there should be a good working relationship between Members of the Cabinet, Officers, Heads of Service and Directors and between the Chair of a committee and officers. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the employee's ability to deal impartially with other Members and other party groups.
- 8.2.1 Officers and Heads of Service frequently write reports having undertaken background research and professional and technical appraisals of proposals.
- 8.2.2 These reports are then presented by the Cabinet member with Portfolio, with the assistance of officers where necessary.

8.2.3 Members must accept that in some situations officers will be under a duty to submit an opinion or advice in a report on a particular matter. In those situations the officer will always be fully responsible for those elements of a report submitted in the Member's name.

8.2.4 The principles set out in paragraph 8.3 and 8.4 below apply to such elements of the report.

8.3 Where an officer wishes to consult a Cabinet Member or Chair as part of the preparation of a report to a decision-making body under the Council's constitution, the following principles will apply. The Cabinet Member or Chair may ask the report author:

- (1) To include particular options;
- (2) To clarify the report by expanding, simplifying or re-phrasing any part of the report or including other particular information;
- (3) To check or correct any error or omission of any matter or fact including statements of summaries of policy or budget;
- (4) To check any estimate of costs or savings.

8.4 The Cabinet Member or Chair may not ask officers:

- (1) To exclude any option contained in the draft report;
- (2) To exclude or alter the substance of any statement in the draft report of any officers' professional opinion.
- (3) To alter the substance of any recommendation that compromises the officer's integrity or would result in illegality;
- (4) To exclude any report, comments or representations arising from consultations, publicity or supply of information to the community.

8.5 Certain statutory functions are undertaken by officers. Their reports on such matters are then their own full responsibility.

## **9. Local Members**

9.1 You will be kept fully informed about significant issues which affect your ward or bodies on which you represent the Council. Officers will be alert to advise members at the earliest possible stage of relevant development proposals. Over and above this general responsibility the Assistant Chief Executive (Legal and Democratic) will:

- notify a Member that a report on any such local matter is being tabled or discussed, as soon as the decision is taken to place that item on the agenda of a Committee;
- ensure that this report is sent to the Member as soon as it is published.

9.2 You will be invited to any public meeting organised by the Council to consider an issue affecting your ward. You will be notified of any consultative exercise proposed for your ward, or on an issue affecting your ward, at the outset of the exercise.

- 9.3 You will, wherever practicable, also be notified of any visits by the Chairman or Vice-Chairman of the Council or Committee Chairmen or Cabinet Members to Council sites or establishments in your ward, except where these are purely courtesy visits.
- 9.4 You will be notified of all decisions taken by the Cabinet or by Cabinet Members affecting your ward.

## **10. Scrutiny Arrangements**

- 10.1 Cabinet arrangements raise particular issues for local authority employees because:
- - (a) The advice which officers have given to the Cabinet, its Members or to any group may be subject to scrutiny and examined by an Overview and Scrutiny Committee.
  - (b) Officers may have written reports for presentation by a Cabinet Member with Portfolio or provided advice to the Cabinet. Where such a decision is subject to Scrutiny by an Overview and Scrutiny Committee, or when a decision is called-in, an officer may provide information or advice to an Overview and Scrutiny Committee. Members must recognise that there is an inherent tension between these two roles. As circumstances change or more information comes to light, advice may reflect the difference.
  - (c) Overview and Scrutiny Committees and their members will need active assistance from officers if they are to perform their role of scrutinising the Cabinet effectively.

These factors will require understanding by Members of the role that officers have to perform.

## **11. Overview and Scrutiny**

- 11.1 The scrutiny role of the Council is performed by Overview and Scrutiny Committees and the Audit and Corporate Governance Committee. Employees may need to attend an Overview and Scrutiny Committee to give evidence and assist it in its scrutiny.
- 11.2 Where an employee is required to attend before an Overview and Scrutiny Committee, to report to it or provide evidence for it, it is the employee's duty to do so, or to explain why he or she is unable or unwilling to do so. If after considering that explanation the Overview and Scrutiny Committee insists on the information being provided the employee must do so.
- 11.3 Where an Overview and Scrutiny Committee has resolved to undertake a review it is the duty of Senior Officers to co-operate fully with the review or to arrange for the Head of Service or Director to act in their place. This duty extends beyond merely answering the Committee's questions and involves a requirement to assist the Committee in addressing the right questions and seeking the information which may be required to help them in their work.
- 11.4 Officers below Service Manager level should not present such reports or provide assistance.

## **12. Publicity**

- 12.1 The Council abides by the provisions of the Department of the Environment, Transport and the Regions Local Authority Publicity Code (April 2001).
- 12.2 Information on Council services will be produced in collaboration with the Communications Unit and will be impartial reflecting Council approved policy.
- 12.3 All news releases will be written and issued by the Communications Unit following consultation with the Head of Service and the Cabinet Member concerned.
- 12.4 Publicity will not be party political and will report on and reflect Council policy.
- 12.5 Media requests for political comments will be referred to the political group Leaders.
- 12.6 The Council will make public information available on the website as resources allow.

## **13. The Role of the Head of the Paid Service (Chief Executive)**

- 13.1 The Chief Executive has a specific statutory function in relation to employees, appointments, discipline, terms and conditions of employment and collective bargaining. Members must recognise and respect those responsibilities and duties.

**Herefordshire Council  
July 2008**





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**CODE OF CONDUCT for EMPLOYEES – POLICY AND  
PROCEDURE**

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## **1 POLICY**

- 1.1 The public is entitled to expect the highest standards of conduct from every employee who work for the council.
- 1.2 This Code of Conduct provides a minimum set of standards of conduct expected of employees at work and the link between that work and their private lives. The code takes into account the requirements of the law and regulations. It is produced in the light of the challenges that employees working in today's local government environment face and is intended to lay down guidelines which help maintain and improve standards of service as well as protecting employees from misunderstanding or criticism.

## **2 SCOPE**

- 2.1 The Code applies to all employees of Herefordshire Council, including schools.

## **3 DEFINITIONS**

- 3.1 The meaning of some key words and phrases, for the purposes of this policy, are explained below:

**Manager.** Either the manager, supervisor or team leader with line management responsibility for the employee, or an alternative manager where circumstances set out in the policy have been met.

## **4 RESPONSIBILITIES**

**Managers are responsible** for ensuring that employees understand the standards of behaviour that are expected of them, maintaining those standards within their teams, and complying with the requirements of council policies and procedures, should action need to be taken. These standards should be made clear during the induction process and as part of the ongoing communication with employees, including 1:1s, supervision meetings, the Staff Review and Development process (SRD) and performance management meetings in schools.

**Employees are responsible** for familiarising themselves with the main standards of conduct, for asking their managers if they are unclear about what is expected of them, and for their own subsequent behaviour and actions.

## **5 CODE OF CONDUCT**

### **5.1 STANDARDS**

- 5.1.1 Employees are expected to give the highest possible standard of service to the public and, where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality and courtesy.
- 5.1.2 Employees are expected, through council procedures, and without fear of recrimination, to bring to the attention of their line manager any breaches of the Code of Conduct.

5.1.3 Where an employee believes that he or she has information which may suggest that some form of irregularity is taking place that information must be passed to their manager or Director. They should follow the Whistleblowing Policy and Procedure as appropriate.

## 5.2 **DISCLOSURE OF INFORMATION**

5.2.1 The law requires that certain types of information must be available to Members, auditors, Government departments, service users and the public. Under the Local Government Act 1972 the public have a right to see certain information. In most circumstances these rights are related to Committee Reports and background documents. The council itself may decide to be open about other types of information. Managers must make employees aware of which information the council is prepared to disclose and which is confidential.

5.2.2 Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor may they pass it on to others who might use it in such a way. Any particular information received by employees from a councillor, which is personal to that councillor and does not belong to the council, must not be divulged by an employee or other Members without the prior approval of that councillor, except where such disclosure is required or sanctioned by law.

5.2.3 Only employees authorised by their Line Manager or Head of Service to do so, may talk to the Press or otherwise make public statements on behalf of their Service or Directorate. Generally, an employee contacted by the Press should refer the matter to Communications who will deal with it as appropriate.

## 5.3 **POLITICAL NEUTRALITY**

5.3.1 Local government employees serve the council as a whole and not individual Members or groups. They must respect the rights of all and must ensure that the individual rights of all Members are respected. An employee's personal or political views must not interfere with their work.

5.3.2 Some senior employees will be expected, within the Council's guidelines, to advise political groups. These employees have a duty to advise minority groups as well as the majority group.

5.3.3 The legislation controlling the direct activities of local government employees in politics, either national or local, must be adhered to. Generally the law restricts the political activities outside their work of the Chief Executive, Directors, Heads of Service, employees above a certain salary ceiling and those in posts considered to be regularly involved in providing advice to Members. Contracts of employment for employees in posts covered by the relevant legislation contain a restriction clause.

5.3.4 If there is any doubt whether or not a political activity is permitted, the Assistant Chief Executive - Legal and Democratic Services must be consulted by the employee or Manager concerned.

5.3.5 Every employee, whether or not politically restricted, must follow every lawful expressed policy of the council and must not allow their own personal or political opinions to interfere with their work.

## **5.4 RELATIONSHIPS**

### **The local community and service users**

- 5.4.1 Employees must always remember their responsibility to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the council.

### **Councillors**

- 5.4.2 Employees are responsible to the council through its senior managers. All employees are there to carry out the council's work and the role of some employees specifically includes giving advice to councillors and senior managers. Mutual respect between employees and individual councillors is essential to good local government. However, close personal familiarity between employees and individual councillors can damage the relationship and should be avoided so as not to bring the authority, or the individuals concerned into disrepute

### **Colleagues**

- 5.4.3 Employees should treat colleagues with courtesy and respect at all times.

### **Contractors**

- 5.4.4 All relationships of a business nature with external contractors, or potential contractors, must be made known to the Director, who will record the fact in a register kept for this purpose. Orders and contracts must be awarded on merit and in accordance with the Council's Financial and Contract Procedure Rules.

### **Close Personal Relationships**

- 5.4.5 Particular difficulties may be encountered with any of the above groups if the relationship is of a close personal nature. In such circumstances the 'Close Personal Relationships Policy and Procedure' applies.

## **5.5 APPOINTMENT AND OTHER EMPLOYMENT MATTERS**

- 5.5.1 Employees involved in appointments must ensure that these are made on the basis of merit as set out in the job description, person specification and other job literature. It would be unlawful for an employee to make an appointment, which was based on anything other than the ability of the candidate to undertake the duties of the post. To avoid any possible accusation of bias, an employee must not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with them.

- 5.5.2 Similarly, suitable arrangements should be made when an employee may be in a position to be involved in decisions relating to discipline, promotion or pay for another employee with whom they have a close personal relationship.

- 5.5.3 More detailed information is contained in the Close Personal Relationships Policy and Procedure.

## **5.6 INFORMATION AND COMMUNICATIONS TECHNOLOGY**

5.6.1 To ensure the security of the council's Information and Communications Technology (ICT) protect the council's equipment from contamination and protect against claims of copyright infringement there is an absolute prohibition on the use of private software packages and "pirate" copies of software on any council computer equipment and the copying of council software by private concerns or vice versa.

5.6.2 Further information about this and other ICT policies can be found on the intranet <http://intranet/intranet/content/32742.asp>

You can obtain more advice and guidance by either contacting the information security team by email [infosec@herefordshire.gov.uk](mailto:infosec@herefordshire.gov.uk) or by phone 01432260160

## 5.7 **OUTSIDE COMMITMENTS AND BUSINESS INTERESTS**

5.7.1 To avoid confusion about conflicts of interest between the council's activities and other gainful employment by employees, the following standards apply:

5.7.2 An employee must not put themselves in a position where their personal or private interests conflict with their employment by the council. The council will not prevent an employee from undertaking additional employment but it must not, in the view of the council, conflict with the council's interests or in any way weaken public confidence in the council. All employees on grade HC7 or above are required to obtain consent in writing from their Director in advance, on each occasion, if they wish to engage in any other business, or take up any other additional work. Similarly, Directors will require the prior consent of the Chief Executive should they wish to engage in such activity.

5.7.3 It is essential that there is no confusion or conflict of interest between an employee's private concerns and those of the council. The following standards aim to ensure clarity in the procurement of goods, materials or services for private use:

5.7.3.1 When procuring goods, materials or services for private use, either for themselves or for anyone else, the employee must ensure that the supplier is clear that it is a personal transaction and entirely separate from any business the supplier has, or hopes to have, with the council.

5.7.3.2 In no circumstances whatsoever may goods or materials for private use be delivered to council premises or sites, nor may non-work services be carried out during working hours, or on council premises or sites.

5.7.3.3 All paperwork, invoices, accounts and other correspondence relating to private matters must be sent to the employee's home address. The employee must make it clear to members of the public and suppliers that sending private invoices, accounts or correspondence etc. to council addresses etc. is expressly prohibited. This same principle applies to the private use of the council's mailing system.

5.7.4 Similarly it is essential that there is no confusion or conflict of interest regarding the use of council vehicles and equipment, including vehicles and equipment contracted to the council, so the following standards apply:

5.7.4.1 Council vehicles and equipment must not be used privately and therefore when not in official use must be kept at council depots or offices. However, the use of vehicles or equipment by employees may be allowed where it has been decided by the appropriate Manager that the needs of a service required it.

5.7.4.2 To prevent any issue arising, there is a prohibition on loaning or hiring out of council-owned equipment other than in the following circumstances. The exceptions include where equipment is hired along with the use of council accommodation (such as the council chamber or committee rooms), where plant is loaned to the council's sub-contractors for use on council business, in the case of schemes such as the salary sacrifice cycle scheme, or exceptionally where equipment is loaned. Such a loan must be subject to prior approval from their Director and the voluntary organisation's insurance cover being deemed adequate by the council.

## 5.8 **PERSONAL INTERESTS**

5.8.1 Employees must declare to their Director any financial or non-financial interest that could bring them into conflict with the council's interest. This could include involvement with an Organisation receiving Grant Aid from the Council, Membership of an NHS Trust Board, involvement with an Organisation or Pressure Group which may seek to influence their Authority's policies. Membership of a Trade Union is exempted from this requirement. A separate Code on the Disclosure of Financial Interest is attached as Appendix 1.

5.8.2 An employee must declare to their Director membership of any organisation which is not open to the public without formal membership with a commitment of allegiance and with secrecy about rules or membership conduct.

5.8.3 Employees who have an interest, financial or non-financial, should not involve themselves in any decision on allocation of Council services or resources from which they, their friends or family might benefit, and should ensure that the matter is referred immediately to their Line Manager or Head of Service.

## 5.9 **EQUALITY**

5.9.1 Employees must ensure that they comply with the council's equality policies and procedures in addition to the requirements of the law. All members of the local community, customers, and other employees have a right to be treated with fairness and equity.

5.9.2 If there is any doubt as to what is required the relevant Director must be consulted.

## 5.10 **PROCUREMENT**

5.10.1 Every employee involved in procurement and dealing with contractors must be clear on the separation of client and contractor roles within the council. Senior employees who have both a client and a contractor responsibility must be aware of the need for accountability and openness.

5.10.2 Employees in contractor or client units must demonstrate fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

5.10.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors must not disclose that information for any unauthorised purpose.

5.10.4 Employees must ensure that no special favour is shown to current or recent former employees, or their partners, close relatives or associates in awarding contracts to businesses run by them, or employing them in a senior or managerial capacity.

5.10.5 An employee contemplating a management buy-out of an organisation in a procurement relationship with the council must, as soon as they have formed a definite intent, inform the Assistant Chief Executive - Legal and Democratic and withdraw from the procurement process.

#### 5.11 **CORRUPTION**

5.11.1 It is a serious criminal offence for an employee to corruptly give or receive any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or detriment to any person in their official capacity. If such an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

#### 5.12 **USE OF PUBLIC FUNDS**

5.12.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They must strive to ensure value for money to the local community and to avoid legal challenge to the council.

5.12.2 If an employee is concerned about whether particular funds are being properly applied, he or she must raise the matter with their Director in the first instance.

#### 5.13 **HOSPITALITY**

5.13.1 Employees must treat with extreme caution any offer, gift, favour or hospitality made to them. If there is a genuine need as a legitimate part of an employee's job to accept offers of hospitality this may be allowed. The decision whether to accept is one of common sense, however, any employee who is in doubt about the legitimacy of any offer of hospitality must ask his/her Director for advice.

5.13.2 When considering whether or not to accept hospitality employees must be sensitive to the timing of decisions for letting contracts for which the provider may be bidding and must never accept hospitality from a contractor during, or just prior to, a tendering period.

5.13.3 Acceptance by employees of hospitality at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal.

5.13.4 Any offer, gift, favour or hospitality as described in the above paragraphs should only be accepted where the employee is satisfied that any purchasing, planning or other Council decisions are not compromised. Employees should not place themselves in a position where their own integrity and the integrity of the Council may be called into question.

5.13.5 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Council.

5.13.6 Employees must not accept significant personal gifts from contractors and outside suppliers. Insignificant tokens such as pens or diaries may be accepted.

5.13.7 When an employee accepts any gift, favour or hospitality made to them personally or on behalf of the Council they should complete the form in Appendix 2. Once signed by the Director it should be sent to the Assistant Chief Executive – Legal and



Democratic who maintains a register that is open to inspection by the council's Internal Audit who may present such information to the appropriate Committees of the Council. If an employee believes that an improper motive exists concerning a gift or hospitality, the employee should report this immediately to the Director, who will in conjunction with the Chief Executive, decide an appropriate action e.g. withdrawal of business and/or referral to the police. The Director of Resources and Assistant Chief Executive – Legal and Democratic must be informed.

5.13.8 An employee may only make offers of hospitality where the arrangements can be justified as being in the interests of the council. Consideration must be given to the nature and scale of the hospitality and the circumstances in which it is being offered. All offers of hospitality must be agreed in advance by the relevant Director and recorded on the declaration of gifts and hospitality form. Any decision to offer hospitality must have regard to the council's financial position and appropriate use of public funds.

#### 5.14 **SPONSORSHIP**

5.14.1 Where an outside organisation wishes to sponsor a council activity whether by invitation, tender, negotiation or voluntarily, the standards concerning acceptance of gifts and hospitality apply. Particular care must be taken when dealing with contractors or potential contractors

5.14.2 If the council wishes to sponsor an event or service neither the employee concerned, nor any partner, spouse or relative must benefit from such sponsorship in a direct way without their being full disclosure to the relevant Director or Chief Executive of any such interest. Similarly where the council through sponsorship, grant aid, financial or other measures gives support in the community, the employee must ensure that impartial advice is given and there is no conflict of interest.

#### 5.15 **TRAVEL AND SUBSISTENCE**

5.15.1 Employees must put in claims for travelling and subsistence only incurred in carrying out their duties on behalf of the Council.

5.15.2 The Council will not pay any claim for alcohol on any occasion.

5.15.3 Further information is contained in the 'Travelling and Subsistence Policy and Procedure'.

#### 5.16 **WELLBEING AND SAFETY**

5.16.1 Every employee is responsible for taking reasonable care for their own health and safety, that of their colleagues, service users and any other third parties. They must also conduct themselves in a manner which maintains public confidence in their integrity and the services provided by the council.

5.16.2 An employee must not be under the influence of alcohol at any time while at work, on-call or standby, and whilst being paid to do so. Employees are not allowed to drink during working hours, including meal breaks and whilst on standby other than at special events authorised in advance by the appropriate Director or Chief Executive. Permission must be sought from the appropriate Director by an employee who is representing the council, while entertaining clients with social drinking, whether this is during or outside of normal working hours.

## **6**     **NOTES**

- 6.1 This Code of Conduct supersedes neither the council's disciplinary and grievance procedures, nor the provisions of the Local Government Conditions of Service, as supplemented and amended by decisions of Herefordshire Council.
- 6.2 Copies of the policies and procedures referred to in this document are available from the intranet, your manager, or the human resources (HR) team.
- 6.3 If you need further assistance with this document please refer to your manager or Human Resources Officer.

## **7**     **COMPLIANCE**

- 7.1 Failure to follow this procedure may impact on good employee relations and the reputation of the council as a good employer. In addition, it may result in the council breaching employment legislation and incurring financial penalties.
- 7.2 Managers who fail to manage in accordance with this policy will be investigated and this may lead to formal action under the Managing Performance or Disciplinary Policy and Procedure.

## **8**     **IMPACT ON THE COUNCIL'S KEY PRIORITIES**

- 8.1 The policy provides clear statements about manager and employee responsibilities to ensure that the conduct of all council employees is of a high standard. This underpins service provision and enables the council to effectively meet its key priorities.

## **9**     **TRAINING AND AWARENESS REQUIREMENTS**

- 9.1 Managers and employees will be informed about this policy and procedure via communication channels such as team talk and first press.
- 9.2 HR Officers will liaise with directorate management teams to establish and agree support arrangements to assist managers to carry out their responsibilities in para 4.

## **10**    **MONITORING**

- 10.1 The Joint Management Team is responsible for ensuring the implementation and review of this policy and procedure.
- 10.2 The Assistant Chief Executive - HR will be notified of any cases where it is concluded that the policy was breached. The notification will indicate whether there are any changes or improvements required to the policies, procedure, training, support or any other aspect of the council's approach to dignity at work matters.
- 10.3 HR will monitor the effectiveness of the policy through information received via feedback from managers and employees through, for example, management team meetings and the Employee Opinion Survey and exit interviews, as well as the numbers of employees using this procedure.

## **11**    **REVIEW**

- 11.1 This document will be reviewed after three years unless circumstances demand a review before then.

**DISCLOSURE OF FINANCIAL INTEREST**

1. The Code of Conduct for Employees requires employees to declare all private and business relationships with contractors to their Director as well as financial or non-financial interests that they consider could bring about conflict with the Council's interests.
2. Section 117 of the Local Government Act 1972 also requires employees to notify the Council in writing if they have a direct or indirect financial interest in any contract with the Council or under consideration by the Council. As with members, the financial interests of a person with whom an employee is living will also count for these purposes.
3. This document gives additional guidance about the declaration of pecuniary interests. The interest relates to any contract that has been or is proposed to be entered into by the Council or any Committee.
4. All employees must notify their Director and the Assistant Chief Executive – Legal and Democratic in writing that they have a pecuniary interest in such a contract, and abstain from any consideration or discussion of the contract. The Assistant Chief Executive – Legal and Democratic is required to keep a register of these matters which is available for inspection by any member of the Council.
5. This interest can either be direct (i.e. he/she is a party to the contract) or indirect. The latter is defined as including being a partner of or employed by a person with whom the contract made or is proposed to be made or has a pecuniary interest. In the case of persons living together the interest of one shall be deemed to be also an interest of the other.
6. The failure to disclose a pecuniary interest and, where necessary, to abstain from taking part in the Council's consideration of a matter in which an employee has such an interest is likely to constitute maladministration as well as being a criminal offence.
7. An interest will not cease to be pecuniary because the Council's decision is not to the financial advantage of the employee. "Pecuniary" can mean loss as well as gain. If the Council's decision can have any financial effect at all upon the employee then the interest should be declared, unless it arises simply in the employee's capacity as a council tax payer or as a general consumer of the Council's services.

**HEREFORDSHIRE COUNCIL  
DECLARATION OF GIFTS AND HOSPITALITY**

Name of officer: .....

Post: .....

**Details of Gift/Hospitality Offered**

Employees should only accept offers of hospitality if there is a genuine need to impart information or to represent the authority in the community. Offers to attend social or sporting functions should be accepted only when these are part of the life of the community or where the authority should be seen to be represented. No cash gifts should be accepted. No gifts should be accepted where you believe it would conflict with your duties to the Council.

.....  
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.....  
.....

**Reason for Gift/Hospitality to be Offered**

.....  
.....  
.....  
.....

**Was the Gift/Hospitality Accepted?**

Please write Yes or No in the Box?

What was the approximate value of the Gift/Hospitality whether accepted or not?

Signed: .....

Print Name: .....

Date: .....

Authorised: (Director) .....

Date: .....

**NB: Please seek consent of your Director before accepting a gift or hospitality.**

**Please return completed form to:**

**Jacky Preece (PA to Alan McLaughlin, Assistant Chief Executive Legal and Democratic), Room 43, Brockington H11**

COUNCIL

25 JULY 2008

## REPORT OF THE PLANNING COMMITTEE

### Meetings Held on 23 May and 4 July 2008

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#### Membership:

**Councillors:** TW Hunt (Chairman), RV Stockton (Vice-Chairman), ACR Chappell, PGH Cutter, H Davies, GFM Dawe, DW Greenow, KS Guthrie, JW Hope, B Hunt, G Lucas, RI Matthews, PM Morgan, JE Pemberton, AP Taylor, DC Taylor, WJ Walling, PJ Watts and JD Woodward.

#### REFERRED PLANNING APPLICATIONS

1. The following Planning Applications were determined by the Committee because (i) they relate to the Council's own development or to the development of land owned by the Council; (ii) they are applications referred to the Committee by the Head of Planning Services because the Area Planning Sub-Committees are mindful to approve/refuse them contrary to officer recommendations and Council's Policies; (iii) they are of strategic importance; or (iv) they are applications by Members of the Council or their relatives.
  - (a) DCNE2008/0633/F - alterations and extensions to existing buildings, new warehouse, concentrate store, gatehouse, fuel tank structures, access road and re-arrangement of hardstanding areas at Robertson's Business Park, Little Marcle Road, Ledbury – approved as recommended;
  - (b) DCCW2008/0421/F - retrospective application for change of use from agricultural to a two family traveller site including siting of two mobile homes and a touring caravan for Mr James Smith and Mr Jimmy Smith and their respective families at The Birches Stables, Burghill – approved as recommended; and
  - (c) DCCE2008/1026/N - formation of earth bunds (8000 cu m of imported soil) as screening etc. at The Old Mushroom Farm, Haywood Lane, Callow, Hereford – approved as recommended.

#### AREA PLANNING SUB-COMMITTEES

2. Information reports have been received from the three Area Planning Sub-Committees which have dealt with the following matters:
  - (a) **Northern Area Planning Sub-Committee meetings held on 9 April, 7 May & 4 June, 2008**
    - applications approved as recommended – 9
    - applications refused as recommended – 1
    - applications minded to approve contrary to recommendation 2
    - applications minded to refuse contrary to recommendation 1
    - applications deferred for further information or site visit - 1
    - number of public speakers – 3 parish council; 6 objectors and 8 supporters

- appeals - 14 appeals received, 10 dismissed, 4 upheld and 1 withdrawn)

**(b) Central Area Planning Sub-Committee meetings held on 16 April, 14 May & 11 June, 2008**

- applications approved as recommended - 8
- applications refused as recommended - 0
- applications deferred for site inspection – 0
- applications minded to approve contrary to recommendation 0 (referred to Planning Committee)
- applications minded to refuse approve contrary to recommendation 3 (2 referred to Planning Committee)
- applications deferred for further information/negotiations – 2
- applications withdrawn - 1
- number of public speakers – 2 parish council; 8 objectors and 6 supporters
- appeals - 7 appeals received, 5 dismissed and 2 upheld).

**(c) Southern Area Planning Sub-Committee meetings held on 30 April, 28 May & 25 June, 2008**

- applications approved as recommended - 16
- applications refused as recommended - 0
- applications minded to approve 1 (not referred)
- applications minded to refuse 1 (not referred)
- number of public speakers – 1 objector and 2 supporters
- appeals - 9 appeals received, 4 dismissed and 3 upheld.

**WEST MIDLANDS REGIONAL SPATIAL STRATEGY (RSS): PHASE TWO REVISION**

3. The RSS was issued by the Government in 2004 and has been followed by a phased review. The first phase dealt with the Black Country and the second phase has reached an advanced stage. It deals with housing, employment, the role of centres, waste and some aspects of transport. The third and final phase began in November 2007 and covers rural services, gypsy and traveller sites, culture, minerals and environment policies. The Regional Assembly has worked closely with regional stakeholders in preparing phase two, and strategic planning authorities such as Herefordshire Council have submitted advice to it. Consultation was undertaken on spatial options which were considered by Cabinet in February 2007. A preferred option was approved by the Assembly's Regional Planning Partnership in October and submitted to the Secretary of State in December. Formal public consultation on the revision was launched in January. The next stage will be by way of an Inquiry arranged by the Secretary of State and held before an independent Panel. The Panel will subsequently prepare a Report for consideration by the Secretary of State who will consult on proposed changes before finalising the revised RSS.
4. The Government is concerned that more houses need to be built if problems of affordability are to be addressed. The Assembly has worked with partners to increase its proposals for housing provision throughout the region. Although significant increases in housing development have been proposed, they do not

meet Government aspirations in full. The proposed housing targets for the County are broadly in line with the Herefordshire Unitary Development Plan but with a greater emphasis on the City and the market towns for their location. It has been recommended to Cabinet that the Phase Two Revision should be generally supported.

#### **HEREFORDSHIRE LOCAL DEVELOPMENT FRAMEWORK: CORE STRATEGY: DEVELOPING OPTIONS PAPER**

5. The preparation of a Core Strategy is a mandatory element of the Local Development Framework (LDF) and includes:
  - a long term vision for the County and its places ( to 2026);
  - objectives for an identified set of key issues;
  - a strategy to deliver the objectives; and
  - an indication of strategic sites or locations, infrastructure needs, funding and responsibilities.
  
6. The Core Strategy relates to the shaping of places rather than solely the grant of planning permission and is linked to the Community Strategy and to the Local Area Agreement. An LDF Task Group was established early in the process of preparing the Core Strategy, consisting of Herefordshire Council Cabinet Members covering the portfolio areas of environment, housing, transportation and economic development/regeneration; together with Herefordshire Partnership Board representatives for community, economy and environment. It provides a forum for the broad consideration of the spatial development of the county and helps to ensure consistency and coherence across the Council and the Partnership. The Committee has recommended to the Cabinet Member (Environment and Strategic Housing) that the Herefordshire Core Strategy Developing Options Paper be commended for approval by Cabinet for public consultation.

#### **STRATEGIC HOUSING LAND AVAILABILITY ASSESSMENT**

7. The Strategic Housing Land Availability Assessment (SHLAA) is an initial study of the land with potential for housing development within the County for the period up to 2026. The Council is required to produce an assessment under the provisions of PPS3 Housing to demonstrate how the future housing requirement identified in the Regional Spatial Strategy (RSS) could be fulfilled. The study is a key component of the Local Development Framework and contributes to the preparation of the Core Strategy. The initial report from the study will be made available as an evidence based background paper for the Core Strategy options. It will help to establish whether the options for broad directions of growth are feasible by indicating whether sufficient land is available to achieve the levels of growth suggested. The assessment will also provide information for the Hereford Action Area Plan and any other development plan documents. Land identified will contribute to the overall RSS requirements including those for affordable housing. The sites identified will not automatically receive planning permission or be allocated for housing development. The assessment is also being undertaken in the knowledge that the housing figures proposed in the review of the Regional Spatial Strategy were viewed by the Government as being too low. Any addition to the future housing provision for Herefordshire will need to be considered further within the context of the Core Strategy and the Assessment.
  
8. Some 500 sites have been identified within the process although there are numerous issues with each. Hereford and the market towns have been concentrated upon initially and the next phase will be to widen the scope to the

rural areas. The study needs to be widened to include the conservation and environmental issues to help to determine those sites which could be progressed. All sites had been investigated around each settlement to determine their suitability and it is likely that the majority of the smaller ones will be discounted because the emphasis is on areas of growth. The Committee has recommended to the Cabinet Member (Environment and Strategic Housing) that Cabinet be requested to approve the initial findings of the Strategic Housing Land Availability Assessment as a basis for further technical work in support of the Local Development Framework.

### **PLANNING PERFORMANCE AGREEMENTS**

9. Planning Performance Agreements (PPA's) are a collaborative project management process for complex development proposals. The aim is to move away from development control to a system of development management which takes into account the broader concept of spatial planning. PPAs are aimed at improving the quality of the decision making process. Advice from the Government is that if PPAs are to be used regularly, local planning authorities should establish a formal process. The Committee has approved the introduction of Planning Performance Agreements and an associated Charter. The Charter sets out the proposed parameters to be used by the Council and covers the following:-
  - a) proposals for strategic housing and/or employment sites as identified either in the existing UDP or the forthcoming LDF; or
  - b) proposals requiring an Environmental Impact Assessment; or proposals which would have a significant impact on existing communities and therefore require expansive consultation or involvement from many different stakeholders, interest groups, statutory agencies etc.

### **REVIEW OF DEVELOPMENT SITES**

10. On 1 July the Committee carried out a review of some of the sites in the County which have been developed following the granting of planning permission.

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

**BACKGROUND PAPERS** Agenda for the meeting of the Planning Committee held on 23 May and 4 July 2008.



## REPORT OF THE STANDARDS COMMITTEE

### Meeting held on 04 July 2008

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**Membership:**

Robert Rogers (Independent Member) (Chairman); Richard Gething (Town and Parish Council Representative); John Hardwick (Town and Parish Council Representative); David Stevens (Independent Member); Councillor John Stone; Councillor Beris Williams.

**CODE OF CORPORATE GOVERNANCE**

1. We have considered a revised Code of Corporate Governance for the Council. We were grateful for the presence of Councillor Richard Smith, Vice-Chair of the Audit and Corporate Governance Committee, who communicated the views of that Committee. We feel that the Code requires further work to make it simpler and easier to use. We also agreed that there was a mix of principles (appropriate to a Code) and of compliance reporting, which should be reserved for the Council's compliance report. We have therefore undertaken to produce a new draft, and will ensure that it meets CIPFA/SOLACE requirements and the wishes of the Audit and Corporate Governance Committee. The Standards Committee and the Audit and Corporate Governance Committee will approve the revised Code in time for Council on 31 October 2008.

**ROLE AND COMPOSITION OF THE STANDARDS COMMITTEE AND ITS SUB-COMMITTEES**

2. In accordance with the Standards Committee (England) Regulations 2008, and the guidance issued by the Standards Board for England, we have reviewed our arrangements in the light of the requirements of local assessment. We have also established two new Sub-Committees, the Assessment Sub-Committee and the Review Sub-Committee.
3. The Assessment Sub-Committee will undertake the initial assessment of a complaint and decide whether the complaint requires further investigation. We have agreed membership for the first meeting of this Sub-Committee, which will be held on 28 July 2008.
4. The Review Sub-Committee will be convened in instances when the Assessment Sub-Committee has decided not to investigate a complaint, and the complainant requests a review of that decision. No-one who has been involved in the assessment of a complaint may sit on a review of that complaint.
5. We have also agreed a protocol of procedures for the Monitoring Officer on assessments and reviews.
6. We made the recommendations to Council that are set out below, and the documents for approval are appended as follows:
  - Appendix 1 – Revised Part 8 of the Constitution on the Standards Committee
  - Appendix 2 – Terms of reference of the Assessment Sub-committee
  - Appendix 3 – Terms of reference of the Review Sub-committee
  - Appendix 4 – Monitoring Officer Protocol

**RECOMMENDATIONS TO COUNCIL:****THAT:**

- (i) the amendments to Part 8 of the Constitution (the Standards Committee), and the Terms of Reference for the Assessment Sub-Committee and the Review Sub-Committee be approved;**
- (ii) the Monitoring Officer be instructed to notify members of receipt of any complaint, and:**
  - provide a written summary of the allegation to the member(s)**
  - at the same time, acknowledge receipt of the allegation from the person making the allegation.**
  - no later than sending the agenda to members of the Assessment Sub-committee unless, after consultation with the Chairman of the Standards Committee, the Monitoring Officer considers it appropriate to defer notification in order to enable proper investigation to take place.**
- (iii) the protocol set out at Appendix 4, authorising the Monitoring Officer to seek local resolution in appropriate cases, and setting out the Committee's expectations of a Monitoring Officer through the referral process be adopted;**
- (iv) the identity of a complainant may be kept confidential if the Monitoring Officer has reason to believe that the complainant:**
  - (a) will be at risk of physical harm;**
  - (b) is an officer who works closely with the member and there is a reasonable fear of intimidation or incrimination;**
  - (c) suffers from a serious health condition which might be affected**
- (v) meetings of the Assessment and Review Sub-Committees should be held in private unless the relevant Sub-Committee determines otherwise;**
- (vi) the functions of determining whether to accept the Monitoring Officer's finding of no breach, to go to a local hearing or to refer the matter to a case tribunal should be delegated to a Hearing Panel of Members of the Standards Committee; and**
- (viii) the Monitoring Officer be instructed to promulgate these changes after consultation with the Chairman of the Standards Committee.**

**LOCAL ASSESSMENT: INITIAL HANDLING OF COMPLAINTS**

7. The Standards Committee (England) Regulations 2008 require us to agree a process for handling a complaint about any councillor in Herefordshire. We have approved a complaints form and guidance which is now available on the website.

**ALTERNATIVE ACTIONS SEMINAR**

8. The Assistant Chief Executive (Legal and Democratic) reported on a recent seminar that he had attended at the Standards Board for England headquarters in Manchester. Alternative action provides options other than conducting investigations and holding hearings. It might involve mediation or conciliation, training, and peer mentoring, facilitated by the Monitoring Officer at the request of the Assessment Sub-Committee.
9. We welcome alternative action as another option open to us, and we will consider it in appropriate cases. We have to bear in mind, however, that once we embark upon it the opportunity to investigate is closed. This applies even if the alternative action fails, so it is an option to be used with care.

**JOINT WORKING WITH OTHER STANDARDS COMMITTEES**

10. There is provision in the new Regulations for joint working arrangements with other Standards Committees. This may be useful at the review stage, to ensure that an independent and objective element is maintained throughout. We plan to make reciprocal arrangements with the West Mercia Police Authority and the Hereford and Worcester Fire and Rescue Authority to “borrow” members as appropriate for our Review Sub-Committees.

**JOINT TRAINING ARRANGEMENTS**

11. We plan joint training with the Standards Committees of Worcestershire County, Worcester City, the Hereford and Worcester Fire and Rescue Authority and the West Mercia Police Authority to ensure that all the Committees are fully up to date with the demands of the new “local filter”.

**RECRUITMENT OF AN INDEPENDENT MEMBER**

12. Recruitment of an additional Independent Member (to satisfy the requirements of local assessment) is under way. An advertisement for the post appeared in the Hereford Times on 17 July 2008, and the closing date for applications will be 08 August 2008.

**STANDARDS COMMITTEE HEARING ARRANGEMENTS**

13. The Standards Board for England (SBE) has issued a substantial amount of new guidance to support local assessment, and we are ensuring that our procedures are compliant with this and the new Regulations.

**COUNCILLOR/OFFICER RELATIONS PROTOCOL**

14. We have completed our consideration of the amended Appendix 12 (Annex 1) of the Constitution, which relates to the protocol for councillor/officer relations, and have made minor amendments. This protocol is the subject of consideration by Council in an item elsewhere on this agenda.

**STANDARDS BOARD FOR ENGLAND/HEREFORDSHIRE ASSOCIATION OF LOCAL COUNCILS JOINT PILOT PROJECT**

15. At our last meeting we heard further details of the SBE's pilot project to produce a model for compacts between Associations of Local Councils, Monitoring Officers and Standards Committees through assessing activities such as joint training, informal meetings between Standards Committees and Associations to ensure agreement over application of the Code of Conduct, and the production of joint guidance leaflets. We are very pleased that Herefordshire is one of only six counties to be invited to take part in this project, and the National Association of Local Councils has commented that we are already practising much of what the pilot recommends.

**ROBERT ROGERS  
CHAIRMAN  
STANDARDS COMMITTEE**

**BACKGROUND PAPERS:**

- Agenda papers of the meeting held on 04 July 2008.

## PART 8

### THE STANDARDS COMMITTEE

#### 8.1 STANDARDS COMMITTEE

**8.1.1** The Council will establish a Standards Committee in accordance with Section 53 of the Local Government Act 2000

#### 8.1.2 Composition

**8.1.2.1 General.** The Standards Committee will be composed of at least two Councillors (who may not include the Leader) and at least three persons who are not Councillors or officers of the Council or any other body having a standards committee (the independent members). By convention the Councillors are the Chairman and the Vice Chairman of the Council. The independent members will be entitled to vote at meetings. Current members are shown at Appendix 19.

**8.1.2.2 Parish Council Matters.** The Standards Committee will also exercise functions of the Council relating to those parish councils in respect of which the Council is the responsible authority. It will include at least two members of parish councils and at least one of these persons must be present when matters relate to parish councils or their members are discussed. The Committee may co-opt additional members as and when required from other local authority, town and parish Councils.

#### 8.1.3 Role

**8.1.3.1.** The role of the Standards Committee will be:

- Promoting and maintaining high standards of conduct by the Councillors and co-opted members of the Council.
- Assisting Councillors and where appropriate co-opted members to observe the Council's Code of Conduct.
- Advising the Council on the re-adoption or revision of the Councillors' Code of Conduct
- Advising the Council on the adoption or revision of the protocol for member-officer relations.
- Monitoring the operation of the Council's Code of Conduct .

- Advising, training or arranging to train the Councillors and co-opted members of the Council on matters relating to the Councillors' Code of Conduct.
- Exercising the above function in relation to parish council for which it is the responsible authority and the members of those councils.
- Granting dispensations to Councillors, co-opted members and church and governor representatives from requirements relating to interests set out in the Councillor's Code of Conduct.
- Dealing with any reports from the case tribunal or interim case tribunal and any report from the Monitoring Officer or any matter which was referred by the Standards Board to the Monitoring Officer.
- To assess and review complaints about Councillors
- To conduct determination hearings .
- To receive reports, and comment on complaints procedures and/or reports from Local Government Ombudsman or external auditors, which are relevant to the Standards Committee's responsibilities.
- To advise the Council on the appointment of independent members.
- To consider the compliance of the Constitution with the ethical framework.
- To consider any application received from any officer of the Council for exemption from political restriction under sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer and, if it thinks fit, to direct the Council that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the authority under section 2.2 of that Act; and
- Upon the application of any person, or otherwise, to consider whether a post should be included in the list maintained by the Council under section 2.2 of the 1989 Act and, if it thinks fit, to direct the Council to include a post in that list.

#### **8.1.4. Conduct of Business etc**

**8.1.4.1** The quorum for the Standards Committee will be three which must include an independent person, who shall be the chairman of the committee, and include a town or parish council member when considering town or parish matters.

**8.1.4.2** The chairman shall have a casting vote when there is an equality of votes.

**8.1.4.3** The Standards Committee will establish an Assessment Sub-committee and a Review Sub-committee to discharge those functions of the Committee. The Committee will constitute a hearing panel to make a determination and shall record whether that determination has been agreed unanimously.

**8.1.4.4** The Standards Committee may establish a sub-committee to discharge any of its functions and will operate in accordance with Parts 2 and 5 of the Constitution.

**8.1.4.5** The Assistant Chief Executive Legal and Democratic will appoint a substitute member of Herefordshire Council, should any Councillor member for any reason be unable to serve on the Committee or any of its sub-committees.





## **Terms of Reference of the Assessment Sub-Committee**

### **As approved by the Standards Committee**

1. Terms of Reference
  - a. The Assessment Sub-Committee is established to receive allegations that a member of the authority has failed, or may have failed, to comply with the authority's Code of Conduct
  - b. Upon receipt of each allegation and any accompanying report by the Monitoring Officer, the Sub-Committee shall make an initial assessment of the allegation and shall then do one of the following:
    - i. refer the allegation to the Monitoring Officer, with an instruction to arrange a formal investigation of the allegation or arrange training, conciliation or such appropriate alternative steps as permitted by Regulations
    - ii. refer the allegation to the Standards Board for England
    - iii. decide that no action should be taken in respect of the allegation, or
    - iv. where the allegation is in respect of a person who is no longer a member of the authority, but is a member of another relevant authority (as defined in section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority,and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision.
  - c. Upon completion of an investigation by the Monitoring Officer, the Sub-Committee shall determine whether –
    - i. it accepts the Monitoring Officer's findings of no failure to observe the Code of Conduct;
    - ii. the matter should be referred for consideration at a hearing before the Standards Committee; or
    - iii. the matter should be referred to the Adjudication Panel for that decision
  - d. Where the Sub-Committee resolves to do any of the actions set out in Paragraph 1.b or 2.c above, the Sub-Committee shall state its reasons for that decision

2. Composition of the Assessment Sub-Committee

The Assessment Sub-Committee shall comprise three members of whom one shall be an independent co-opted member of the Standards Committee, who shall chair the Sub-Committee, one shall be an elected member of the Council, and one shall be a Town or Parish Council representative.

3. Quorum

The quorum of the Sub-Committee shall be three.

4. Frequency of Meetings

The Sub-Committee shall agree a programme of meetings sufficient to enable it to undertake the initial assessment of any allegation received within 20 working days of receipt of that allegation by the authority, but shall meet only when one or more allegations have been received which require to be assessed at that meeting.

## **Terms of Reference of the Review Sub-Committee**

### **As approved by the Standards Committee**

#### 1. Terms of Reference

- a. The Review Sub-Committee is established to review upon the request of a person who has made an allegation that a member of the authority has failed, or may have failed to comply with the authority's Code of Conduct, a decision of the Assessment Sub-Committee that no action be taken in respect of that allegation.
- b. Upon receipt of each such request and any accompanying report by the Monitoring Officer, the Sub-Committee shall review the decision of the Assessment Sub-Committee and shall then do one of the following:
  - i. refer the allegation to the Monitoring Officer, with an instruction to arrange a formal investigation of the allegation or take an alternative action as permitted by the Regulations
  - ii. refer the allegation to the Standards Board for England
  - iii. decide that no action should be taken in respect of the allegation, or
  - iv. where the allegation is in respect of a person who is no longer a member of the authority, but is a member of another relevant authority (as defined in section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority,and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision
- c. Where the Sub-Committee resolves to do any of the actions set out in Paragraph 1.b above, the Sub-Committee shall state its reasons for that decision

#### 2. Composition of the Review Sub-Committee

The Review Sub-Committee shall comprise a minimum of three members of whom one shall be an independent co-opted member of the Standards Committee, who shall chair the Sub-Committee, one shall be an elected member of the Council, and one shall be a Town or Parish Council representative. The members may not be members of the Assessment Sub-Committee which assessed the initial complaint. The Review Sub-Committee may also include an Independent Member of the Standards Committee of another authority, or a Parish or Town Council representative other than those who are members of the Herefordshire Standards Committee.

3. Quorum

The quorum of the Sub-Committee shall be three.

4. Frequency of Meetings

The Sub-Committee shall agree a programme of meetings sufficient to enable it to undertake the review of any decision of the Assessment Sub-Committee within three months of the receipt of the request for such a review from the person who made the allegation, but shall meet only when one or more requests have been received which require to be assessed at that meeting.

## **Monitoring Officer Protocol**

Instructions to the Monitoring Officer on the discharge of functions in relation to the initial assessment and review of allegation that a member of an authority has failed to comply with the Code of Conduct.

### **1. Receipt of Allegations**

- 1.1 The Monitoring Officer shall set up arrangements to secure that any allegation made in writing that a member has or may have failed to comply with the authority's Code of Conduct is referred to that member immediately upon receipt by the Monitoring Officer.
- 1.2 The Monitoring Officer shall maintain a register of such allegations to ensure that the Council can comply with its obligations under the relevant legislation.
- 1.3 A complaint shall be entertained only if it is signed by the complainant, but the Monitoring Officer is authorised to maintain the confidentiality of the identity of the complainant where and for so long as in his or her opinion that would be in the public interest.

### **2. Notification of Receipt of Allegations**

- 2.1 All relevant allegations must be assessed by the Assessment Sub-Committee. The Monitoring Officer may not deal with an allegation which appears to be an allegation of failure by a relevant member to observe the Code of Conduct other than by reporting it to the Assessment Sub-Committee. The Monitoring Officer shall therefore determine whether the allegation appears to be a substantive allegation of misconduct. Where it appears not to be, he or she shall ensure that the matter is dealt with under a more appropriate procedure, for example where it is effectively a request for service from the authority, a statement of policy disagreement, a legal claim against the authority or a complaint against an officer of the authority.
- 2.2 Following receipt of the allegation, and where the allegation does appear to be a complaint of misconduct against a relevant member, the Monitoring Officer will promptly, and in any case in advance of the relevant meeting:
  - 2.2.1 acknowledge to the complainant receipt of the allegation and confirm that the allegation will be assessed by the Assessment Sub-Committee at its next practicable meeting;
  - 2.2.2 notify the member against whom the allegation is made of receipt of the complaint, together with a written summary of the allegation, and state that the allegation will be assessed at the next practicable meeting of the Assessment Sub-Committee. However, where the Monitoring Officer is of the opinion that such notification would be contrary to the public interest or would prejudice any person's ability to investigate the allegation, he or she shall consult the Chairman of the

Assessment Sub-Committee, or in his or her absence the Chairman of the Standards Committee, and may then decide that no such advance notification shall be given;

2.2.3 collect such information as is readily available and would assist the Assessment Sub-Committee in assessing the allegation;

2.2.4 seek local resolution of the matter where practicable, in accordance with paragraph 3 below;

2.2.5 place a report, including a copy of the allegation, such readily available information and a recommendation as to whether the allegation discloses an apparent failure to observe the Code of Conduct, on the agenda for the next convenient meeting of the Assessment Sub-Committee

### **3. Local Resolution**

3.1 Local resolution is not an alternative to reporting the allegation to the Assessment Sub-Committee, but can avoid the necessity of a formal local investigation.

3.2 If the Monitoring Officer is of the opinion that there is the potential for local resolution, he or she shall approach the member against whom the allegation has been made and ask whether that member is prepared to acknowledge that inappropriate conduct, and whether he or she would be prepared to offer an apology or undertake other appropriate remedial action. With the agreement of the Assessment Sub-Committee, and the consent of the member concerned, the Monitoring Officer may then approach the complainant and ask whether the complainant would be satisfied by such apology or other remedial action. The Monitoring Officer shall then report to the Assessment Sub-Committee, and at the same time report the response of the member concerned and of the complainant, in order that the Assessment Sub-Committee may take that into account when considering whether the matter merits investigation

### **4. Review of Decisions not to Investigate**

4.1 Where the Assessment Sub-Committee has decided that no action be taken on a particular matter, the Monitoring Officer shall promptly advise the complainant of the decision, and the complainant may then within 30 days of receipt of such notification request that the Review Sub-Committee review that decision

4.2 Whilst the review shall normally be a review of the reasonableness of the original decision rather than a reconsideration, the Monitoring Officer shall report to the Review Sub-Committee the information which was provided to the Assessment Sub-Committee in respect of the matter, the summary of the Assessment Sub-Committee and any additional relevant information which has become available before the meeting of the Review Sub-Committee.

**5. Local Investigation**

- 5.1 The Monitoring Officer will not personally conduct a formal local investigation in order to avoid any conflict with the role of advising the Committee when it makes a determination.
- 5.2 When appropriate after consultation with the Chairman of the Assessment Sub-Committee, the Monitoring Officer shall determine who to instruct to conduct a formal local investigation. This may include another senior officer of the authority, a senior officer of another authority or another appropriately experienced and qualified person.





COUNCIL

25 JULY 2008

## **REPORT OF THE STRATEGIC MONITORING COMMITTEE**

### **Meetings Held on 13 June and 16 July 2008**

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**Membership:**

Councillors: PJ Edwards (Chairman), PA Andrews, WU Attfield, WLS Bowen, KG Grumbley, T.M. James, RI Matthews, PM Morgan, AT Oliver, SJ Robertson, and K Swinburne.

#### **REVIEW OF THE SERVICE DELIVERY PARTNERSHIP WITH AMEY WYE VALLEY LIMITED**

1. The Committee has considered the draft recommendations from the Service Delivery Review of the Council's Service Delivery Partnership with Amey Ltd.
2. The Committee was informed that a review had commenced in November 2007 to examine ways of improving the Council's Service Delivery Partnership arrangements with Amey (incorporating Amey Wye Valley and Amey Consulting (formerly Owen Williams)). The review was carried out jointly with Amey with the overall aim: to review the Council's approach to delivering services through the existing Service Delivery Partnership and identify opportunities to enable the Council to deliver a better service for less cost.
3. Two key objectives were set for the review:
  - To review alternative forms of delivery with a view to securing annual savings to the Council of a minimum of £1 million; and
  - To improve current quality and level of service.
4. The Committee has noted how the review has been conducted and how 18 possible delivery options have been reduced to 3: the improved business as usual model; the managing agent model, which would give greater responsibility for planning to Amey; and the integrated services model, with services delivered by an integrated organisation staffed by employees of both Amey and Herefordshire Council and managed by a single manager reporting to both organisations.
5. It was informed that it had been concluded that the improved business as usual model would not achieve the degree of improvement or level of savings required. The other two models offered a potential basis for negotiation. It noted that the aim was to develop a model tailored to meeting the needs of Herefordshire.
6. The Committee welcomed the depth and breadth of this preliminary stage of the review and the involvement of the Committee in its consideration. It has recommended that all Members be invited to comment on the review and that the Committee itself should be provided with a further opportunity to comment on the review prior to recommendations being considered by Cabinet.
7. In the meantime, the Committee, recognising that good working relationships between the Council and Amey and unity of culture are key to success has recommended that where bad practice is identified this should be remedied on an ongoing basis and not await the outcome of the review.

## **OFFICE ACCOMMODATION STRATEGY**

8. Council was informed in May that the Committee had received a briefing paper on the office accommodation strategy options and formed a Working Group to consider this in detail.
9. The Committee has now received a report from the Group and endorsed its principal findings on the proposed process and timetable for developing an integrated office accommodation strategy for the Primary Care Trust and the Council.
10. The Group commented in particular on the proposed timescale for the project; the need for the project to be resourced with a full-time project team; the acknowledged need for further detailed work to be undertaken; and proposed sites for a back office.
11. The Committee expects to receive a further report by November this year.

## **FINAL REVENUE AND CAPITAL OUTTURN 2007/08**

12. The Committee has noted the final outturn for 2007/08, the use of the carry forward of the unspent budget into 2008/09, there being a net underspend of £591,000, and the creation of some new reserves.

## **PROCUREMENT STRATEGY**

13. The Committee has noted the contribution the Procurement Strategy can make to meeting the Government's efficiency targets and how efficiency savings form part of the Audit Commission's Use of Resources Assessment and consequently the overall rating of the Council's performance.
14. The Strategy welcomes the use of local suppliers but the Committee has expressed the hope that this use could be further encouraged. It has also highlighted the need for the Strategy to explicitly reflect the Council's policy commitment to supporting Fairtrade.

## **BACKWARD LOOKING ANNUAL EFFICIENCY STATEMENT 2007/08**

15. The Committee has noted the Statement mindful of the attention paid to efficiency savings in external assessments of the Council's performance and noting that the Council exceeded its savings target for 2007/08.

## **SCRUTINY DEVELOPMENT PLAN 2008/09**

16. The Committee has approved a Scrutiny Development Plan for 2008/09. The Plan is based around the four principles of good scrutiny as defined by the Centre for Public Scrutiny. The Plan reflects areas where it is recommended to continue to develop and improve on arrangements already in place, some areas which it was thought worth revisiting to see if development could take place and several new areas.

## **PRESENTATIONS BY CABINET MEMBER (RESOURCES)**

17. In accordance with the performance management framework the Committee has received presentations from the Cabinet Member (Resources) Cabinet Member (Corporate & Customer Services & Human Resources), Cabinet Member (ICT, Education and Achievement) and discussed a number of issues with them to which further consideration will be given in setting future work programmes.

## **HEREFORDSHIRE CONNECTS**

18. The Committee has considered the outcome of an options appraisal carried out to inform future implementation of the Herefordshire Connects programme.
19. It was informed that the Joint Management Team, with strategic partner Deloitte, had undertaken an options appraisal to:
  - ensure the vision for Herefordshire Connects is fit for purpose both now and for the future
  - update the business case to take account of current and future needs and identify those benefits already achieved
  - ensure that governance arrangements are robust and appropriate.
20. The Committee has noted the conclusion that the original vision is still valid with a recommendation in the appraisal that the programme is re-shaped and prioritised to reflect increased joint working with the Primary Care Trust and the increased risk of key ICT system failure.
21. The Committee has agreed that there is clearly a need to address the growing risk of systems failures highlighted in the Deloitte report promptly. It has also suggested that the wording of the proposed new vision for Herefordshire Connects should be revisited. Cabinet, which is due to consider the matter on 31 July, will also be advised of the Committee's continuing desire for reassurance that the Connects project will deliver what is now promised, noting that promises in the earlier life of the project did not come to fruition, and its wish that Cabinet ensures measures are put in place to enable effective monitoring of the delivery of the project.

## **END OF YEAR PERFORMANCE REPORT**

22. The Committee has considered the end of year performance report covering the whole of the operating year 2007-08 against the Annual Operating Plan 2007-08, Best Value Performance Indicators, and the Direction of Travel indicators used previously by the Audit Commission.
23. The Committee has noted that the main risk identified is that the key points to emerge from the report will not be addressed, that further improvement will not therefore be achieved (particularly as regards the Council's new Corporate Plan priorities), and that this would be reflected in adverse judgements under the Comprehensive Area Assessment in 2009. The Committee agreed that Directors should prioritise and address the issues within their respective areas, including through the updating of service improvement plans.

## **COMPREHENSIVE AREA ASSESSMENT PROGRAMME PROGRESS REPORT**

24. The Committee has noted progress against the proposed action plan to ensure that the Council, with the Primary Care Trust (PCT) and its other partners is well-placed for the new system of Comprehensive Area Assessment. It has noted that a number of areas are considered to be Amber (where it is not yet possible to determine if the success criteria will be achieved) and agreed the need for effective remedial action.

## **ISSUES CONSIDERED BY THE INDIVIDUAL SCRUTINY COMMITTEES**

25. The work of the Committees is analysed below in accordance with the following two roles for scrutiny based on a University of Birmingham categorisation. Each Committee has also considered and rolled forward its work programme.

<b>Holding the Executive to Account</b>	<b>Developing Policy</b>
Questioning members of the Executive	Pre-Decision Scrutiny – commenting on decisions about to be made
Call-ins – Scrutinising decisions before they take effect	Policy Reviews and Development
Scrutinising decisions after they are made	External Scrutiny
Management of Performance	Health Scrutiny
Ensuring Corporate Priorities are Met	
Budget Scrutiny	
Community and Area Scrutiny	

	<b>Holding the Executive to Account</b>	<b>Developing Policy</b>
<p><b>Adult Social Care and Strategic Housing</b></p> <p>24 July 2008</p>	<p>Presentation by Cabinet Member (Environment and Strategic Housing)</p> <p>Revenue Budget Outturn 2007/08 and the Budget 2008/09</p> <p>Adult Social Services Performance Monitoring</p> <p>Strategic Housing Performance Monitoring</p> <p>Strategic Housing Service Plan</p> <p>Contract Monitoring Arrangements with Shaw Healthcare</p>	<p>Strategic Review of Provider Services</p> <p>Scrutiny Review of the modernisation of day opportunities for older people</p> <p>Scrutiny Review of Transition from leaving Care to Adult Life</p> <p>Scoping Statement for a Review of Support to Carers.</p>
<p><b>Children’s Services</b></p> <p>7 July 2008</p>	<p>Presentation by Cabinet Member.</p> <p>Review of Directorate and Service Plan / Performance Monitoring.</p> <p>Youth Service Update: Targeted Youth Support and Positive Activities.</p> <p>Capital Budget Outturn Report 2007/08.</p>	<p>Review of Behaviour and Discipline Management in Herefordshire Schools.</p>

	Revenue Final Outturn Report 2007/08. Racist Bullying “MeWe” Video.	
<b>Community Services</b> 17 July 2008	Presentation by Cabinet Member Directorate and Service Plans Revenue Budget outturn and the Budget 2008/09 Environment and Cultural Services performance Indicators Scrutiny Review Action Plans Monitoring Broadband Provision	Scrutiny Review of the Findings of the Scrutiny Review of the Agreement with Halo Leisure Trust Scoping Statement for Scrutiny Review of the Community And Safety Drugs Partnership. Scoping Statement for Scrutiny Review of Herefordshire’s Future Economic Policy
<b>Environment</b> 9 June 2008	Cabinet Member Presentations Reports by Directors Review of the Service Delivery Partnership Capital Budget Monitoring. Revenue Budget Monitoring Performance Monitoring.	Scrutiny Review of Planning Services.
<b>Health</b> 18 June 2008	Public Health Issues – Stroke Services Public Health Issues – Sexual Health Intermediate Care Services	West Midlands Ambulance Service NHS Trust – Response Times GP-Lead Walk-in Health Centre Development Cancer Services Changes in the Management of Mental Health Services Audiology Services
<b>Strategic Committee Monitoring</b> 13 June 2008 16 July 2008	Backward Looking Annual Efficiency Statement 2007/08 Final Revenue and Capital outturn 2007/08 Cabinet Member Presentations End of year Performance Report Comprehensive Area Assessment Preparation	Review of the Service Delivery plan with Amey Wye Valley Ltd Scrutiny Development Plan Procurement Strategy Office Accommodation Strategy Herefordshire Connects

	Programme Progress Report Update on Review of Consultant Expenditure 2007/08	
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**Issues of particular note:**

- **Children's Services**

While discussing the Committee work programme the Chairman proposed that the Committee consider appointing each of the Councillors on the Committee as either a Champion or Vice-Champion for one of each of the five outcome areas of the Every Child Matters agenda (Be Healthy; Stay Safe; Enjoy and Achieve; Make a Positive Contribution and Achieve Economic Well-being.) Champions and Vice-Champions would be encouraged to take a more proactive role by shadowing and observing appropriate meetings to enable them to hear first hand some of the issues that have to be addressed. The involvement of the Champions would be governed by terms of reference.

The Committee agreed the proposal and recommended that Strategic Monitoring Committee consider the proposal when it considers a report on the future structure of scrutiny arrangements. The Strategic Monitoring Committee has agreed to consider this matter.

- **Environment**

On scrutinising the Capital Budget outturn the Committee expressed regret concerning the continual underspend on sustainable transport budgets, particularly cycling initiatives, as opposed to overspends on car management and road building. The Committee have requested that all officers delivering the Local Transport Plan should make every effort to ensure that budgets for sustainable modes of transport will be fully committed in 2008/09.

The Committee considered and agreed the terms of reference for a Scrutiny Review of Planning Services and agreed the membership of the Review Group.

- **Health**

**GP Led Walk-in health Centre Development**

As part of the NHS Next Stage Review being led by Lord Darzi, each Primary Care Trust in England is tasked with developing a GP-led health centre which will be open from 8am until 8pm, seven days a week, which can provide booked appointments and walk-in services to registered and non-registered patients.

There has been mounting concern locally, regionally and nationally about the affordability of these centres, and about their suitability for rural areas. Against this backdrop the Committee has considered the Primary Care Trust's proposal for a bespoke Herefordshire model. This envisages the walk in centre providing essential general services without undermining the County's good base of primary care.

The Committee has welcomed the proposed Herefordshire Model for extended access to GP Services in Hereford City recognising that it is demonstrably based on local need. The combining of the out of hours contract with the new extended access service should ensure a cost-effective and enhanced GP service 24 hours a day seven days a week for the County's residents and visitors. It has agreed that the public consultation particularly with patient groups has ensured an appropriate level of engagement in the process.

In taking the proposal forward the Committee has urged continued engagement with GPs throughout the County to ensure their co-operation. It has also recommended that the PCT instigate a communication programme to ensure the public know how and when to access the appropriate medical care.

### **Proposed Expansion of Radio Therapy Services**

Council was informed in May that the Committee had considered the Three Counties Cancer Network's (Gloucestershire, Herefordshire and Worcestershire) (3CCN) proposed expansion of radiotherapy services. The Committee endorsed the Hereford County Hospital option for extra radiotherapy services provided on a satellite basis and asked the Three Counties Cancer Network to consult on this preferred option. It has strongly endorsed the National Cancer Strategy recommendation that no patient should have to travel more than 45 minutes for cancer treatment and therefore supported development of a treatment facility at Worcester as the next subsequent phase of development after that recommended at Hereford.

An update was provided to the Committee in June with the 3CCN having circulated a pre-consultation paper inviting comment on the proposed decision making and consultation processes.

It was noted that the enhanced provision had been under consideration since 2005 and implementation was now planned to take place in two years time. Members expressed unhappiness at the delay in reaching a decision noting in particular the weight of public expectation that the provision of enhanced services in Herefordshire was thought to be imminent.

The Committee has reiterated its endorsement of the Hereford County Hospital option for extra radiotherapy services. It has also urged that the pre-consultation process, generally, remains acutely aware of the long and painful journey necessitated by most Herefordshire residents who have to travel to Cheltenham for treatment, and that there are some who have refused treatment because they could not face travelling so far.

### **Future Work Pressures**

The Committee has discussed the range of health issues the Committee will need to consider in the coming months. It agreed that it was highly likely that both additional formal and informal meetings will be required. The Committee has agreed that provision should therefore be made for their next two scheduled meetings to be extended into the afternoon to ensure that they can give proper consideration to issues before them and to make more efficient use of the time of visiting presenters.

The Committee has also formally requested that an additional two meetings for the Health Scrutiny Committee be scheduled when the 2009/10 Council diary is prepared and that the Strategic Monitoring Committee give consideration to requesting that the same provision be made for the other Scrutiny Committees. The Strategic Monitoring Committee has agreed to consider this matter.

**PJ EDWARDS**  
**CHAIRMAN**  
**STRATEGIC MONITORING COMMITTEE**

### **BACKGROUND PAPERS**

- Agenda Papers of the Meetings of the Strategic Monitoring Committee held on 13 June and 16 July 2008





## REPORT OF THE REGULATORY COMMITTEE

### Meetings Held on 15/27 May, 20 May, 17 June and 15 July 2008

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#### Membership:

**Councillors:** P. Jones CBE (Chairman), J.W. Hope MBE (Vice-Chairman) C.M. Bartrum, D.J Benjamin, M.E. Cooper, P.G.H. Cutter, S.P.A. Daniels, J.H.R. Goodwin, R. Mills, A. Seldon, D.C. Taylor.

#### **HIGHWAYS ACT 1980 SECTION 119 – APPLICATIONS FOR PUBLIC PATH DIVERSION ORDERS**

1. The Committee has determined applications for the following Public Path Diversion Orders for which there has been consultation with interested parties, the local parish councils and the local Ward Councillors where appropriate:-
  - (a) Bridlepath CO1, and footpaths CO1A, CO4 (Collington) and parts of footpaths ER3 AND ER26 (Edwyn Ralph) – refused as recommended because the diversion would be substantially less convenient to the public in that it would be significantly longer and less direct for walkers; and
  - (b) Footpath GW3 (part) in the parish of Garway - approved as recommended.

#### **REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES THAT HAVE BEEN MODIFIED: LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, TOWN POLICE CLAUSES ACT 1847**

2. In December 2007 the Committee considered concerns which had been raised by the trade with Officers about the safety of converted panel vans and certain vehicles which had been converted for wheelchair access. It was decided to suspend the licences of converted panel vans until the Council was provided with evidence that the vehicles had complied with the requirements of the Department of Transport and the DVLA. In the case of vehicles converted for wheelchair access, the proprietors were asked either to produce evidence from the manufacturer to show that vehicle was safe and fit for use, or to obtain a VOSA Single Vehicle (Standard) approval test certificate and proprietors were given time to obtain the necessary certification.
3. Extensive consultation has been carried out with the trade and the major manufacturers of the vehicles with a view to amending the Councils vehicle licence conditions to bring them into line with legislation and best practice and to ensure the safety of passengers. The process has proved to be time consuming and complicated due to the fact that there is no single comprehensive standard that can be adopted regarding vehicles adapted post-manufacture for wheelchair access. The Committee has given further consideration to all the issues and has also heard representations from the trade who were given the opportunity to speak at meetings. The Committee has decided to adopt the VOSA - SVA (Single Vehicle Approval) standard test or relevant safety standards as the benchmark for licensed vehicles adapted for wheelchair access. It is of the view that this will provide the Council and the public with assurances that the wheelchair facilities have been tested to the industry standards and that the vehicle design will comply with the government approved test. The Committee has also approved LTI – London Cabs as a

benchmark manufacturer of wheelchair accessible vehicles to be licensed for hackney carriage and private hire.

#### **HOME BOARDING STABLISHMENTS - CONDITIONS FOR DOG HOME BOARDING ESTABLISHMENTS - ANIMAL BOARDING ESTABLISHMENTS ACT 1963**

4. The Committee has considered the introduction of licensing conditions for Home Boarding Establishments (private homes rather than kennels for the boarding of cats and dogs). In 2005 LACORS (the Local Authorities Coordinators of Regulatory Services) issued guidance and Model Conditions to local authorities on home boarding and whether host families or agencies required a Boarding Establishment Licence. The conditions have been adopted in respect of the boarding of dogs to ensure that accommodation is of a suitable size and construction, has exercising facilities and that aspects such as temperature, lighting, ventilation, cleanliness, food and water, safety and the prevention of disease are satisfactory. The situation regarding the boarding of cats is a little different. It is the view of DEFRA and the Feline Advisory Bureau that the homeboarding of cats is not to be encouraged. Secondary legislation will be introduced to prevent the homeboarding of cats on the grounds of animal welfare. The Committee has decided to adopt new licensing conditions with effect from 1 August 2008 regarding the homeboarding of dogs. Applications for the homeboarding of cats will be refused in view of the guidance received and the impending legislation.

#### **APPLICATIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES – LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

5. Eight applications for the reinstatement, renewal or grant of Hackney Carriage/Private Hire driver's licences have been referred to the Committee in accordance with the Council's terms and conditions and the advice on the interpretation of spent convictions and medical requirements. Eight applications for the grant, renewal or transfer of vehicle licenses have also been submitted to the Committee because the applications do not comply with the Councils licensing conditions and policies.
6. The applicants, licence holders and their representatives gave details of the grounds for their applications and provided the Committee with their personal circumstances. In the case of the applications for vehicle licences, the applicants explained why they wished to have their licences transferred to vehicles which did not comply with the Council's licensing conditions, or the circumstances which had prevented them from renewing their licences within the Council's prescribed timescale. The applications were dealt with as follows:
  - (a) consideration of one application for a drivers licence was deferred because the applicant needed to clarify certain convictions which had been stated by the Criminal Records Bureau;
  - (b) three driver applications were refused because the applicants are not considered to be fit and proper persons to be granted a licence;
  - (c) four driver applications were granted because the Committee is satisfied that evidence had been given that the applicants are fit and proper persons to be licensed;
  - (d) an application for the transfer of an expired private hire vehicle licence to another vehicle was refused because several months had elapsed since

the expiry, and the applicant had not provided any details of the vehicle he wished to transfer it to;

- (e) six applicants were allowed to renew their vehicle licences outside the prescribed timeframe because of their particular circumstances, or the fact that the Committee felt that the timeframe between expiry and the application for renewal was small enough to be acceptable; and
- (f) an application for a private hire vehicle licence for a vehicle with an engine capacity lower than that stipulated in the Councils licensing conditions was granted because the vehicle has an eco-friendly petrol/electric hybrid engine.

**P. JONES CBE  
CHAIRMAN  
REGULATORY COMMITTEE**

**BACKGROUND PAPERS** Agenda papers from the meetings of the Regulatory Committee held on 15/27 May, 20 May, 17 June and 15 July.



COUNCIL

25 JULY 2008

## **REPORT OF THE AUDIT AND CORPORATE GOVERNANCE COMMITTEE**

**Meetings Held on 20 June and 3 July 2008**

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### **Membership:**

Councillors: **A.C.R. Chappell (Chairman), M.J. Fishley, J.H.R. Goodwin, B. Hunt, R. Mills, R.H. Smith and A.M. Toon.**

### **PRESENTATION BY SECTOR**

1. The Committee has received a presentation by Mark Swallow, representing Sector, the company employed by the Council to provide expert monetary advice on treasury management.

### **AUDIT SERVICES ASSURANCE REPORT 2007/08**

2. The Committee considered the Chief Internal Auditor's final audit assurance report for 2007/08. The Committee noted that the Audit Commission is pleased with the follow up recommendations in the report and that discussions are taking place with the Herefordshire Primary Care Trust with regard to the possible Council use of counter fraud initiatives. The Committee noted the report and requested that details of the number of external contractors employed by Council services other than the ICT service be circulated to Committee members and also the reasons for the delay in the merging of ICT services with another Directorate.

### **ANNUAL GOVERNANCE STATEMENT 2007/008**

3. The Committee has considered and approved the draft Annual Governance Statement for 2007/08.

### **ANNUAL STATEMENT OF ACCOUNTS**

4. The Committee has considered the Annual Statement of Accounts for 2007/08. The Committee has noted that the Herefordshire Primary Care Trust (PCT) is currently in discussions with the Council to ensure that PCT and Council accounts compare. The Committee has approved the Statement of Accounts and also that the outcome of the independent review of the Community Network Upgrade project be reported to the Committee.

### **JOINT WORKING WITH INTERNAL AUDIT – AUDIT 2008/09**

5. The Committee has considered and noted the Audit Commission's protocol for joint working with the Council's Audit services team on the 2008/09 audit.

### **AUDIT AND INSPECTION PLAN – AUDIT 2008/09**

6. The Committee has received and noted the Audit Commission's audit plan for 2008/09.

## **JOINT INTERNAL AUDIT PLAN 2008/09**

7. The Committee has considered and approved the joint internal audit plan for the Council and the Herefordshire Primary Care Trust for 2008/09.

## **REVIEW OF CODE OF CORPORATE GOVERNANCE**

8. The Committee has considered a report on a revised Code of Corporate Governance for the Council following the issuing of a new governance framework and guidelines. The Committee has noted that the Code of Corporate Governance reflects the current guidance jointly produced by CIPFA/SOLACE and also took account of the requirements of the Accounts and Audit Regulations 2003 (as amended) and is considered as best practice within local authorities. The Committee agreed the revised Code of Corporate Governance subject to consideration by the Standards Committee for onward approval by Cabinet and agreed that a Member of the Committee attended the Standards Committee on 4 July 2008. Additionally, it was agreed that the Audit and Corporate Governance Committee receives a report formally reviewing the Code of Corporate Governance at the meeting scheduled to be held on 20 March 2009.

## **9. SCHEME OF DELEGATION**

The Committee has considered and approved in principle a revised Scheme of Delegation subject to the inclusion of amendments. The Committee has noted that the revised Scheme of Delegation with amendments would be considered by Joint Management Team (JMT) and that should comments from JMT require substantial (non technical changes) to the revised Scheme of Delegation, the Chairman and Vice-Chairman of the Committee be informed and their approval be sought prior to ratification to Council.

**A.C.R. CHAPPELL**  
**CHAIRMAN**  
**AUDIT AND CORPORATE GOVERNANCE COMMITTEE**

## **BACKGROUND PAPERS**

Agenda papers of the meetings of the Audit and Corporate Governance Committee held on 20 June and 3 July 2008.

## REPORT OF THE ANNUAL MEETING OF WEST MERCIA POLICE AUTHORITY HELD ON 10 JUNE 2008

### *Chair and Vice Chair*

1. Mr Paul Deneen (Ross on Wye, Herefordshire) has been appointed Chair of the Police Authority for the ensuing year.
2. Mrs Sheila Blagg (Bromsgrove, Worcestershire) has been appointed Vice Chair (Association of Police Authorities), which has specific responsibility for issues arising nationally and regionally and Mrs Margaret Winckler (Bridgnorth, Shropshire), Vice Chair (Local).

### *Membership*

3. Mr Keith Grumbley had announced that he would be resigning as a Herefordshire Council representative on the Police Authority. Mr Alan Thompson's membership of the Police Authority would also come to an end in September 2008, following the removal of the category of lay justice members. The Authority placed on record its appreciation of the service and contribution they had made to the work of the Police Authority.
4. The removal of the lay justice category resulted in three further independent positions being available for the period 1 October 2008 to 31 March 2013. The positions were advertised in April 2008 and following an appointment process, which included an independent assessor and a Home Office representative, Mr Paul Deneen (Herefordshire), Mr Robin Durham (Shrewsbury) and Mr Arul Selvaratnam (Newport) have been appointed.

### *Chief Officers*

5. Deputy Chief Constable Ian Arundale has been appointed Chief Constable of the Dyfed-Powys Police after eight years of service in West Mercia, the first five of which were as Assistant Chief Constable. During this time he spearheaded the force's commitment to reducing crime and increasing detections. He has also focussed on areas of best practice, ensuring that available resources were used in the most effective way, led the Operation Christmas Presence campaigns since 2005 and was a strong supporter of the force's Lesbian, Gay, Bi-Sexual and Trans Group, LINK.
6. Assistant Chief Constable (ACC) Peter Wright has announced his retirement in September 2008 after 30 years dedicated service with West Mercia Constabulary. Appointed ACC in 2006 he has led the effective roll out and delivery of the 145 Local Policing Teams. Mr Simon Edens who joins from Cambridgeshire Constabulary will replace him.

7. The Authority placed on record its appreciation of the service given by these two officers and for the contribution they have made in ensuring that West Mercia is one of the top performing police forces in the country.

### ***Annual Report 2007/08***

8. The Authority has agreed the Joint Annual Report for 2007/2008, a copy of which will be available on the Internet at [www.westmerciapoliceauthority.gov.uk](http://www.westmerciapoliceauthority.gov.uk).
9. During the course of 2007/08 a record numbers of police officers and staff, as well as community support officers and volunteers, was achieved. The 145 Local Policing Teams were in place ahead of the government deadline and will further strengthen the force's resilience and reputation.
10. Overall levels of recorded crime were low and the Police Authority had continued to mark its investment in the future with the opening of a new police station at Leominster, a major new specialist facility in South Worcestershire and a new state-of-the-art Contact Management Centre in Shrewsbury.
11. The strong performance of the force was also recognised in three very positive external reports from Her Majesty's Inspectorate of Constabulary (HMIC), the Home Office (in relation to the Policing Performance Assessment Framework; PPAF) and the Audit Commission in respect of the Police Use of Resources Evaluation (PURE).
12. October 2007 marked a significant milestone in the West Mercia's history when the opportunity was taken to celebrate the 40<sup>th</sup> anniversary of the formation of West Mercia Constabulary. A highlight of the celebrations was a visit to force headquarters by HRH the Duke Of Gloucester who met and made presentations to staff and officers who had served for more than 40 years with the force.
13. One of the final events to mark the anniversary year was the creation of a garden at the Malvern Spring Gardening Show in May 2008 which received a Royal Horticultural Society Silver Gilt award. The garden was created in conjunction with Adcote School at Shrewsbury.
14. The force has continued to face challenges such as the floods of summer 2007 and other major operational demands caused by major incidents, as well as serious and organised crime. The year also saw the tragic death of PC Ricky Gray who died of a gunshot wound after colleagues were taken hostage in Shrewsbury.
15. The commitment, dedication and determination by the Constabulary to serve citizens at their time of greatest need have further strengthened the already significant bond of trust and respect that exists between local communities in Herefordshire, Shropshire, Telford & Wrekin and Worcestershire and their police service.



16. The Police Authority congratulated the Chief Constable on a successful year and for his officers' commitment and dedication to providing first class policing services to their local communities. The Police Authority also thanked all partner agencies for all their support.

### ***Policing Matters Groups***

17. The Police Authority, in consultation with the Constabulary, community representatives and partner agencies has reviewed its community engagement arrangements. The purpose being to streamline existing arrangements and to provide opportunities for developing more joined up arrangements through improved links with local policing teams and co-terminous boundaries with community safety partnerships.
18. The new style public meetings and events, branded "Policing Matters", will provide the opportunity for local people to meet their Divisional Commander (or his representative), local Police Authority Member(s) and partner agencies, to find out about and discuss issues affecting policing in their Police Division.
19. Recognising that one size does not fit all the arrangements had been developed to provide a consistent framework, whilst allowing for local determination of what would work best. In summary the arrangements are:



**Herefordshire:** One Policing Matters Group, chaired by a Police Authority Member, meeting twice a year in the central, north and south areas of the division.

**Shropshire:** One Policing Matters Group, chaired by a Police Authority member, meeting annually in each of the local authority district areas.

**Telford:** Partnership events in each of the five cluster areas (details being finalised it is hoped to hold the first meeting before the end of July 2008).

**North Worcestershire:** One Policing Matters Group, chaired by a Police Authority Member, meeting annually in the three major towns (Redditch, Droitwich and Kidderminster).

**South Worcestershire:** Three Policing Matters Groups, meeting normally three times a year across their area. The Divisional Commander to attend one meeting of each group annually, other meetings to be attended by the local inspector. Chair to be elected annually.

### ***Combined Equality Scheme***

20. The Police Authority was required to publish Equality Schemes in relation to Disability, Gender and Race. The Schemes each cover three-year periods. The Race Equality Scheme was first published in 2002 and re-published in 2005 and was due for review this year. The Disability Equality Scheme was published in 2006 and Gender Equality in 2007.

21. The Police and Justice Act 2006 had introduced a new Police Authority positive duty to promote equality both within the force and the Authority and, therefore, a new Equality Scheme, combining all strands of equality and diversity was being prepared. A draft copy of the Scheme would be published for consultation, with an accompanying questionnaire in July 2008 and will be available on the Police Authority's website ([www.westmerciapoliceauthority.gov.uk](http://www.westmerciapoliceauthority.gov.uk)).

### ***Professional standards***

22. The Police Authority monitors the way in which the Constabulary deals with complaints and between 1 April 2007 and 31 January 2008, there were 688 complaint cases recorded containing 888 allegations.
23. Since April 2006, the long-term trend for both cases and allegations had showed a steady decrease. Compared with 2006/07 the year to date figures were 5% less. The average number of complaints recorded per month during 2007/08 was 69, for 2006/07 this was 71. Case recording timeliness performance had significantly improved since this time last year, with 84% of cases being recorded within the ten day target compared with last year's 70%.

### ***University of Worcester***

24. The Police Authority has agreed to co-host with the University of Worcester an annual lecture, which would have a criminal/social justice theme and would be presented by a prominent speaker. The first lecture, 'Building a 21<sup>st</sup> Century Prosecuting Service', will be held in July and will highlight the important links between West Mercia and the University of Worcester. The Speaker would be Sir Ken Macdonald QC, the Head of the Crown Prosecution Service and Director of Public Prosecutions.

### ***Summary of Force communication campaigns***

25. The **Safe & Secure** campaign, aimed at reducing the fear of crime and provide reassurance:

*Safe & Secure Vulnerable Vehicle Pack* – the trial in Worcester has been extended to other Local Policing Areas in Worcester and to Bromsgrove and Kidderminster. It is being used in areas with a high rate of vehicle crime. Since January approximately 250 packs have been posted in the original trial area.

*Safe & Secure Home Checks* – free, simple home security advice will be promoted and provided to elderly and vulnerable people. The Plan is for this to be piloted in Herefordshire.

**Operation Turn Up** – undertaken in February – recovered and returned to the justice system approximately 190 people who failed to appear to answer bail.

**Seven Deadly Sins** – Road Safety – a 12 months programme of work is being drawn up in consultation with the Safer Roads Partnership.

**Knock Knock** - relaunched during April through a series of partnership events. The campaign aims to reduce the number of distraction burglaries committed in the force area. An information leaflet has been produced to provide guidance for individuals on how they can best protect themselves and the more vulnerable members of their community, against distraction crimes. Details of this scheme and other safety initiatives can be found on the Constabulary's website at [www.westmercia.police.uk](http://www.westmercia.police.uk).

### ***Single Non Emergency Number***

26. The Constabulary has been reviewing its non-emergency telephone number following widespread national concern over the increased charges by service providers for use of 0845 numbers. As part of this review officers have visited the Home Office's Single Non-Emergency Project Team for more detailed information on the potential to adopt the '101' Single Non Emergency Number, which has been successfully trialled in other areas of the country with partner organisations.
27. The costs and feasibility of potential new arrangements are being investigated and will be the subject of a further report to the Police Authority.

### ***Internet safety***

28. The Child Exploitation and Online Protection Centre (CEOP) has developed a specific programme entitled "Think U Know" aimed at developing awareness amongst school children. The Constabulary was developing a parents and carers package on Internet Safety which had been very well received. Presentations will be delivered across the force area during the next few months. Performance data will be collected to demonstrate how the force was delivering a positive outcome. This would also be put on the PACT (Partners and Communities Together) agenda to involve partners.

### ***Serious Crime – Rape***

29. The Constabulary has developed a Tactical Delivery Plan for the serious crime of rape and the Police Authority has been updated on the following areas of where work was in progress:
  - Call Management Centre
  - Training
  - Initial Response
  - Ethical Crime recording and 'No Criming'
  - Investigation
  - Forensic
  - CPS
  - Victim Care
30. The Police Authority stressed the importance of multi-agency co-operation in this area, involving other partners such as education and health services.

### **Association of Police Authorities**

31. The Association of Police Authorities was the national representative body for police authorities in England and Wales. Following a recent review of its structure greater emphasis will be given to regional working focusing on four key areas – *Citizen Focus, Corporate and Business, People and Strategic Policing*. Arrangements have been agreed with the three other police authorities in the West Midlands (Staffordshire, Warwickshire and West Midlands) to ensure effective regional working that could also inform the national Association.

### **Special Priority Payments**

32. The Police Reform Programme provides for a local scheme of Special Priority Payments targeted at front line and operational police officers in particular. The Scheme requires annual ratification by the Police Authority and Home Office.
33. The Police Authority has approved the Scheme for 2008 where special consideration has been given to police officers who work significantly longer hours and to those who undertake frequent periods of stand-by.
34. The main changes to the Scheme for 2008 are the inclusion of the following posts:
- Covert Unit
  - Dedicated Source Unit Controllers – Detective Inspector
  - Home Protection Team Task Force - Police Sergeant & Constables (as part of Armed Response Vehicle Officers)
  - Public Protection Unit Offender Manager - Detective Sergeant
  - Special Branch - Detective Sergeant

### **Questions on Police Matters at Council Meetings**

35. The Authority is required to nominate a member to answer questions on the discharge of the functions of the Police Authority at meetings of the relevant councils and the following members were appointed for 2008/2009:

Herefordshire Council	Mr B Hunt
Shropshire County Council	Mr M Kenny
Telford and Wrekin Council	Mr K Sahota
Worcestershire County Council	Mr E Sheldon, MBE

Signed on behalf of the  
West Mercia Police Authority

P Deneen  
Chair

*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) 264690.

Further information on the West Mercia Police Authority can also be found on the Internet at [www.westmerciapoliceauthority.gov.uk](http://www.westmerciapoliceauthority.gov.uk).

*List of Background Papers*

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

Agenda papers for the Annual Meeting of the West Mercia Police Authority held on 10 June 2008.



**REPORT OF THE HEREFORD & WORCESTER FIRE AND RESCUE  
AUTHORITY TO THE CONSTITUENT AUTHORITIES****MEETING HELD ON 16 JUNE 2008**

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**1. ANNUAL REPORT OF THE STANDARDS COMMITTEE**

The Authority was updated in respect of Standards Committee meetings that had taken place through 2007/08. The Authority noted the Local Assessment report and agreed to develop the recommendations made by the Standards Board.

2. It was agreed that Standards Committee Members would receive update reports from the Clerk on the Local Assessments as and when they were available and that the membership of the Standards Committee would remain the same as present.
3. The Authority resolved to give the Standards Committee the authority to consider whether a sub-group be set up or arrangements made with an adjoining Authority regarding reviews of initial assessments of investigations.
4. It was also agreed that joint training for new Standards Committee Members and Chairmanship training with other Authorities should be investigated and that any decisions regarding joint training should be referred to the Standards Committee for approval.

**5. STANDARDS COMMITTEE MEMBERSHIP**

It was agreed that Dr M Mylechreest, Nr R Rogers, Mr C Emeny, Mr R Gething and Mr D Stevens be reappointed for a three year term of office as Independent Members to run until the Authority Meeting in June 2011.

**6. MEMBERS ALLOWANCE AGREEMENT**

Previously at its meeting in June 2007 the Authority had agreed to ask the Independent Remuneration Panels of the Constituent Authorities if Members' Allowances should remain in line with the Retail Price Index (RPI) or if it should be amended to be in line with the Consumer Price Index (CPI). It was agreed that Members' Allowances would now be adjusted each year in line with the Consumer Price Index.

**7. SERVICE REPORT**

The Authority was informed of the Service Activities for the previous quarter together with operational and statistical details. The number of incidents had decreased by 1.5% in quarter 4, compared to quarter 4 in 2006/07. The Service continues to perform well in excess of the Local Area Agreement targets relating to deliberate primary and secondary fires in South Worcestershire, Redditch and Wyre Forest. More details can be found on the service website ([www.hwfire.org.uk](http://www.hwfire.org.uk)).

## **COUNCIL**

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

**MEETING HELD ON 16 JUNE 2008**

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#### **8. PROVISIONAL FINANCIAL RESULTS 2007/08**

After considering the information regarding the Revenue and Capital income and expenditure position for 2007/08, the Authority resolved that due to the increase in fuel costs, a reserve of £0.080m be set aside for this purpose. It was also resolved that the revenue under-spend of £139,000 be transferred to general balances, and the increase in 2008/09 Capital Budgets arising from expenditure slippage be approved.

#### **9. INTEGRATED RISK MANAGEMENT PLAN 2009/12**

The Authority approved the draft 2009/12 IRMP and the 2009/10 Annual Action Plan for consultation. The draft IRMP describes how the Authority will reduce community and organisational risk and improve performance within the current budget settlement over the next three years.

10. Following the consultation period, the Authority will need to consider ways that money can be saved without reducing service delivery. The proposals include reducing operational posts, streamlining back-office functions, investment in training, strengthening crewing and exploring collaboration with neighbouring Fire & Rescue Authorities.

#### **11. JOINT SERVICE REVIEW - WARWICKSHIRE FIRE AND RESCUE SERVICE**

The Authority approved that the Member/Officer Review Group established in October 2007 be reconvened in line with the previously agreed Terms of Reference. This Group will consider options to improve Service efficiencies through closer working arrangements. The Group is now charged with concluding the review with a view to make final recommendations to each of the Authorities in September 2008.

#### **12. SERVICE PERFORMANCE PLAN 2008/09**

The Authority approved the 2008/09 Service Performance Plan which set out the Authority's area of focus for 2008/09 and its performance in 2007/08. The Plan also incorporates the Integrated Risk Management Action Plan, Community Safety Strategy, Best Value Performance Plan and the Annual Governance Statement.

#### **13. LOCAL AREA AGREEMENTS 2008/11**

The Authority was updated in respect of the new Local Area Agreements for Herefordshire and Worcestershire. It was noted that the Service had improved its profile within the Local Strategic Partnerships and had been particularly successful in focusing attention on the wider community safety agenda.



## **COUNCIL**

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

**MEETING HELD ON 16 JUNE 2008**

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**14. FLOOD SCRUTINY**

The Authority noted the published Flood Scrutiny report that Mr A Fry presented on behalf of the Best Value Policy and Performance Committee. It was resolved to share the Flood Scrutiny with the Constituent Authorities, District Councils and local MP's. A copy of the report is attached at Appendix 1.

**15. SERVICE SUPPORT UPDATE – NATIONAL FIREFIGHTER SELECTION TESTS (NFST)**

The Authority noted that the NFST would be used for the recruitment of Retained Duty System Firefighters, and that the full NFST will now be used within Hereford & Worcester Fire and Rescue Service.

**16. EQUALITY STANDARD FOR LOCAL GOVERNMENT EXTERNAL ASSESSMENT**

Members were informed that the Authority had been successfully assessed against level 3 of the Equality Standard for Local Government, and been awarded the Equality Mark. It was noted that Hereford & Worcester had taken a leading role nationally regarding Equality & Diversity, which had been highlighted during the recent launch of the national Equality & Diversity Strategy.

**17. AUTHORITY'S CERTIFICATE OF COMMENDATION**

Members approved the establishment of the Authority's Certificate of Commendation for individuals who were considered to have made a significant contribution to the survival of people in extreme danger. This award was presented at the Service's award ceremony on 5 July 2008 at Service Headquarters.

**18. ANNUAL GOVERNANCE STATEMENT**

The Authority were informed of the new CIPFA/SOLACE Governance Framework, which set out the 'principle of good practice' based on six standards, part of which referred to the Annual Governance Statement which had subsumed the Statement of Internal Control. This was noted.

PAUL HAYDEN  
CHIEF FIRE OFFICER/CHIEF EXECUTIVE  
HEREFORD & WORCESTER FIRE AND RESCUE SERVICE  
JUNE 2008

## **COUNCIL**

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

**MEETING HELD ON 16 JUNE 2008**

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#### **FURTHER INFORMATION**

Any person wishing to seek further information on this report should contact: Committee Services on 0845 12 24454. Further information on the Fire and Rescue Authority and the Fire and Rescue Service can also be found on the Internet at ([www.hwfire.org.uk](http://www.hwfire.org.uk)).



Hereford & Worcester  
Fire and Rescue Authority

# Flood Scrutiny Report

Responding to the severe flooding events of 2007

May 2008





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# Foreword

The floods of Summer 2007 had a huge impact on the communities of Herefordshire and Worcestershire.

It is during times such as these, with ongoing and sustained rescues, voluminous calls for assistance, and widespread areas of risk, that the preparedness and commitment of Fire and Rescue Service staff is tested to the most rigorous of standards.

It is important after any such event to stand back, and with the benefit of hindsight, scrutinise how we as an Authority performed, and to establish either improvements, or recognise good practice for the future.

This report was instigated by the Fire and Rescue Authority Committee to assess the effectiveness of the approaches taken in response to the flooding events of June and July 2007.

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**Andy Fry**  
Chair  
*Best Value, Policy & Performance  
Committee*



# Background

1. The two months of June and July 2007 have gone on record as one of the most severe flooding events to hit the United Kingdom for many years. During this period the Service was involved in both local and national work to support rescue attempts and mitigate the impact of this severe weather.
2. At a meeting of the FRA on 13 December 2007 the Authority asked Members of the BVPP Committee to examine the Fire and Rescue Service's role and response to the flood events that occurred across the two counties in June and July 2007. The full terms of reference for this work are set out in Appendix 1.
3. The process of examination included consideration by the Committee Members of:
  - the Authority's role and responsibilities under the Civil Contingencies Act 2004 and associated guidance;
  - the local partnership structures in place to ensure the effective discharge of the Authority's civil protection responsibilities;
  - the incident command structures and risk assessment processes in place to facilitate effective response and ensure public and responder safety;
  - a detailed timeline of the June and July events, including the Fire and Rescue Service's preparation and response activities;
  - the Authority's programme of investment in response to the identified risk of flooding in its local area via its IRMP; and
  - the personal experiences of Officers who worked at bronze, silver and gold command levels during the Summer floods.

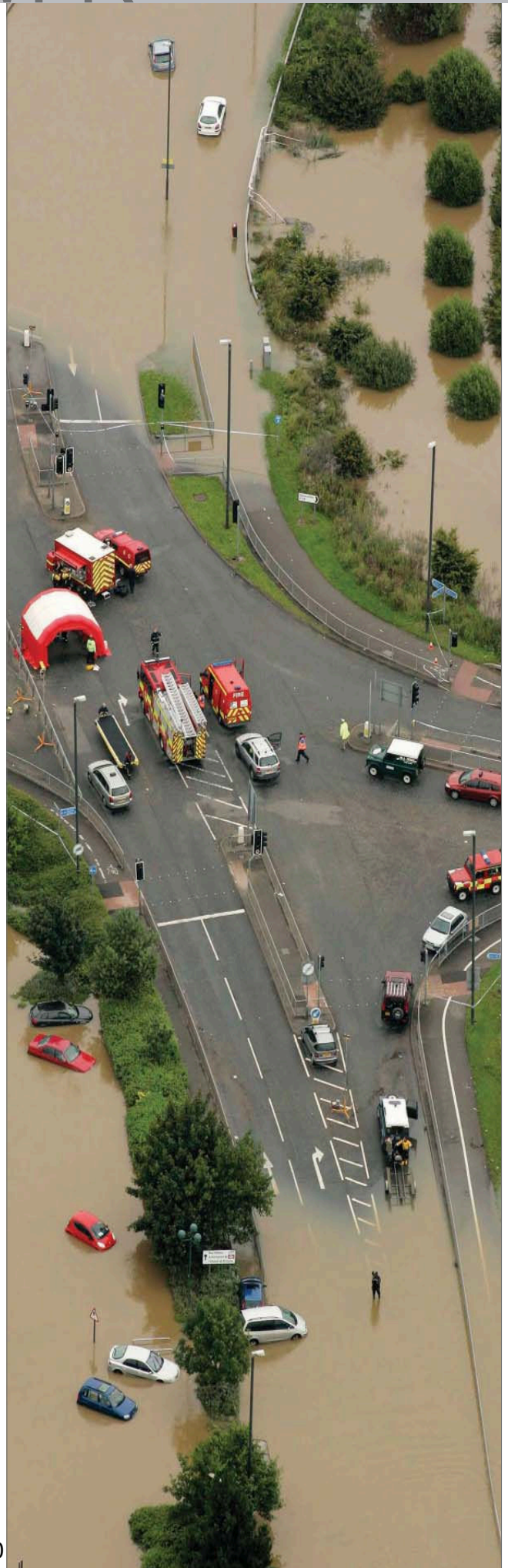
## Supporting documentation included:

- i) "Learning Lessons from the 2007 Floods (An independent review by Sir Michael Pitt) The Pitt Report."
- ii) "Flooding Review Emerging Issues – A report setting out the emerging issues from the review of the operational response by Fire and Rescue Services to the wide scale flooding in England during Summer 2007" Sir Ken Knight, Chief Fire and Rescue Advisor.



# The Role of HWFR

4. The Service had an extensive role, not only in securing local responses to local events, but also supporting other Services with resources. In addition, the Service hosted a national co-ordination centre supporting the worst hit areas around England.
5. In addition to this, the Service was involved in preparing and investing in the event of such activity through its IRMP, and these preparations would also be tested.
6. HWFR was actively involved throughout the flooding events across the country in June and July 2007;
  - its specialist rescue crews were mobilised through mutual aid to support colleagues during the June ('northern') event.
  - the Chief Fire Officer led the establishment of a national flood response team at the request of Communities and Local Government (CLG) at Hereford & Worcester Fire and Rescue Service Headquarters, to advise on the deployment of specialist rescue resources as the Summer events unfolded; and
  - the Service was engaged in significant local flood rescue activity during both the June and July events.







# Summary of Activity

## 19 – 27 June 2007

7. The Service responded to flash flooding in the Shrawley area during the evening of Tuesday 19 June 2007. Its Urban Search and Rescue (USAR) team was mobilised to a threatened building collapse at a former mill. Initial conditions hampered the rescue effort, but the team was able to lead a man to safety once the water started to recede. A helicopter was mobilised through the Aeronautical Rescue Co-ordination Centre (ARCC) to assist search and rescue operations overnight.
8. Following heavy rain in the North East of England, the Service deployed two specialist boat teams and a High Volume Pump to support rescue efforts in the Yorkshire and Humberside areas. Teams from Green Watch worked in the Sheffield area, rescuing 80 people including those trapped in a retail park, whilst the High Volume Pump supported successful efforts to save the Ulley reservoir dam from collapse.
9. The following few days saw the River Teme rising to record levels and Hereford & Worcester Fire and Rescue Service's Command Suite become operational. The Service responded to local flooding incidents at Tenbury, Bransford and Powick, whilst its Community Safety Outreach team visited homes affected by the floodwater to provide advice and support to local communities once the water started to recede.
10. On Wednesday 27 June 2007, the National Flood Support team, led by CFO Paul Hayden was established at Hereford & Worcester Fire and Rescue Service's Headquarters in response to a request from Government to the Chief Fire Officers' Association (CFOA). The team advised on the co-ordination and deployment of water rescue resources into the north of the country and continued to operate in response to potential further heavy rainfall in the North East until Sunday 1 July 2007.



## Role of the Command Room

11. The Command Room is a dedicated resource centre established at Service Headquarters during major emergencies. It provides central co-ordination of local responders to local events, led by a Duty Area Manager and a Principal Officer. This command team is also responsible for facilitating the discharge of the Authority's duties under the Civil Contingencies Act, and provides a valuable focus for all activities at strategic and tactical level.

## Role of the National Flood Support Team

12. Headed by CFO Paul Hayden, led by Area Manager Paul Amos, with assistance from Officers from other Services and representatives from the Environment Agency and the Met Office. Responsible for providing the strategic intelligence and co-ordinating special rescue assets for deployment into the risk areas when requested by affected Fire and Rescue Services.

## 20 – 25 July 2007

13. The Service was already aware of the heightened risk of flooding due to the June events, reinforced by local flash flooding activity in the Tenbury Wells area on Tuesday 17 July 2007 where 9 appliances and 1 boat were mobilised, and 25 rescues were carried out.

14. On Thursday 19 July 2007 a strategic command team was established by DCFO Phillips in response to detailed severe weather warnings from the Met Office. The warning was for in excess of 100mm of rainfall over 8 hours during Friday 20 July 2007; in the event, over 125mm or 5 inches fell in that period. Preparations for the anticipated activity levels were put in place including lessons learned from the June events and implementation of local plans to support the receipt of external resources. DCFO Phillips also established the CFOA Flood Support Team in anticipation of requests for mutual aid. This team was initially staffed by Hereford & Worcester Fire and Rescue Service Officers, supplemented by external specialist advisors late on Friday.



# Summary of Activity *CONTINUED*

15. Friday 20 – Monday 23 July 2007 saw the Service respond effectively to extreme levels of activity, supported by significant additional resources from across the country. Key areas of activity included Sedgeberrow, Evesham, Pershore, Droitwich, Tenbury Wells, Bromyard, Worcester, Upton upon Severn and Hampton Bishop. Crews responded to stranded motorists, residential and nursing homes, a school, several caravan parks, hotels and many people trapped in their homes by rapidly rising floodwater. Fire Control was overwhelmed with calls for assistance, with Services from across the country taking calls on our behalf. The High Volume Pump successfully ensured the maintenance of electricity supplies to Worcester City, pumping away water which threatened the City's critical secondary supply at Blackpole, following failure of the main supply due to the effects of flooding. It was also mobilised to support the Environment Agency in giving access to the Hampton Bishop area on Monday 23 July 2007 where it pumped out 70,000 tonnes of water.
16. An emergency was declared on the evening of Friday 20 July 2007 and a multi-agency group (Strategic Co-ordination Group – Strategic Managers of category 1 and category 2 emergency response agencies led by West Mercia Constabulary) was established at West Mercia Police Headquarters, Hindlip, to lead the rescue and recovery effort.
17. Movement across the Service area was severely restricted as many roads and bridges were closed including the M5, M50 and major routes to the west of Worcester City. Over the course of the weekend 1185 people were recorded as rescued by the Fire and Rescue Service using all HWFRS pumping appliances. Additional assistance was provided by 7 helicopters, 9 other Fire and Rescue Services, the Severn Area Rescue Association, the RNLI and the Army.
18. As part of a tour of the worst affected areas, Government Ministers John Healey MP and Hillary Benn MP visited DCFO Phillips and Fire and Rescue staff at HWFRA Headquarters on Sunday 22 July, seeking to gain insight into the issues facing the Service, offering whatever assistance might make a difference to the rescue efforts and thanking staff for the Service's rescue efforts under such extreme circumstances.



# The Authority's Preparations

## Authority IRMP Investment to Date

19. As part of the very first IRMP 2004/05 and in response to major flooding in 1998 and 2000, the Authority committed to providing a comprehensive water rescue service. The main aim of the water rescue strategy was to reduce the risk to front-line staff and the community from the dangers presented by the flooding and water related events.

20. Since that time the Authority has invested over £200,000 in equipment and training as well as engaging in partnerships to deliver water safety messages to schools throughout the two counties.

21. All front-line and emergency response staff have now received water awareness training. Each pumping appliance now has the equipment to carry out rescues from the water's edge and all personnel, including Officers have access to lifejackets.

22. In addition, the Authority has 3 specialist water rescue teams at Hereford, Worcester and Evesham, supported by the rope rescue team at Malvern and the USAR team at Droitwich. The Authority's response to major flood events is strengthened through a groundbreaking agreement, led by the Service, which co-ordinates the response to incidents of all blue light agencies and voluntary rescue teams such as Severn Area Rescue Association (SARA) and Mercia Inshore Search and Rescue (MISAR).

23. Despite the fact that rescue from open water is not a statutory function of the Fire and Rescue Service, the Authority has recognised that the communities in the two Counties look to the Service at such times and have now fully embedded this crucial element within its IRMP.



# Committee Findings

24. The Service has taken a leading role in the success of the flood rescue efforts not just locally, but at a national level. The two counties directly experienced the added value of the newly established National Flood Support Team (NFST) through the significant contribution to the local rescue efforts made in July by highly skilled specialist teams, identified through the NFST who came to the Service's assistance.
25. The benefits to local communities of the Authority's ongoing investment programme in water safety and flood rescue have been clearly evidenced in the Summer's flood response.
26. The Service's leading role in warning and informing the public, particularly during the early stages of the July emergency, has been identified by the Committee and recognised in the LRF Strategic Review report. This approach will be further strengthened in the future through improved partnership working arrangements and the presentation of a multi-agency approach to key messages.
27. Communications and intelligence sharing across partners immediately prior to an emergency would benefit from some improvement. This lesson has been learned as evidenced by the recent flood events during January 2008 where inter-agency communications and intelligence was significantly improved.
28. Evidence of the commitment of all the Service's staff, particularly during the extreme floods in July, is remarkable. Both front-line and support staff worked long hours in difficult conditions to ensure the safety of the communities we serve.
29. As part of its normal process the Service has led a comprehensive debrief programme to consider the 2007 flooding activity. Feedback from staff has been detailed and extensive, and a high quality analysis of this has rightly taken time to complete. An ongoing programme to address issues raised is now underway; progress has been made in those areas where solutions could be put in place relatively immediately. More complex areas to address are being included for delivery in the Service plans for 2008/09.
30. These include:
- improved flood management procedures;
  - improved major emergency management procedures;
  - contributing to further development of inter-agency response to major flooding at strategic and tactical level; and
  - completion of the specialist water rescue project as part of the water safety strategy.

31. The Committee recognises that national clarity regarding statutory responsibility and future funding arrangements relating to water rescue will be critical in determining the Authority's ability to respond effectively to the lessons learned from the Summer floods of 2007.
32. The Committee particularly recognises the issues that were raised regarding the need for further investment in training and equipment. An initial budget has been identified, but remains unfunded within the current financial plans agreed by the Authority. Detailed plans are being developed in response to debrief comments relating to these aspects of the Service's current provision but the ability to deliver will be dependent on sufficient funding being made available.
33. The Service has been an active contributor to local partnership debriefs, including the Local Resilience Forum. Much positive feedback has been received from many of our partners and local communities on the extensive rescue efforts led by the Service. The Local Resilience forum review describes the Fire and Rescue Service's rescue effort as 'excellent'.
34. The Summer floods provided the first real test of the Local Resilience Forum's (LRF) emergency response plans, including the effectiveness of its multi-agency Strategic Co-ordinating Group. The LRF debrief process identified equipment and communications improvements which are already being addressed through the LRF.
35. The Committee has identified that lessons learned by the Service from the June event were applied to its response during the July event to good effect. These included strengthened partnership communication at silver level from an early stage, changes to the Service's call batching process and use of Officers, and strengthened public warning and informing activity.
36. The Committee identified areas where further information and prevention work may be of benefit with regard to mitigation of future risks – particular sectors highlighted as benefiting from further work included caravan parks, residential and nursing homes. It is suggested that this is progressed through existing partnership structures including the LRF, and LSPs.



# Conclusion

37. During the Summer of 2007 Hereford & Worcester Fire and Rescue Service played a key role in the successful water rescue efforts both in the two Counties and across the UK.



The resources invested by the Authority and the efforts of all staff resulted in the successful resolution of an exceptionally testing series of events.

38. The Service worked well with partners throughout the emergency and has undergone a rigorous scrutiny of its response to both the June and July events.

A number of areas for improvement have been identified, some of which have already been addressed. Others have required more detailed consideration and development plans are being drawn up to address these over the coming 12 months.

However, the Service's ability to respond effectively to its detailed debrief process is dependent on the resolution of some issues at a national level including those relating to statutory responsibility and future funding provision.





## Appendix 1

# Flood Scrutiny – Terms of Reference

To examine the Fire and Rescue Authority's contribution to flooding events that impacted communities in Herefordshire and Worcestershire in June and July 2007.

In particular to explore:

- The emergency response made by Hereford & Worcester Fire and Rescue Service.
- The contribution made by the specialist rescue teams provided through local investment decisions made by the Authority.
- The effectiveness of local multi-agency pre-planning through the Local Resilience Forum.
- The effectiveness of the multi-agency response and joint working between Local Resilience Forum members.
- The effectiveness of regional and national support and mutual aid during the response phase.
- The effectiveness of multi-agency working arrangements and communication with the public during the recovery phase

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**Bengali**

যদি আপনার ম্পংরাজি কথা বলতে/বুঝতে সাহায্যের প্রয়োজন হয় তবে কৃপা করে যোগাযোগ করুন। *Ethnic Access Link: Tel: (01905) 25121*

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