

Deputy Chief Executive's Office

Dean Taylor

TO: ALL MEMBERS OF THE COUNCIL

Your Ref:

Our Ref: CA/SAHC

Please ask for: Mrs S Cole

Direct Line / Extension: (01432) 260249

Fax: (01432) 261868

E-mail: scole@herefordshire.gov.uk

20 May 2010

Dear Councillor,

YOU ARE HEREBY SUMMONED to attend the meeting of the Herefordshire Council to be held on **Friday 28 May 2010** at The Shirehall, St Peter's Square, Hereford at 10.30 am at which the business set out in the attached agenda is proposed to be transacted.

The Annual Council lunch is to take place at 1.00 pm at the Town Hall, Hereford. Should business not been concluded by **12.45 pm** the meeting will be suspended until the afternoon following the conclusion of lunch.

Please note that car parking will be available at the Shirehall for elected Members.

Yours sincerely



C. ADAN
ASSISTANT CHIEF EXECUTIVE (INTERIM), LEGAL AND DEMOCRATIC

AGENDA

Council

Date: **Friday 28 May 2010**

Time: **10.30 am**

Place: **The Shirehall, St Peter's Square, Hereford**

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

For any further information please contact:

Sally Cole, Committee Manager Executive

Tel: 01432 260249

Email: scole@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format or language, please call Sally Cole, Committee Manager Executive on 01432 260249 or e-mail scole@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Council

Membership

Chairman

Vice-Chairman

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

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. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

AGENDA

Pages

- | | | |
|------------|--|---------|
| 1. | CHAIRMAN
To elect the Chairman of the Council. | |
| 2. | PRAYERS | |
| 3. | APOLOGIES FOR ABSENCE
To receive apologies for absence. | |
| 4. | DECLARATIONS OF INTEREST
To receive any declarations of interest by Members in respect of items on the Agenda. | |
| 5. | VICE CHAIRMAN
To appoint the Vice-Chairman of the Council. | |
| 6. | MINUTES
To approve and sign the Minutes of the meeting held on 5 March 2010. | 1 - 24 |
| 7. | APPOINTMENT OF THE LEADER OF THE COUNCIL
To appoint the Leader of the Council. | |
| 8. | APPOINTMENT OF SEATS TO POLITICAL GROUPS, APPOINTMENT TO COMMITTEES AND OTHER BODIES, APPOINTMENT TO OFFICES RESERVED TO COUNCIL
To exercise those powers reserved to Council at its Annual Meeting:

<ul style="list-style-type: none"> a) To confirm its committees and the number of seats on each, including terms of reference and functions of those committees. b) To approve the allocation of seats to political groups for the coming year. c) To make appointments to the positions of Chairmen and Vice-Chairmen of committees. d) To make arrangements for such appointments to committees and other bodies as may be necessary, including co-optees. | 25 - 32 |
| 9. | CHAIRMAN'S ANNOUNCEMENTS
To receive the Chairman's announcements and petitions from members of the public. | |
| 10. | QUESTIONS FROM MEMBERS OF THE PUBLIC
To receive questions from members of the public. | 33 - 40 |
| 11. | FORMAL QUESTIONS FROM COUNCILLORS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS
To receive any written questions from Councillors. | |

12. NOTICES OF MOTION UNDER STANDING ORDERS	
	No Notices of Motion have been received.
13. DUTY TO RESPOND TO PETITIONS	41 - 50
	To advise Members that the duty to respond to petitions will come into force on 15 June 2010 (15 December for e-petitions) and seek approval for the Council's Petitions Scheme.
14. COUNCIL CONSTITUTION	51 - 56
	To seek approval for issues relating to the Council's constitution.
15. ANNUAL REPORT FROM THE LEADER OF THE COUNCIL	57 - 64
	To provide an overview of the Executive's activity in the last 12 months and priorities for the future.
16. ANNUAL REPORT OF THE PLANNING COMMITTEE	65 - 66
	To inform the Council of the activities of the Committee during the previous year.
17. ANNUAL REPORT OF THE STANDARDS COMMITTEE	67 - 70
	To inform the Council of the main activities of the Committee during the past year.
18. ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE	71 - 76
	To inform Council of the work undertaken by the Scrutiny function in 2009/10.
19. ANNUAL REPORT OF THE REGULATORY COMMITTEE	77 - 80
	To note the main activities of the Committee during the period December 2009 – May 2010.
20. ANNUAL REPORT OF THE AUDIT AND GOVERNANCE COMMITTEE	81 - 82
	To provide an overview of the activities of the above Committee (known as Audit & Corporate Governance Committee until 1 January 2010) in the last 12 months and workplan for the coming year.
21. WEST MERCIA POLICE AUTHORITY	83 - 86
	To receive the report of the meeting of the West Mercia Police Authority held on 16 February 2010. Councillor B Hunt has been nominated for the purpose of answering questions on the discharge of the functions of the Police Authority.
22. HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY	87 - 88
	To receive the report of the meeting of the Hereford & Worcester Fire and Rescue Authority held on 3 March 2010.
23. DATES OF FUTURE COUNCIL MEETINGS	
	The dates for Council meetings for 2010/11 are as follows:
	16 July 2010
	19 November 2010
	4 February 2011
	4 March 2011
	29 April 2011 (Last Council meeting prior to May elections)

27 May 2011 (Annual)

All meetings will be held at 10.30 am at the Shirehall, Hereford unless otherwise advised.

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 on the front of the agenda 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.

Public Transport Links

The Shirehall is within ten minutes walking distance of both bus stations located in the town centre in Hereford. A map showing the location of the Shirehall is 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 Democratic Services 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.



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Whitecross School

- | | | | |
|---|------------------|----|-----------------------------------|
| 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.

HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Council held at The Shirehall, St Peter's Square, Hereford. on Friday 5 March 2010 at 10.30 am

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

Councillors: PA Andrews, WU Attfield, LO Barnett, CM Bartrum, AJM Blackshaw, WLS Bowen, H Bramer, 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, RC Hunt, TW Hunt, JA Hyde, TM James, JG Jarvis, Brig P Jones CBE, MD Lloyd-Hayes, G Lucas, RI Matthews, PJ McCaull, PM Morgan, AT Oliver, JE Pemberton, RJ Phillips, GA Powell, PD Price, SJ Robertson, A Seldon, RH Smith, RV Stockton, AP Taylor, DC Taylor, AM Toon, NL Vaughan, WJ Walling, PJ Watts, DB Wilcox and JD Woodward

73. PRAYERS

Canon Andrew Piper, Preceptor of Hereford Cathedral, led the Council in prayer.

74. APOLOGIES FOR ABSENCE

Apologies were received from Councillors DJ Benjamin, R Mills, JK Swinburne.

75. DECLARATIONS OF INTEREST

There were none.

76. MINUTES

RESOLVED: That the minutes of the meeting held on 5 February 2010 be approved as a correct record and signed by the Chairman.

77. CHAIRMAN'S ANNOUNCEMENTS

The Chairman reported the death of former Councillor Nigel Davies. The Council stood in silence as a mark of respect.

Councillor Davis started his service as a Hereford and Worcester County Councillor in May 1985 when he was elected to the Dore and Bredwardine Division and served until May 1993. Councillor Davies was elected to Herefordshire Council in May 2003 and stood down in 2007. He was a highly regarded local community leader serving in many capacities within his community for many years. In later years he suffered from ill health but continued his public work and was a true example to all.

Councillor Davies was a very committed Councillor and with his farming background his main interests revolved around rural matters including being a member of the Agriculture Sub Committee whilst serving as a Hereford and Worcester County Councillor and being involved in the Smallholdings Selection Panel during his elected time as a Herefordshire County Councillor.

Members were informed that the meeting would be the last meeting of Council attended by Annie Faulder, the Interim Deputy Chief Executive and Sharon Menghini, the Director of Children's Services. Thanks were expressed to both for their services to the Council and the Chairman wished them well in their future ventures.

A petition had been received from Holmer Parish Council Residents regarding improvements and speeding in Attwood Land / Church Way and had been presented to the Chairman from Councillor SJ Robertson. The petition was presented to the Cabinet Member Highways and Transportation.

78. QUESTIONS FROM MEMBERS OF THE PUBLIC

Copies of all public questions received by the deadline, with written answers, were distributed prior to the commencement of the meeting. Supplementary questions were asked by Mr P McKay. A copy of the public questions and written answers together with the supplementary question and answer are attached to the minutes as Appendix 1.

79. FORMAL QUESTIONS FROM COUNCILLORS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS

Following a request for the written questions to be made available more than 15 minutes prior to the start of the meeting, the Chairman advised Council that this request would be put to the Constitutional Review Working Group for consideration.

Question from Councillor ACR Chappell to the Leader of the Council,

Question 1

1 *During the Public Inquiry into the Hereford By-Pass twenty years ago, Environmentalists and members of the Green Party, were bussed in from across the country to oppose the views of the majority of Herefordians who by a sizeable majority, were in favour of the by-pass. Government needs to know that the Outer Relief Road/By-Pass, has the support of the majority of Herefordians before they will consent to give funding to build a second road bridge and necessary road works.*

As the Relief Road/By-Pass is an important element of the regeneration of the City, is it not appropriate for the Council to hold a referendum, at the time of the general election, to see if there is a majority still in favour of the by-pass?

Answer from Councillor RJ Phillips Leader of the Council

Answer to question 1

1 The Council is currently consulting on both its Local Development Framework (Shaping Our Place 2026) and Local Transport Plan strategies. Both consultations enable all residents to make specific comment on the need for a Hereford Relief Road and a preference for an eastern or western option; rather than incurring the additional costs associated with a referendum, and the potentially negative impact this would have on the timetable for the core strategy, I would prefer to encourage everybody to fully engage with the current consultation to make their views known.

Supplementary question

Would the Leader reconsider and support a referendum?

Answer from Councillor RJ Phillips Leader of the Council

The importance of the issue was acknowledged, however the process for the Local Development Framework should not be disrupted. Holding a referendum at an appropriate time would not be ruled out and the outcome would demonstrate the will of the people to Government. This was a significant issue and it would be interesting to hear candidates' views in the lead up to the national elections.

Question from Councillor ACR Chappell to the Chairman of the Regulatory Committee

Question 2

- A *Worcester City Council has recently admitted that a number of the city's taxi drivers have had convictions for sex crimes or other violent offences. How many taxi drivers licensed by Herefordshire Council have convictions, spent or otherwise, for similar offences?*
- B *What precautions are taken to ensure that applicants for a taxi driver's licence in Herefordshire with similar convictions are no longer a danger to women or vulnerable people?*

Answer from Councillor Brigadier P Jones CBE, Chairman Regulatory Committee

Answer to question 2

- A None.
- B Regulatory Committee recognises that safeguarding issues are paramount and takes every action necessary in this regard.

Every month the Regulatory Committee considers any unfavourable CRB returns in relation to taxi drivers whether existing licence holders or new applicants. Such offences typically are minor, but our taxi licensing policy requires that all relevant offences are automatically brought before committee to determine whether or not they are 'fit and proper'.

From time to time, cases are brought before the committee relating to alleged sexual assault or battery/actual bodily harm/grievous bodily; any such cases are automatically suspended the moment notification is received by the council. The suspension remains until the police investigation is concluded. If a conviction is secured the licence is immediately revoked; if there is no conviction the committee requires a further CRB check to be undertaken to inform their considerations.

No supplementary question asked.

Question from Councillor ACR Chappell to the Cabinet Member Highways and Transportation

Question 3

- 3 *How long is it expected to take to repair the pot holes on the major routes across the county following the recent snow?*

Answer from Council DB Wilcox Cabinet Member Highways and Transportation

Answer to question 3

- 3 The recent prolonged and extreme winter weather conditions have resulted in a significant increase in the number of recorded potholes as the figures below show:
- January 2008 1132
 - January 2009 1211
 - January 2010 3422

Whilst it is not possible to give a precise date for completion of repairs to all potholes as there may be other external factors which arise, it is worth noting that Amey are currently filling an average of 200 potholes a day.

The additional £1m funding allocated for road maintenance in the budget will contribute to the delivery of a programme of capital highway maintenance of £10.7m during 2010/11, an increase of over £3m. In accordance with highway maintenance policies, priorities for investment will be based on need within the following hierarchy:

- i. Principal roads
- ii. Non-principal classified roads
- iii. Unclassified roads

By prioritising investment, and through effective joint working with Amey, maintenance in the coming financial year will return the network to an acceptable standard.

Supplementary question

Could the Cabinet Member review the policy in relation to the filling of potholes on residential estates? There are widespread concerns due to the safety of road users and the public, damage caused to vehicles and the expense of repairs.

Answer from Council DB Wilcox Cabinet Member Highways and Transportation

The original answer provides the maintenance hierarchy for the 2000 miles of Herefordshire's roads. The residential roads are not being neglected, but are not the highest priority. An additional £150k has been made available to carry out emergency road repairs in this financial year. During the current financial year, and additional £600k will be allocated to highways maintenance and for 2010/11 a further additional 2.1million has been identified to support the programme of maintenance work.

All Members were reminded by the Chairman to contact the Council's pothole helpline.

Question from Councillor PA Andrews to the Cabinet Member Economic Development and Community Services

Question 4

- A *In view of Hereford Council's commitment to promote Hereford City as a sub-regional shopping centre with a vibrant evening economy, is the Council happy*

that all four external step accesses to Maylord Orchards car park, which is operated and leased by the Council have been closed, forcing users to enter through Maylords atrium?

B Evening users after 7.00pm have to use the vehicle access ramp. Did the Council object to the retrospective planning application to close the two access points from Blueschool Street?

Answer from Councillor H Bramer Cabinet Member Resources

Answer to question 4

The stairwells referred to are fire exits and are not public rights of access to or from the car park. The owners of the Maylords Shopping Centre have responsibility for management of fire exits within their buildings. Enclosure of the two staircases that exit onto the service yards was permitted development; planning permission was sought in respect of the works around the two stairwells fronting Blueschool Street; Herefordshire Council did not object. The gates have also received full building regulations consent.

The way in which the gates affect the operation of the car park is being monitored and will be subject to an audit by Hereford and Worcester Fire Service to be undertaken shortly.

Supplementary question

Is the Cabinet Member happy that the public are now using the public vehicular access as a walkway to get out of the car park?

Answer from Councillor H Bramer Cabinet Member Resources

No, the situation is far from ideal and will be looked into.

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

Question 5

A Has Hereford Council yet managed to obtain base line information for energy and water use at all its properties, both owned and rented? If not, why not?

B If the information is now to hand – what plans are in place to reduce the usage of energy and water?

C When will these plans become effective and how much energy and water will be saved?

D Is the Cabinet Member aware that there are many grants available to Councils for energy efficiency programmes?

E Are any of these possible grants being pursued? Is he aware that these grants will only be available for a limited time?

F Can we be assured that these grants and all energy and water saving plans will be pursued with great vigour?

G *Is he aware that our NHS partner seems to be much more advanced in these matters? When will Herefordshire Council catch up?*

Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing

Answer to question 5

All building occupiers obtaining energy through West Mercia Supplies are asked to use their web based reporting system on a monthly basis, providing sufficient information to establish an accurate base position for the purposes of determining our carbon reduction target

Energy consumption is dependent on three main variables:

- 1) The quality of the building construction
- 2) The efficiency of any heating and ventilation systems
- 3) The way in which the building is used

Building Construction

The Joint Property Strategy approved by cabinet and the Board of NHS Herefordshire last year sets out the framework for creating a building portfolio fit for future needs. This approach is expected to save several hundred tonnes of carbon dioxide emissions.

Building Machinery

We have a total of 65 sites with Boiler Management Systems of which 56 sites can be remotely monitored and energy use controlled. This means that we can vary energy use across the county remotely and therefore reduce consumption at off peak times. The system is “self learning”, responding to varying weather conditions and cutting short the heating periods as appropriate to save energy.

There is a rolling programme to upgrade and install new systems where economically justified, and we inspect heating and ventilating equipment on an annual basis to determine efficiencies and replace equipment that has become ineffective

Building Use

Our schools are encouraged to join the ECO schools programme and GEM (good Environmental Management) guidelines are issued to all building occupiers

We have purchased data collection devices to record temperature and humidity, showing how a building is used and how, and at what time, energy is lost through an occupier’s actions. Where building occupants control access times and set temperature we work with relevant occupiers to determine actions to save energy.

Council officers regularly assess external funding opportunities and, for example, has utilised Salix funding to support delivery of a number of projects.

The adoption of the joint property strategy by the council and NHS Herefordshire will enable us to reduce costs, and energy use by rationalising its building stock; the partnership working also enables both partners to benefit from each others experience and expertise.

Supplementary question

Do all buildings submit information to the reporting system, and is water consumption monitored?

Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing

Not all buildings provide responses, this situation is being actioned and water consumption is measured. The situation will be confirmed and a written response provided to the Councillor.

Question from Councillor WLS Bowen to the Chairman, Standards Committee

Question 6

- A With reference to the recent Standards Committee hearing (in particular SC0802 held on 11 December 2009) why were the minutes not approved at the meeting on 8 January 2010 with the other collection of minutes and the outcome not included on the web site under the list of hearings to date, especially as the outcome was published under Public Notices, in the Hereford Times of the 4 February 2010?*
- B Why are not all outcomes of the meetings of the Standards Committee which were held in public not entered onto the Hereford Council website?*
- C Why does the committee continue to discourage Members of the public from attending its meetings?*
- D Do you agree that this Council should be encouraging an open and transparent way of working and ethos?*
- E If you do agree: why is so little to do so? Why has it taken about a year to begin to deal with the cases of the two parish Councillors in the North of the County and why were they never kept abreast of the current state of their cases – even if that states was stasis?*
- F Do you not agree that this is a shameful way to treat anyone – especially those caught up in a little known and worrying process?*

Answer from Mr Robert Rogers, Chairman Standards Committee

Answer to question 6

May I first apologise to Councillor Bowen and to the Council for being unable to answer this question personally at the Council meeting. The Standards Committee had no report to present, and I had accepted commitments elsewhere which I had to fulfil.

Councillor Bowen raised these issues with me publicly at the Council meeting on 13 November 2009, and he and I discussed them after that meeting.

On the detailed points in his question: the minutes were not approved at the 8 January meeting because the full Decision Notice for the approval of the Chairman of the hearing was not completed for his signature until 11 January. This was too long, even given the interposition of Christmas and the New Year, and I raised the matter at the time with Council Officers. But the important thing

was to make that Decision Notice publicly available as legally required and, as Councillor Bowen acknowledges, this was done in the *Hereford Times*.

We normally put all our material on the Council website; this is an important way to engage with the public. I am aware of two documents from last year which were not so posted, but this is because they relate to exempt – in other words confidential – items. We try to operate in as transparent and open a way as possible, subject of course to the necessary confidentiality associated with individual cases. I am very surprised that Councillor Bowen is under the impression that we discourage members of the public from attending our meetings. On the contrary, we encourage public interest and engagement, and in the seven years I have been associated with the Committee, members of the public have been present at almost all our meetings. If Councillor Bowen is aware of some particular complaint, I hope he will share it with me.

I am not satisfied with the handling of the two cases to which Councillor Bowen refers. A substantial part of the delay arose from the absence of the original investigator on extended sick leave, but there were other administrative delays as well. In the latter part of last year the Committee expressed concerns about the administrative support of its work, and the Interim Head of Law and Governance and the Interim Assistant Chief Executive – Legal and Democratic have been working to ensure that adequate resources are available. I know that the Assistant Chief Executive has also spoken with Councillor Bowen, and that the two individuals concerned are aware of the present situation. Councillor Bowen is right to say that the investigative process can be worrying, and it is in everyone's interest to ensure that it is completed as quickly as possible, consistently with being thorough and fair. This has been our aim from the establishment of the Committee, and I much regret the delays that have occurred in these two cases.

I am of course happy to meet Councillor Bowen, or any other Member of the Council, to discuss the Committee's work, although I know that he and others will understand the constraints upon discussing details of individual cases.

Supplementary question

Why was no contact made with the parish councillors for a year?

Answer from the Council Chairman

A written response will be provided by the Chairman of the Standards Committee.

Question from Councillor RI Matthews to the Cabinet Member Corporate and Customer Services and Human Resources

Question 7

- 7 *It has been brought to my attention that a member of the public has been refused permission to put questions to Council because he presented more than one question and he failed to meet the eight day deadline as introduced by the new constitution, which took effect from 1 January 2010. However, he did meet the seven day deadline required by the Agendas for both the February meeting and this meeting of Council, which also allowed for multiple questions. How was this change made known to the public, why were the agendas, both available on the Council website, not updated and what is the legal position on this matter?*

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

Answer to question 7

- 7 The new Constitution was implemented on 1 January 2010, following its adoption at Council on 13 November 2009. The new Constitution has been made available on the Council website and in libraries and info shops around the county since 1 January 2010. Whilst every effort has been made to update public information following on from changes in the Constitution, unfortunately the information contained within the agenda, had not been identified. This has now been rectified.

Any member of the public who has submitted a question to Council, which may not have conformed to the requirements of the current Constitution, has been advised of these changes and have been provided with alternative options for ensuring their questions are answered.

No supplementary question asked.

Question from Councillor AP Taylor to the Cabinet Member Highways and Transportation

Question 8

- 8 *Who authorised the digging up and tarmac over of the flower bed at the junction of Eign Road and Ledbury Road? Why were local Members not informed of this decision and also how many other flower beds face the same prospect?*

Answer from Council DB Wilcox Cabinet Member Highways and Transportation

Answer to question 8

- 8 Amey Herefordshire carried out the surfacing over of a small section of the flower bed at the junction of Eign Road and Ledbury Road to enable planting and routine maintenance work, including litter picking, to take place safely without causing undue levels of congestion or impacting on the safety of workers or other road users.

Parking work vehicles in the road itself caused concerns regarding visibility and congestion issues at this and nearby junctions; this area will now be able to accommodate a vehicle off the road when undertaking any such works required to other larger adjacent beds. No authorisation was required, and ward members are not normally advised of routine or minor works being undertaken although it is accepted that on this occasion some notification would have been helpful; Amey have asked for their apologies to be tendered.

No other flower beds are currently being considered for removal from the city on these grounds.

Supplementary question

In light of the current economic climate, would it not have been more productive to fill pot holes, not flowerbeds.

Answer from Council DB Wilcox Cabinet Member Highways and Transportation

The comment was taken on board.

Question from Councillor GFM Dawe to the Cabinet Member Corporate and Customer Services and Human Resources

Question 9

- 9 *Who were the people photographed in the wrap around AdMag and Herefordshire Journal LDF / Place Shaping advertisements, were they real people or models, who decided on the content and who authorised and signed off the content?*

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

Answer to question 9

- 9 The promotional material for the Local Development Framework and Local Transport Plan consultations was designed by the communications unit, based on the options in the consultation document available on the website, and approved by the planning department in line with agreed council communication protocols and guidelines. The consultation refers to the needs of local people (including for example housing, employment and care services), to avoid any perception that an identifiable local person is in need of a particular service, and in line with good practice, stock photographs (of real albeit not local people!) were used to illustrate the issues.

No supplementary question asked.

Question from Councillor GFM Dawe to the Cabinet Member Environment and Strategic Housing

Question 10

- A *Many constituents are disturbed by having to support Herefordshire Council's 'growth-agenda' via responding to the LDF / Place Shaping planning consultation. They find they cannot choose a 'no growth' option. In other words they have to effectively 'vote' for a bypass or Outer Distributor Road (ODR) plus associated housing (8000 plus within Hereford City), whichever option they decide to tick. Why is there not a 'no growth' option within the questionnaire?*
- B *How did the Council get its 79% of people supporting the bypass / ODR statistic? Was it obtained via proper statistical techniques e.g. giving a full range of alternative transport options and by random or stratified random sampling of the population?*

Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing

Answer to question 10

- A As Cllr Dawe will be aware, the national Growth Point policy, Regional Plan (with which the local development framework must, by law, comply) and the Herefordshire Sustainable Community Strategy all reflect the need for growth the

ensure the future economic viability and wellbeing of the county and its residents. Indeed in November of last year Council itself carried the following motion:

“This Council affirms that the sustainable future for our City and County depends on creating more and better paid jobs, significantly increasing the number of homes, particularly affordable, improving leisure and shopping and procuring the supporting infrastructure. This must include another bridge crossing over the Wye and relief roads for Hereford and Leominster.”

- B The support for the Hereford Relief Road reflects consultation carried out in Summer 2008 on the LDF Developing Options Report. 530 comments were received from the Herefordshire Voice panel and 277 comments were received through general consultation to the issue of new transport infrastructure in Hereford.

The combined response was 79% of respondents who were in favour of transport and public transport improvements in Hereford including an outer distributor road, and 21% who were in favour of the same package of transport improvements and without the provision of an outer distributor road.

The wider questionnaire was designed to normal standards and the results were analysed and compiled independently by the Council's Research Team

Supplementary question

How could any housing be affordable if the section 106 monies will be required to contribute to the £130million ODR?

Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing

Not all the monies from the development of houses will be used for the ODR. 35% of developments of over 15 homes will be affordable housing

Question from Councillor SJ Robertson to the Cabinet Member Corporate and Customer Services and Human Resources

Question 11

- 11 *Regarding the Council's smallholdings, the tenant from the Old Farmhouse at Hospital Farms has been given notice to quit from July, could the Cabinet Member answer the following questions:-*

A *What is the planned usage for the Old Farmhouse and land when the farmer leaves?*

B *Why was the tenant allowed to stay at the farm without a tenancy agreement when his original agreement expired in 2002?*

C *Why has the new Hospital Farm house been allowed to remain empty for nearly four years when there are so many people on the housing list?*

D *During this time the property has deteriorated and will now require major refurbishment. Why has this been allowed to happen?*

E *How much did the new roadway to this empty property cost and why was this commissioned when there is a perfectly good access already in existence?*

F *Lion Farm house, another smallholding property, has been empty for sometime, why was this property and the new Hospital Farm not used for temporary housing rather than the Council incurring bed and breakfast accommodation costs?*

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

Answer to question 11

A & B In line with the current policy the proposal is to re-let the holding after refurbishment; a full survey is being carried out at present. In line with our policy, we apply discretion where appropriate to any tenancy agreement, for example to assist a tenant in relocating.

C,D,F Whilst it would be open to the council to lease individual smallholdings to a housing association for use as temporary accommodation, the need for such emergency accommodation in rural areas is generally very low and it is unlikely that an association would be able to make significant use of such agricultural properties. As with all council property, we actively consider options for current or potential use, including any potential for affordable housing and/or care farms. Refurbishment requirements of vacant properties are also assessed, and schemes progressed as funds become available.

E The cost of the road was £17,147.82. This work has improved access to the holding.

Supplementary question

Why after eight years does the tenant need to sign an agreement; what are the consequences of not signing?

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

A response would be provided to the local ward member outside of the public meeting as a response would not appropriate in a public forum.

Question from Councillor AT Oliver to the Cabinet Member Resources

Question 12

A *The treasury management strategy states that part of the Capital programme will be funded by borrowing from internal reserves, i.e. from cash and bank balances held by the Council, rather than external borrowing. Nevertheless the net borrowing requirement is projected to rise from £115,000,000 to £142,000,000 at 31 March 2011. This strategy seems to rely on the fact that there is always slippage in the capital programme and that projects included in the 2010/11 capital budget will not be started or completed until 2011/12. Is there not a risk that if all projects start on time, or there is a considerable cost overrun, the Council may have to borrow short term to cover a cost flow deficit at greater cost, than external long term borrowing?*

B *From a review of the Council's capital programme for 2010/11 would it be correct to assume that it is extremely unlikely that any refurbishment to the Butter market will take place within the period 2010/11?*

Answer from Councillor H Bramer Cabinet Member Resources

Answer to question 12

- A In the last eighteen months the council has moved to using internal borrowing to fund its capital programme. This was a decision taken due to the large differential between the borrowing interest rates and the interest rates that the council is able to earn on its investments. In other words it has been cost effective to use our internal balances at a time when those balances only received a very low level of interest.

It is now appropriate to take out the planned borrowing contained in our Treasury Management Strategy to replace amounts internally borrowed. This is because interest rates for borrowing are at very low levels and therefore the costs to be incurred by future taxpayers in the county will be minimised.

The Treasury Management Strategy includes our likely borrowing requirements. These requirements assume that projects start in line with the capital programme and therefore the borrowing requirement is at a level to accommodate the delivery of the programme.

Should we need to borrow over a short period the interest rate is extremely favourable – and is currently at 0.4% per annum.

Of the council's existing £115 million borrowing the overwhelming majority (£86 million) is funded by the government who provide grant in our annual settlement to meet the costs. This means there is no direct cost to the council tax payer for 75% of our capital programme that has funded many community and schools projects including for example Riverside Primary School, a new swimming pool in Leominster, new gym equipment in all HALO leisure centres and the mortgage rescue scheme. It is important to note that as reflected in our 2010/11 budget we will use our ability to borrow to repair roads damaged by the recent bad weather.

We also need to acknowledge that the council is well within its limit for all borrowing as set out in the Treasury Management Strategy. This limit is annually reviewed and for 2009/10 it is £174million and will rise to £190million in 2010/11.

- B The Council's 2010/11 capital programme is currently under review and no decision has yet been made.

Supplementary question

Capital spending has fallen sharply – how will the Council be able to support a future capital programme (including ESG, Model Farm, Butter Market, Disabled Facilities Grant, Hereford Centre etc) if there is no capital to fund the projects?

Answer from Councillor H Bramer Cabinet Member Resources

The figures shown in the response to the question are current expectations of demand. New items would be considered in light of priorities. The council is well within the £174million for Capital Programmes, which will rise to £190million. Future will be looked at as the demand rises.

No supplementary question

Question from Councillor AT Oliver to the Cabinet Member Highways and Transportation

Question 13

- 13 *Now that the Council has had time to assess the damage to our roads from the recent severe weather, could we be re-assured that the additional £1 million allocated for road maintenance in the budget will be adequate to cover all the work necessary to bring our roads back up to standard?*

Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation

Answer to question 13

- 13 I refer to my answer to Cllr Chappell at Q3.

Supplementary answer

Would the Cabinet Member agree that there are concerns regarding the quality of pot hole filling as some holes have reappeared deeper and wider than before?

Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation

200 potholes are being addressed per day. It is accepted that such emergency repairs are not necessarily permanent solutions as if these are completed to the highest specification fewer potholes would be able to be dealt with. £3.7million had been identified to address the damage caused to the network over the winter.

80. NOTICES OF MOTION UNDER STANDING ORDERS

The Chairman moved urgency on the notice of motion received on The Personal Care at Home Bill which was moved and seconded.

In seeking the support of Council to the notice of motion the Cabinet Member for Adult Social Care, Health and Wellbeing stated that:

- Whilst she fully supported the provision of care to the vulnerable in the community, especially those dealing with chronic or life threatening diseases, there were concerns that the Bill was raising people's expectations.
- Prominent people had stated that the Bill was flawed and, as it was due to be enacted for October 2010, this would be a difficult situation for the government of the day to deal with. National politicians needed to be more engaged and aware of the consequences of the Bill's impact on individuals and local authorities.
- Local Authorities would have to find in excess of a further 4% of savings to deliver such provision of care.
- The county had an increasing aging profile which was significantly higher than both the regional and national averages.
- Home care costs had increased between 2006-2009 by 9%, and costs associated with Learning Disabilities and Residential care by 30%.
- The Council would experience further funding pressures in future years, therefore working in partnership was vital.

In debate Members expressed their support for the motion and specifically raised the following points.

- The Bill should be good news for those people not experiencing good health, however organisations such as Age UK have commented that it would be essential that councils were properly funded to provide care in order that there was not an incentive for local authorities to push older people into care homes or claim that their needs were not critical enough to warrant free care at home.

- As the costs of care provision are unknown, it was unlikely that efficiency savings alone would be able to meet the costs. It was imperative to adequately fund such support from the start.
- Home care could be provided at a relatively low cost, but only when well resourced and commissioned.
- Examples were given for the costs of home care provision and medication as well as the types of conditions which require prolonged care support (e.g dementia).
- Whilst recognising the implementation of the Bill would have a national impact, due to its demography and sparsely populated area, the effect would be significant for Herefordshire.
- There were many pockets of poverty within the county, with individuals reliant on state provision. Others who appeared affluent had been hit hard by the economic climate with those in receipt of private pensions having seen their income severely reduced and who now existed on low incomes.
- The experience of Scotland, which had introduced free care provision, was shared with council. This included a 36% increase in costs within three years from £129million to £257million. The projections for English local government based on such figures would be from £580 million to £1.73billion in five years.
- The only means by which local government could part fund the requirements would be by either increasing council tax or reducing services. In Scotland's experience, local government reduced elements of discretionary care received e.g shopping etc by 24%. Such support was vital to prolong independence.

The following addendum was proposed to run on from the end of the notice of motion: *'and the LGA and local authorities in similar positions to put pressure on the Government to find a long standing solution to the financing of the Personal Care at Home Bill'*.

The notice of motion to read:

This Council welcomes the general principle of the Government's proposal in the Personal Care at Home Bill to offer free care at home to people with the highest needs, but this Council is dismayed that the Government will only fund a limited part of the costs and expect local authorities to fund the rest (in excess of £250 million if Government figures are correct). All local authorities will be under increased pressure with the age profile rising, particularly with the increases in dementia cases. Herefordshire contrasts greatly from the whole of the West Midlands having 4.5% more older people than the West Midlands, and 5% higher than the average for England. The net average cost of dementia care packages is £17,700 p.a. This Council asks the Leader to communicate to the Secretary of State our Council's grave concern of having yet another unfunded mandate imposed on local authorities, and the LGA and local authorities in similar positions to put pressure on the Government to find a long standing solution to the financing of the Personal Care at Home Bill'.

The notice of motion with its addendum was voted upon and was carried unanimously.

81. LEADER'S REPORT

The Leader of the Council, Councillor RJ Phillips, presented his report which provided an overview of the Executive's activity since the previous Council meeting held in November 2009. A correction was provided to paragraph 13 of the report; the figure £650million should have read £280million.

Members were informed by the Leader that the aligned joint corporate property strategy was being used by the Audit Commission as an example of good practice. Such initiatives not only demonstrated the commitment to the partnership, but were in line with Total Place, which sought to make efficient and effective use of public sector monies. The West Midlands Leaders Board had agreed to lobby for the West Midlands to be the first region to undertake a Total Place approach.

Responding to questions raised in relation to the Herefordshire and Worcestershire Waste Disposal Contract, the Cabinet Member Environment and Strategic Housing stated that the Council would be underwriting expenditure incurred by Mercia Waste should the proposed development not be successful; such costs would equate to 25% of the total (75% being underwritten by Worcestershire). Whilst the liability was recognised as a risk it was smaller than other risks identified in the project. Developing an Energy from Waste plant on Rotherwas, whilst technically a possibility, would not prove as viable due to the amount of waste produced by the county (currently circa 55k tonnes) which would increase the cost per unit. The Hartlebury site had been considered to be the most appropriate to deal with the collective waste for both counties of around 200k tonnes. It was acknowledged by the Leader that further debates would need to be held in relation to the energy from waste issue.

The Cabinet Member Economic Development and Community Services, in response to a question posed on the need to urgently address issues of connectivity and the unacceptable levels of 'not spots' in the county, emphasised the importance of broadband both economically and socially in growing sustainable communities. Members were advised that a variety of options and methods which would increase connectivity and capacity were being considered

The Leader informed Council that the Government criterion for the future funding for schools was expected to be published in advance of the pre-election period; the authority (together with other Councils) had been lobbying for the criterion to include the number of children per hectare, however this would not be known until publication of the criterion.

Members acknowledged the quality of the work being undertaken as part of the Local Development Framework consultation and commended the efforts and commitment of the team. Council Members were thanked for their support and responses to the consultation process.

Responding to a question which sought clarification as to the opportunity given to Hereford City residents to formally consider and sign up to the growth agenda and the deep concerns expressed that decisions relating to the city would be determined by those not living in the city, the Leader outlined some serious underlying issues that needed to be addressed which underpinned the options for growth. These included the average wage levels being sub £20,000, with the average house price being £200,000. The agenda for growth included employment, infrastructure and increased standard of living. The Leader posed the question that should these options not be acceptable, what could be the alternatives?

The Cabinet Member Highways and Transportation, in response to a question raised, advised Council that the Widemash Street and Maylord Street refurbishment scheme was the first part of the design strategy as presented by Bill Hamilton Baillie. A commitment had been given to keep businesses informed of developments and a further newsletter would be issued soon. Shoppers were being encouraged to continue to visit and purchase from businesses on the Street. The project was scheduled to last 40 weeks and would be due for completion for the end of October/early November, in time for the Christmas shopping period.

The Leader informed Council of the development of the West Midlands Leaders Board (WMLB), which included all of the region's 33 local authority Leaders, which had been established to reflect the changes within the regional governance landscape. Executive Groups would be set up to support and advise the WMLB on specific areas (Transport and Planning currently proposed) with task and finish groups formed as appropriate. Sub regional groupings had been established, though it was emphasised that

discussions and decisions needed to be held at the appropriate level. Whilst nationally the number of private sector jobs increased during 1998-2005, there had been a 2% decrease in the West Midlands. The region needed to work together to rebuild a successful regional economy and support such initiatives as the advancement of the carbon agenda in the motor vehicle industries. The Leader acknowledged comments raised by a Member in attendance regarding the need to create and incubate businesses and encourage entrepreneurship (as well as ensure growth and prosperity) by making available appropriate support and affordable business accommodation in the right locations.

RESOLVED: That the Leader's reports be noted.

82. BUDGET AND COUNCIL TAX

FINANCIAL STRATEGY 2010-2013 (INCLUDING BUDGET 2010/11)

Members were reminded that any debate on the Budget and Council Tax would be held during consideration of agenda item 10(a) Financial Strategy 2010-2013 (including Budget 2010/11) and that there would be no further debate under agenda item 10(b) Council Tax Resolution 2010/11.

The three year financial strategy for 2010/2013, which included the 2010/11 budget previously approved at Council on 5 February 2010, was proposed and seconded.

Several Members stated that they would not support the Cabinet's recommendations, the reasons included:

- Vital information remained lacking (including capital projects, superannuation funds, and seven areas of specific grants) which undermined the budget through omissions and assumptions.
- The MTFs as the framework within which cash resources follow corporate priorities had not appeared to allocate budget to take account of the major consultation on Placeshaping and Local transport Planning.
- In recognising the challenges ahead, many parish councils had increased their precepts in order to progress agreed actions.
- Any increase in council tax would be a strain on household finances; the council should look to deliver additional efficiencies especially as an additional 89-100 staff (costing in excess of £1million) had been recruited in the last year. Further concerns were raised in relation to capital assets, a reduction in reserves to 50% and proposed borrowing increase to £169million by 2010.
- The proposed council tax rise of 2.54% was still too high; potential sources of savings could be cutting the cost of the cattle market, and rationalisation of buses to faith schools.
- The £6million savings initially proposed from the original connects project would now deliver £1million. This did not demonstrate good value for money to the public.

Several Members supported the Cabinet's recommendations and the following statements were made:

- Those Members who would not support the recommendations were challenged as to why no alternative budget had been prepared and proposed. This course of action had been undertaken during a previous administration. All Members had the opportunity to discuss alternative costing with officers and Cabinet Members following the February 2010 Council meeting.
- Herefordshire Council was underfunded at a time when service demand and delivery was growing. Given the situation 2.54% was an acceptable increase when compared with other local and police authorities.

- The proposed council tax of 2.9% considered in February 2010 had been reduced to 2.54%. No service delivery would be affected and additional funding would be given to services which support the most vulnerable in the community. This was the lowest council tax rise in the county's history.
- The budget was balanced and this was confirmed in the signed statutory statement by the Council's Chief Finance Officer.
- Whilst it was appreciated that difficult times would be ahead, it was essential for the Council to work within a three year strategy.
- It was prudent to review capital programmes, their timescales and project spend to ensure the best outcomes for both the Council and public.
- The borrowing requirements outlined in the budget were sound and were well within the criteria set by CIPFA guidance.
- Reducing spend required more efficient working or the cutting of non statutory functions, Members would need to make harder decisions in future years.
- Officers were thanked for their work in producing a balanced budget.

In responding to the comments raised in discussion, the Leader stated:

- That the pension fund valuation would be addressed during 2010/11
- The importance of retaining flexibility with capital projects funding to ensure best results (e.g match funding), especially given the certainty of a cut in public funding. Serious consideration would need to be given to the consequences of a possible cut in the Area Based Grant
- The budget proposed was as fair as possible with levels of borrowing well within the scope of CIPFS guidance.
- That should Members not support the budget, it could be assumed that they did not support projects such as school buildings, children centres etc. The purchasing of Plough Lane, associated land and access for £4million was a great deal with the borrowing payments lower than the rent previously paid.
- That there was a need to prepare for future years in order to consider increases and changes in service delivery such as the number of intensive home care clients had increased by 25% in recent years; the number of children with Child Protection Plans had doubled in the last year.
- Savings of £4.5million had been budgeted for and additional funding would be available for highways, children's services and adult services; the previous debate acknowledged potential future strain.
- Budget in future years will be tougher and difficult decisions would need to be made by elected members. The budget for 2010/11 set out a programme for difficult times ahead.

A vote was taken and the recommendations carried.

REOLVED that the Council approve:

- (a) **The Medium Term Financial Strategy (MTFS) shown in Appendix A of the report, which includes the 2010/11 budget at section 7 of the MTFS and the 2010/11 to 2012/13 revenue overview summarised in the Finance Resource Model (FRM);**
- (b) **A council tax increase of 2.54%;**
- (c) **The Treasury Management Strategy in Appendix B of the report, including:**
 - **the Prudential Indicators detailed in Appendix 1 of the Treasury Management Strategy, which includes the draft Capital Programme,**

- the council's Minimum Revenue Provision Policy for 2010/11,
- and formal adoption of the revised Treasury Management Policy Statement as per Appendix 4 of the Treasury Management Strategy.

The Council was requested to set the council tax amounts for each category of dwelling in Herefordshire for 2010/11 and to calculate the Council's budget requirements.

A vote was taken and the recommendations carried.

- (1) In respect of the Council's 2010/11 Budget a council tax of £1,205.09 be levied (at Band D);

And

- (2) in respect of council tax for 2010/11 that the following amounts be approved by the Council for the year 2010/11 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992:

- (a) £347,362,467 being the estimated aggregate expenditure of the Council in accordance with Section 32(2)(a) to (e) of the Act;
- (b) £202,029,904 being the estimated aggregate income of the Council for the items set out in Section 32(3)(a) to (c) of the Act;
- (c) £145,332,563 being the amount by which the aggregate at (a) above exceeds the aggregate at (b) calculated by the Council in accordance with Section 32(4) of the Act, as its total net budget requirement for the year;
- (d) £57,583,866 being the aggregate of the sums which the Council estimated will be payable for the year into its general fund in respect of redistributed non-domestic rates, revenue support grant, additional grant or relevant special grant, increased by the transfer from the Collection Fund;
- (e) £1,240.26 being the amount at (c) above less the amount at (d) above all divided by the amount of the Council Tax base calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its Council Tax for the year;
- (f) £ 2,488,463 being the aggregate amount of all special items referred to in Section 34(1) of the Act;
- (g) £1,205.09 being the amount at (e) above less the result given by dividing the amount at (f) above by the amount of the Council Tax base calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates;
- (h) that the precepting authority details incorporated in Annex 1 (i-v), relating to Special Items, West Mercia Police and

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

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

83. SUSTAINABLE COMMUNITIES STRATEGY - REFRESH

The Leader presented the report on the Sustainable Community Strategy which sought approval of the revised Strategy.

The following points were made by Council:

- The Strategy was central to the Herefordshire Partnership.
- It was important to have common goals with the partner organisations.
- To reduce production costs it was felt a full colour document was unnecessary. Consideration should also be given to the document availability on line.
- Bullet points on page 123 of the Strategy refer to groups working together. Members requested clear indications in the Strategy of where groups were working together and evidence of where group working had been successful.
- A Member voiced concern over the percentage of new housing proposed and the effect this might have on the look of the county.
- It was felt the phrase 'everyone matters' instead of 'everyone is someone' gave a better sense of inclusion.
- Under Healthier Communities the percentage of children classed as obese is quoted. It was requested that reference should be made to where the information came from and that headteachers should also be informed of these figures.

The Leader emphasised the importance of all partner organisations being committed to the partnership, maintaining targets and partners being held to account if targets were not met in order to improve the quality of life and the economy of the county.

RESOLVED That: the revised Sustainable Community Strategy be approved.

84. CONSTITUTIONAL UPDATE

COUNCIL CONSTITUTION

Members were requested to note the completion of the Constitution as required by Council at its meeting on 13 November 2009.

The comments raised by Members regarding the contents page and index were noted and would be progressed through the Constitutional Review Working Group (CRWG). Members were advised that the CRWG continued to meet and were progressing further work. The dates of future CRWG meetings, once confirmed, would be circulated to all Members for information.

RESOLVED that Council

- (a) Note that Herefordshire Council's constitution was complete and was publically available on the authority's website, in libraries and in infoshops.

THE APPROVAL OF THE ANNUAL STATEMENT OF ACCOUNTS

Council was asked to consider and agree the approach for approving the annual statement of accounts.

RESOLVED that Council:

- (a) the function of approving the statement of accounts is delegated to the Audit and Governance Committee to receive, review and approve them before the 30 June statutory deadline;
- (b) following approval from the Audit and Governance Committee the statement of accounts is then referred to the Council for formal receipt and noting; and
- (c) the Assistant Chief Executive Legal and Democratic (Monitoring Officer) be instructed to make appropriate changes to the Constitution to give effect to recommendations (a) and (b) above and publish the amendments.

85. WEST MERCIA POLICE AUTHORITY

Councillor B Hunt presented the report of the West Mercia Police Authority held on 15 December 2009. Council members were informed of the proposals for change which would reshape the internal organisation of the West Mercia Police to free up more time to focus on issues such as frontline policing. Shift patterns would be changed to ensure increased police counter cover and the provision of 24 hour police cover in rural areas. The changes would be monitored closely by the authority's representatives through the Community Policing Board. Emphasis was also given to West Mercia being assessed as having good performance in relation to the Policing Pledge.

Councillor B Hunt provided assurance that all police stations in the county would have counter service seven days a week.

Specific praise was offered to the Police by a member for their approach in handling an issue within the ward.

RESOLVED: That the report of the meeting of the West Mercia Police Authority held on 15 December 2009 be received.

86. HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY

Councillor Brig. P Jones CBE presented the report of the meeting of the Hereford & Worcester Fire and Rescue Authority which was held on 18 December 2009.

Council was additionally informed that:

- Paul Hayden, Chief Fire Officer/Chief Executive had notified the Authority of his intention to retire from the Service on 12 May 2010, and the Appointments Committee had recommended the appointment of Mark Yates to this position.
- The Queen's Fire Service Medal had been awarded to Paul Hayden in the New Years Honours List

- Hereford & Worcester Fire and Rescue Service was to receive additional funding to help support rescue teams that can deal with major incidents such as extreme weather, building collapses or terrorism.

Responding to a question asked about the fact that 54 fire crews responding to 999 calls had been delayed in reaching their destinations due to complications with their satellite navigation equipment, and the fact that this information was only made public following a freedom of information request, Councillor Brig. P Jones stated that he would look into the issues and would provide a response. Members were reminded that the Fire and Rescue service was in the middle of a transition to regional control.

RESOLVED: That the report of the meeting of the Hereford & Worcester Fire and Rescue Authority which was held on 18 December 2009 be received.

The meeting ended at 1.25 pm

CHAIRMAN

PUBLIC QUESTIONS TO COUNCIL – 5 MARCH 2010**Question from Mr P McKay, Leominster, Hereford**

- 1 *At the Council meeting of 5 February I was advised in reply to my question that a comprehensive review of the currently published web pages is underway with a view to expanding and improving the information readily available to the public online, which will consider the informative documents that I listed.*

When may I expect sight of the list of informative documents to be put online and when might they be expected to be online, some already being identified under the Rights of Way Improvement Plan and scheduled as high priority for 2008?

Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation

- 1 Officers from Herefordshire Council and Amey Herefordshire are together reviewing the content of the current website and further additions required. Once the programme for implementation has been agreed, Mr McKay will be informed.

Supplementary question

When would this information be available online?

Answer from Councillor DB Wilcox Cabinet Member Highways and Transportation

There is currently no formal timetable for completion as the issue is part of a wider IT programme of activity currently under discussion. Mr McKay will be kept informed.

Question from Mr R W Steeds, Bringsty, Hereford

- 2 *Houses 7, 8 and 9 Malvern Road - Would Herefordshire Council please ensure the completion of the work started by their agents, Brockhampton Group Parish Council, in March 2008. The work to be completed by Brockhampton Group Parish Council to the satisfaction of the Land Agent and residents, as was agreed by Herefordshire Council on 15/5/08 in a formal answer to an earlier question? The present situation is both unsafe and easily blocked.*

Answer from Councillor AJM Blackshaw or JG Jarvis Cabinet Member

- 2 Yes.

No supplementary question was asked.

MEETING:	COUNCIL
DATE:	28 MAY 2010
TITLE OF REPORT:	ALLOCATION OF SEATS TO POLITICAL GROUPS, APPOINTMENT TO COMMITTEES AND OTHER BODIES, APPOINTMENT TO OFFICES RESERVED TO COUNCIL.
REPORT BY:	CHIEF EXECUTIVE

CLASSIFICATION: OPEN

Purpose

To exercise those powers reserved to Council at its Annual Meeting:

- (a) To confirm its committees and the number of seats on each, including terms of reference and functions of those committees.
- (b) To approve the allocation of seats to political groups for the coming year.
- (c) To make appointments to the positions of Chairmen and Vice-Chairmen of committees.
- (d) To make arrangements for such appointments to committees and other bodies as may be necessary, including co-optees.

Recommendations

THAT:

- (a) **Council confirms the number of seats on each committee;**
- (b) **the arrangements for proportionality be noted;**
- (c) **the notice given in paragraph 9 of the need to partially suspend the rules of proportionality in respect of the Overview and Scrutiny Committee be noted and a resolution be moved to that effect;**
- (d) **subject to the vote at recommendation (c) being passed nem con, the Council allocates the seats to political groups accordingly, OR**
- (e) **in the absence of the vote at recommendation (b) being passed nem con, the Council allocates the seats to political groups accordingly;**
- (f) **the Council appoints the Chairmen & Vice Chairmen of Committees as set out in Appendix 2 (to be circulated at the meeting);**

Further information on the subject of this report is available from
Charlie Adan, Assistant Chief Executive Legal and Democratic (01432) 262000

- (g) **the existing arrangements for co-option to the scrutiny committees continues in operation for 2010/11; and**
- (h) **the functions of those committees set out in Part 3 (Sections 5 and 6) of the Constitution be agreed.**

Key Points Summary

- It is a legal requirement for the Council to review its political composition and how this is applied to appointments to committees and sub-committees of the Council at each Annual Meeting of Council, or as soon as practicable after that meeting.
- In determining the allocation of seats the Council must apply four principles as set out in paragraph six of this report as far as reasonably practicable.
- Certain committees are exempt from the rules of proportionality.
- Should Council wish to allocate seats on a different basis from that of political proportion, this can only be made where they are approved by Council without any Member voting against (known as a nem con vote by Council). It has been the practice in Herefordshire Council to take a nem con vote in respect of the Overview and Scrutiny Committee.
- Options relating to the allocation of seats are outlined in paragraphs 12 – 19.
- The Constitution (at Part 4.5.3) provides that co-optees are appointed by the Council annually.
- The Constitution (at Part 4.1.5.2) requires that the Annual Council Meeting decides the terms of reference for Committees and agrees the functions of those committees set out in Part 3 (Sections 5 and 6) of the Constitution.

Alternative Options

1. The report outlines the options available to Council on the allocation of seats.

Reasons for Recommendations

2. It is a requirement for the Council to review its political composition and how this is applied to appointments to committees and sub-committees of the Council at each Annual Meeting of Council, or as soon as practicable after that meeting.

Introduction and Background

3. The Local Government and Housing Act 1989 requires that the Council reviews the political composition of the Council and how this is applied to appointments to committees and sub-committees of the Council at each Annual Meeting of Council, or as soon as practicable after that meeting.
4. The rules for securing political balance on committees and sub-committees appointed by local authorities are contained in sections 15 and 16 of the 1989 Act, and the Local Government (Committees and Political Groups) Regulations 1990.
5. The Council is under a duty to:

- Ensure membership of those committees and sub committees covered by the rules reflect the political composition of the Council as far as practicable;
 - Review the allocation of seats to political groups at or as soon as practical after the Annual Council meeting (and in other certain circumstances e.g. change in political balance or number of committees established);
 - Allocate seats on the committees to the political groups in proportion to their numerical strength on the Council as far as practicable;
 - Accept nominations made by the groups for filling of seats allocated to them.
6. In determining the allocation of seats the Council must apply the following four principles as far as reasonably practicable:
- Not all seats to be allocated to the same political group;
 - Where a political group has a majority on the Council, it must have a majority of seats on committees
 - Subject to the above two points, the total of all relevant seats should be allocated to groups in proportion to their respective numbers on the Council; and
 - Subject to the above three points, the number of the seats on each committee or sub-committee allocated to each group bears the same proportion to the number of all the seats on that committee as is in proportion to that groups relative numbers on the Council.
7. In summary, the Council should seek to maintain, as far as is reasonably practicable, political proportionality both across the total number of seats to be allocated and within each committee, whilst always ensuring that the majority group holds a majority of seats on each committee.
8. Certain committees are exempt from the rules of proportionality, these are:
- Cabinet
 - Standards Committee
 - Regulatory Sub-Committees
9. Should Council wish to allocate seats to a particular body on a different basis from that of political proportion, such arrangements can only be made where they are approved by Council without any Member voting against (known as a nem con vote by Council). Abstentions from voting do not invalidate the nem con vote. If such arrangements are to be made then it is necessary to give notice of such a possibility under Regulation 20 of the Local Government (Committees and Political Groups) Regulations 1990. Notice is, therefore, formally given on the agenda so that Council is not denied that opportunity.
10. It has been the practice in Herefordshire Council to take a nem con vote in respect of Overview and Scrutiny Committee (formally the Strategic Monitoring Committee), to enable the Committee to comprise the Chairmen and Vice Chairmen of the five Scrutiny Committees as specified within the Constitution of the Council.

Key Considerations

Constitution of Committees

11. Following the previously adopted convention of securing a nem con vote by Council in respect of Strategic Monitoring Committee, Council is requested to approve the overall constitution of committees as set out below, and requiring a total of 92 seats to be allocated proportionately across all committees as follows:

Planning Committee	19
Regulatory Committee	11
Environment Scrutiny Committee	11
Health Scrutiny Committee	11
Children's Services Scrutiny Committee	11
Adult Social Care and Strategic Housing Scrutiny Committee	11
Community Services Scrutiny Committee	11
Audit and Governance Committee	7
Total seats	92

Allocation of seats to political groups

12. Council is required to approve the allocation of seats to the political groups for the coming year. The total entitlement of each group assuming that Overview and Scrutiny Committee is excluded for the rules of proportionality (based on the current group membership of Conservative 31, Independent 11, Liberal Democrat 9, It's OUR County! 3 (IOC), Alliance 2, Labour 2) is as follows:

Conservative	49
Independent	17
Liberal Democrat	14
It's OUR County	5
Alliance	3
Labour	3
Unallocated	1
Total seats	92

13. Strict application of proportionate allocation of seats to all political groups across the committees, assuming the exclusion of Overview and Scrutiny Committee, is set out in the table 1 below together with a comparison of the total seats secured against the entitlement to the number of seats overall (as outlined in brackets).

	Con.	Ind.	LibDem.	IOC	Lab.	All.	Total
Planning	10.16	3.60	2.95	0.98	0.66	0.66	19
Regulatory	5.88	2.09	1.71	0.57	0.38	0.38	11
Env. Scrutiny	5.88	2.09	1.71	0.57	0.38	0.38	11
Health Scrutiny	5.88	2.09	1.71	0.57	0.38	0.38	11
Children's Scrutiny	5.88	2.09	1.71	0.57	0.38	0.38	11
Adult Scrutiny	5.88	2.09	1.71	0.57	0.38	0.38	11
Community Scrutiny	5.88	2.09	1.71	0.57	0.38	0.38	11
Audit	3.74	1.33	1.09	0.36	0.24	0.24	7
Total / (proportional allocation)	49.18	17.47	14.30	4.76	3.18	3.18	92

14. Clearly whole seats must be allocated. Therefore, applying the principles at paragraph 6 to the above Table 1, and assuming Council's agreement to a nem con in respect of the

Overview and Scrutiny Committee, the allocations should be as outlined in Table 2. Because of the number of total seats and the application of proportionality, the Conservative Group does not have a majority on the Regulatory Committee; this is compliant with the regulations as the principles have been applied as far as reasonably practicable.

							Table 2
	Con.	Ind.	LibDem.	IOC	Lab.	All.	Total
Planning	10	3	3	1	1	1	19
Regulatory*	5	3	2	1	0	0	11
Env. Scrutiny	6	2	1	1	1	0	11
Health Scrutiny	6	2	2	0	1	0	11
Children's Scrutiny	6	2	2	1	0	0	11
Adult Scrutiny	6	2	2	0	0	1	11
Community Scrutiny	6	2	1	1	0	1	11
Audit	4	1	1	0	1	0	7
Total / (proportional allocation)	49 (49)	17 (17)	14 (14)	5 (5)	4 (3)	3 (3)	92

15. Applying this and having received nominations from the political groups, Appendix 1 (to be circulated at the meeting) will show the proposed membership for each committee.
16. For information, in these circumstances following suspension of the proportionality rules, the political make-up of the Overview and Scrutiny Committee would be: Conservative 4, Independent 4, Liberal Democrat 3.
17. Should a nem con vote not be secured, requiring proportionality to be applied across all committees including Overview and Scrutiny Committee, the total number of seats for allocation rises to 103, resulting in a total entitlement of seats by group as follows:

Conservative	55
Independent	20
Liberal Democrat	16
It's OUR County!	5
Alliance	4
Labour	4
Over allocated	-1
Total seats	103

18. Application of the same proportionality rules by committee including Overview and Scrutiny Committee would result in the following seats being available to each group (as at Table 3):

							Table 3
	Con.	Ind.	LibDem	IOC	Lab.	All.	Total
Planning	10.16	3.60	2.95	0.98	0.66	0.66	19
Regulatory	5.88	2.09	1.71	0.57	0.38	0.38	11
Env. Scrutiny	5.88	2.09	1.71	0.57	0.38	0.38	11
Health Scrutiny	5.88	2.09	1.71	0.57	0.38	0.38	11
Children's Scrutiny	5.88	2.09	1.71	0.57	0.38	0.38	11

Adult Scrutiny	5.88	2.09	1.71	0.57	0.38	0.38	11
Community Scrutiny	5.88	2.09	1.71	0.57	0.38	0.38	11
Audit	3.74	1.33	1.09	0.36	0.24	0.24	7
O & S	5.87	2.09	1.71	0.57	0.38	0.38	11
Total / (proportional allocation)	55.05	19.56	16.01	5.33	3.56	3.56	103

19. In the absence of a nem con vote in respect of Overview and Scrutiny Committee, and maintaining the principles of proportionality as far as is reasonably practicable, the proposed allocation of seats across Committees is recommended (as at Table 4) :

							Table 4
	Con.	Ind.	LibDem.	IOC	Lab.	All.	Total
Planning	10	3	3	1	1	1	19
Regulatory	5	3	2	1	0	0	11
Env. Scrutiny	6	2	1	0	1	1	11
Health Scrutiny	6	2	2	0	1	0	11
Children's Scrutiny	6	2	2	1	0	0	11
Adult Scrutiny	6	2	2	0	0	1	11
Community Scrutiny	6	2	1	1	0	1	11
Audit	4	1	1	0	1	0	7
Overview and Scrutiny	6	2	2	1	0	0	11
Total / (prop.allocation)	55 (55)	19 (20)	16 (16)	5 (5)	4 (4)	4 (4)	103

20. Group Leaders' nominations of members to fill their Group's respective allocations will then be put into effect.

Appointment of Offices Reserved to Council

Appointment of Chairmen of Committees and other bodies

21. Subject to securing of a nem con vote in respect of Overview and Scrutiny Committee, details of the proposed appointments to Chairmen and Vice Chairmen positions are contained in Appendix 2 which will be distributed at the meeting.

Appointment of co-opted Members onto Scrutiny Committees

22. The new Constitution (Part 4.5.3) provides that co-optees are appointed by the Council annually, rather than by individual scrutiny committees.
23. In addition to the statutory co-optees (diocesan and parent governor representatives with voting powers) there are a range of other non-voting co-optees currently appointed to the scrutiny committees. Formal co-option provides for co-optees to attend every meeting of the relevant Scrutiny Committee and participate in its work in the same way as Councillors, except that under the Council's arrangements (unless statutorily required) they are non-voting. There

are also other mechanisms for targeted, flexible involvement from other interested groups or expert witnesses in the work of the Scrutiny Committees. It is recommended that the existing arrangements for co-option to the scrutiny committees continue in operation for 2010/11 (as at Appendix 3) and that this be considered within Phase 3 of the constitutional and governance review as part of the ongoing development of the scrutiny function.

Terms of References for Committees and Functions of Committees

24. The constitution at 4.1.5.2 requires that the Annual Council Meeting decides the terms of reference for Committees and agrees the functions of those committees set out in Part 3 (Sections 5 and 6) of the Constitution.

Community Impact

25. The Council needs to ensure that it complies with its statutory duties and the requirements as outlined in the Constitution.

Financial Implications

26. There are no financial implications

Legal Implications

27. The Council is required to ensure that the allocation of seats to committees are compliant with relevant rules contained in the legislation specified in paragraphs 3 and 4 above.

Risk Management

28. The Council is required to ensure that the correct legal processes are adhered to.

Consultees

29. The group leaders have been consulted on the contents of this report

Appendices

30. (1) Proposed appointment to membership of committees (subject to nem com vote) – to be circulated at the meeting
(2) Proposed appointment to Chairmen and Vice Chairmen position (subject to nem com vote) – to be circulate at the meeting
(3) Existing arrangements for co-option

Background Papers

The Council Constitution

Committee	Number	Co-optees
Adult Social Care and Strategic Housing	1	1-Voluntary Sector
Children's services	5 - Statutory	<p>Statutory Voting Co-opted Members</p> <p>PARENT GOVERNORS MEMBERS: 1 Representative each from:</p> <p>Secondary Schools</p> <p>Primary Schools</p> <p>Special Schools</p> <p>DIOCESAN MEMBERS 1 REPRESENTATIVE EACH FROM:</p> <p>Roman Catholic Church</p> <p>Church of England</p>
	6 non-statutory	<p>Non-voting co-opted representative:</p> <p>3 Head teacher Rep</p> <p>1 Teacher Rep</p> <p>1 Foster Care Rep</p> <p>1 Voluntary and Community Rep</p>
Community Services	4	<p>1 Herefordshire Association of Local Councillors rep</p> <p>1 National Farmers Union rep</p> <p>1 Visit Herefordshire rep</p> <p>1 Hereford and Worcester Chamber of Commerce rep</p>
Environment	0	None
Health	0	None
Overview and Scrutiny	0	None

MEETING:	COUNCIL
DATE:	28 MAY 2010
TITLE OF REPORT:	QUESTIONS FROM MEMBERS OF THE PUBLIC
REPORT BY:	ASSISTANT CHIEF EXECUTIVE (INTERIM) LEGAL AND DEMOCRATIC

CLASSIFICATION: Open

Wards Affected

County-wide

Purpose

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

Introduction and Background

- 1 Members of the public may ask a question of a Cabinet Member or Committee or other Chairmen. Written answers will be circulated to Members, the press and public prior to the start of the Council meeting. Questions subject to a Freedom of Information request will be dealt with under that separate process.
- 2 Standing Order 4.1.14.4 of the Constitution states that: a question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Monitoring Officer no later than midday eight clear working days before the day of the meeting (ie the Monday of the week preceding the Council meeting where that meeting is on a Friday). Each question must give the name and address of the questioner and must name the person to whom it is to be put.
- 3 A questioner who has submitted a written question may also put **one** brief supplementary question without notice to the person (if s/he is present at the meeting) who has replied to his or her original question. A supplementary question must arise directly out of the original request or reply. The Chairman may reject a supplementary question on any of the grounds for rejecting written questions set out in these Council rules or if the question is too lengthy, is in multiple parts or takes the form of a speech. In any event, any person asking a supplementary question will be permitted only **1 minute** to do so.
- 4 The Monitoring Officer may reject a question or a supplemental question if it:
 - Is not about a matter for which the Council has a responsibility or which affects the County or a part of it;
 - Is illegal, scurrilous, defamatory, frivolous or offensive or otherwise out of order;

Further information on the subject of this report is available from
Sally Cole, Committee Manager Executive on (01432) 260249

- Is substantially the same as or similar to a question which has been put at a meeting of the Council in the past six months or relates to the same subject matter or the answer to the question will be substantially the same as the previous answer;
- Requires the disclosure of confidential or exempt information;
- Relates to a planning or licensing application;
- Relates to an employment matter that should more properly be dealt with through the Council's Human Resources processes.

5 There will be a time limit of a maximum of 30 minutes for public questions and of 30 minutes for Members' questions. If either public or Member questions are concluded in less than 30 minutes, then the Chairman may allow more time for either public or Member questions within an overall time limit of one hour for all questions and supplementary questions. There will normally be no extension of time beyond one hour, unless the Chairman decides that there are reasonable grounds to allow such an extension, and questions not dealt with in this time will be dealt with by written response. The Chairman will decide the time allocated to each question.

Questions

6 Three questions have been received by the deadline and are attached at Appendix 1.

PUBLIC QUESTIONS TO COUNCIL – 28 MAY 2010**Question from Mr P McKay, Leominster**

- 1 *Having asked a number of questions I have learned that Herefordshire has 339 unsurfaced county roads totalling 164 km in length, yet does not know if they are passable by equestrians even though they are inspected annually, on foot if need be, since these inspections only record hazards. A 1999 inspection recorded passability, signage, obstruction, etc, information that is required due to British Horse Society undertaking an Emagin project to record all equestrian routes, and I ask if Council would review the inspection criteria for its unsurfaced county roads to include passability, signage, condition of gates, long term obstructions, ploughing etc. In a similar way to inspections of public rights of way, being I suggest reasonable public expectations of highway inspections, and thereby obtain better value for money for the cost of these inspections?*

PUBLIC QUESTIONS TO COUNCIL – 28 MAY 2010

Question from Mr N Jones,

- 2 *A front page article in the Hereford Times earlier this month reported that the newly-elected MP for Hereford & South Herefordshire intends to seek a meeting with ESG's senior management team to discuss the possibility of 'an overhaul' of the scheme's retail element. As an ESG Board member, will the Council Leader give an undertaking that the founder of the It's Our City campaign (Cllr Hubbard) will be invited to attend these talks?*

PUBLIC QUESTIONS TO COUNCIL – 28 MAY 2010

Question from Mr P Cocks, Lower Bullingham, Hereford

- 3 *In the last fiscal year how many agency senior staff and how many agency junior staff were employed by the council and what was the cost to the taxpayer of these staff?*

MEETING:	COUNCIL
DATE:	28 MAY 2010
TITLE OF REPORT:	LISTENING TO COMMUNITIES: DUTY TO RESPOND TO PETITIONS
REPORT BY:	CABINET MEMBER CORPORATE AND CUSTOMER SERVICES AND HUMAN RESOURCES

CLASSIFICATION: Open

Purpose

To advise Members that the duty to respond to petitions will come into force on 15 June 2010 (15 December for e-petitions) and seek approval for the Council's Petitions Scheme.

Recommendation(s)

THAT:

- (a) **Council approves the draft Petitions Scheme;**
- (b) **the scheme be reviewed after 12 months, and;**
- (c) **the Monitoring Officer be instructed to make any appropriate changes to the Constitution to give effect to recommendations (a) and (b) above, and publish the amendments.**

Key Points Summary

- The petitions duty is contained in the Local Democracy, Economic Development & Construction Act 2009. The duty on local authorities will come into force on 15 June 2010 with the e-petitions requirement coming into force on 15 December 2010. The Petitions Scheme must be adopted by Council on 28 May in order to meet the 15 June deadline for compliance.
- The petitions duty places a requirement on local authorities to respond to petitions and inform the public what action will be taken to address their concerns.
- A number of statutory requirements will need to be met in the Petitions Scheme and the current constitution will need to be amended to ensure compliance. Additional elements require local determination and these are noted within the report together with proposals for consideration.
- An e-petition facility will need to be made available through the Council's website by 15 December.

Further information on the subject of this report is available from
Charlie Adan, Assistant Chief Executive Legal and Democratic (Interim) (01432) 260200

Alternative Options

- 1 There are no Alternative Options due to statutory requirement for developing a Petitions Scheme, however the authority does have some discretion relating to certain elements within the Scheme as outlined in the report e.g threshold levels.

Reasons for Recommendations

- 2 To comply with statutory requirements.

Introduction and Background

- 3 The Local Democracy, Economic Development and Construction Act 2009 requires every local authority, from 15 June 2010, to have adopted a Petition Scheme which sets out how it will handle petitions, and by 15 December 2010 to have an on-line petition facility. The Petitions Scheme, forming part of the council's constitution, requires the approval of Council.

Key Considerations

- 4 The 2009 Act requires petition schemes for local authorities to meet some minimum standards in order to ensure minimum entitlements which all citizens can expect, especially where certain thresholds have been met. Beyond these requirements local authorities have flexibility about how they approach the duty thus allowing scope for local determination.
- 5 As a minimum the council should: acknowledge all petitions; consider what action could and should be taken in response to each petition; provide a formal response to the petition organiser explaining what, if any, action will be taken; and enable the petition organiser to appeal. The attached draft Petitions Scheme includes all the statutory requirements.
- 6 Anyone who lives, works or studies in the local authority area, including under 18's, can sign or organise a petition and trigger a response.
- 7 The following steps must be included amongst the options listed in the scheme:
 - (a) Taking the action requested in the petition
 - (b) Considering the petition at a meeting of the authority
 - (c) Holding an inquiry
 - (d) Holding a public meeting
 - (e) Commissioning research
 - (f) A written response to the petition organiser setting out the authority's views on the request in the petition
 - (g) Referring the petition to an overview and scrutiny committee.
- 8 Petitions with significant level of support must trigger a debate at a Meeting of Council. Councils determine this threshold locally but it must be no higher than 5% of the local population. It is proposed that this be set at 7,000 signatures for the Herefordshire Council Petitions Scheme which is equivalent to 5% of the current electoral roll.
- 9 Petitions with requisite level of support, set by the local authority, must trigger a senior local

government officer or Cabinet Member to give evidence at a meeting of the authority's Overview and Scrutiny Committee. It is proposed that this be set at 3,500 signatures for the Herefordshire Council Petitions Scheme which is equivalent to 2.5% of the current electoral roll.

- 10 It is proposed that 15 signatures trigger the process for handling ordinary petitions, a process which is determined by the authority.
- 11 It is proposed to recognise within the scheme petitions relating to a specified area or locality. The thresholds for such a petition would be the equivalent to 5% of the electoral roll in the area/locality.
- 12 The Petitions Scheme may not apply where other existing rights of appeal exist (e.g planning applications). Should a petition be considered to be vexatious, abusive or otherwise inappropriate, the Council does not have to act upon it. In all other cases the Council should consider what action could and should be taken – even where the petition does not relate to its functions (where representation may be made on behalf of the community to the relevant body) or in needing to work with local partners to respond to the petition.
- 13 The statutory guidance recommends that the scheme be reviewed after 12 months.
- 14 Once published, the local authority must comply with its Petitions Scheme but it can revise it at any time by taking the steps set out in Section 11 of the 2009 Act. The Secretary of State has the power to direct local authorities to amend their petitions schemes.
- 15 The 2009 Act applies the same principle requirements to electronic petitions as to paper petitions. This duty will come into force on 15 December 2010.

Community Impact

- 16 The key outcome outlined in the statutory guidance is that; *'everyone, no matter where they live, will be easily able to find information about how to petition their local authority and they will know what to expect from their local authority response'*.

Financial Implications

- 17 Under the new burdens principles, it was stated that central government would meet the costs of the new burdens associated with the petitions duty. The national cost to the public sector of responding to local petitions has been estimated at £4.7 million a year (decreasing over time). These costs arise from set up costs and increased work for council officers, council meetings and overview and scrutiny committees. It was proposed that local authorities would each receive a grant for 2010/11 dependent on the local population. It was expected that funding for future years would be incorporated into the revenue support grant. We are awaiting confirmation following the recent change of government.

Legal Implications

- 18 The Council will need to meet the statutory requirements and comply with its petitions scheme.

Risk Management

- 19 There is a risk of not meeting the implementation date if the Petitions Scheme is not formally adopted by Council on 28 May 2010 (in advance of the 15 June implementation date).

Consultees

- 20 A formal response was provided by the Council to the formal consultation
- 21 The Duty to Respond to Petitions has been considered by the Constitutional Review Working Group, informally by the Overview and Scrutiny Committee and by the Joint Management Team.

Appendices

- 22 (1) Herefordshire Council's Petitions Scheme (draft for approval)

Background Papers

- Local Democracy, Economic Construction and Development Act 2009

DRAFT Petitions Scheme

1. The council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns.
2. All petitions sent or presented to the council will receive an acknowledgement from the council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition.

Paper petitions can be sent to:

Democratic Services Manager
Herefordshire Council
Brockington
35 Hafod Road
Hereford
HR1 1SH

3. From December 2010 petitions will be able to be created, signed and submitted on line from the Herefordshire Council website.
4. Petitions can also be presented to a meeting of the Council, dates and times can be found on the Herefordshire Council website [link]. If you would like to present your petition to the council, or would like your councillor or someone else to present it on your behalf, please contact The Democratic Services Manager on 01432 260222 at least 10 working days before the meeting and they will talk you through the process.

What are the guidelines for submitting a petition?

5. We treat as a petition any communication which is signed by or sent to us on behalf of at least 15 signatories. Petitions submitted to the council must include a clear and concise statement covering the subject of the petition. It should state:
 - what action the petitioners wish the council to take
 - the name, address [with postcode] and signature of any person supporting the petition.
6. Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. Whilst we like to hear from people who live, work or study in Herefordshire, this is not a requirement and we would take equally seriously a petition from, for example, 15 visitors to the area on the subject of facilities at one of our visitor attractions.
7. Other procedures apply if the petition:
 - relates to a planning or licensing application,

- is a statutory petition (for example requesting a referendum on having an elected mayor),
 - relates to a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates.
8. Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. If a petition does not follow the guidelines set out in this scheme, the council may decide not to do anything further with it. In that case, we will write to the petition organiser to explain the reason.
9. In the period immediately before an election or referendum we may need to deal with your petition differently. If this is the case we will explain the reasons and discuss the revised timescale which will apply.

What will the council do when it receives my petition?

10. An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.
11. If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed.
12. If the petition has enough signatures to trigger a council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place.
13. If the petition needs more investigation, we will tell you the steps we plan to take.
14. We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.
15. To ensure that people know what we are doing in response to the petitions we receive, the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed).
16. When you sign an e-petition [available from December 2010] you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you have chosen to receive other e-mails from us.

How will the council respond to petitions?

17. Our response to a petition will depend on what a petition asks for and how many people have signed it. If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the

petition will be closed. For every petition the response will be made public and reported to a meeting of the authority. Details will also be available on our website for all to see

18. In responding we may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the council's overview and scrutiny committee*
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

19. In addition to these steps, the council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

*Overview and scrutiny committees are committees of councillors who are responsible for scrutinising the work of the council and making recommendations for improvement– in other words, the overview and scrutiny committee has the power to hold the council's decision makers to account.

20. If your petition is about something over which the council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body.

21. The Council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petitions calls for conflicts with council policy), they we will set out the reasons for this to you.

22. If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

23. There are two special actions that the Council will undertake if your petition has enough signatures – either triggering a council debate or a senior officer/Member giving evidence on a matter. In these circumstances the acknowledgement will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take. Where more than one petition is received in time for a particular meeting, each supporting the same outcome on one matter, each petition organiser will be treated as an independent petition organiser, but only the petition organiser of the first petition to be received will be invited to address the relevant meeting. A

petition will not normally be considered where they are received within 6 months of another petition being considered by the authority on the same matter.

Debates at Meetings of Council

24. If a petition contains more than 7,000 signatures (which is approximately 5% of the electoral roll in Herefordshire) it will be debated by a Meeting of Council - unless it is a petition asking for a senior council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend.
25. The council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. Petitions will not be considered at the Annual Meeting of Council or at Extraordinary Meetings of Council which are not convened to consider the subject matter of the petition. The petition organiser will be given three minutes to present the petition at the meeting and the petition will then be discussed by councillors. A maximum of 30 minutes will be allowed at any meeting to consider up to three petitions, however this may be extended at the discretion of the Chairman.
26. The council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee.
27. Where the issue is one on which the council executive are required to make the final decision, the council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

Officer evidence

28. Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.
29. If your petition contains at least 3,500 signatures (approximately 2.5% of the electoral roll of Herefordshire), the relevant senior officer or Cabinet Member will give evidence at a public meeting of the council's overview and scrutiny committee.
30. The senior staff that can be named on a petition and called to give evidence are the Chief Executive and Directors of Herefordshire Council. You should be aware that the overview and scrutiny committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs.
31. Committee members will ask the questions at this meeting, but you will be able to

suggest questions to the chair of the committee by contacting Democratic Services up to three working days before the meeting.

32. Upon receipt of your petition it will be passed to the Chairman of the overview and Scrutiny committee who will arrange for it to be considered at the most appropriate Committee.

Petitions relating to a specified area

33. Over and above an ordinary petition (requiring 15 signatures) the Council provides for a petition which pertains to an area or locality to be formally recognised within the Petitions Scheme. Using the electoral roll for the area as a baseline, should such a local petition receive a number of signatories equivalent to or greater than 5%, this could trigger a debate at a relevant meeting.

E-petitions

34. From December 2010 you will also be able to use Herefordshire Council's website to design an online petition. Once this has been moderated and approved you will then be able to collect signatures via the web and submit the petition on line.
35. The council welcomes e-petitions which are created and submitted through our website. E-petitions must follow the same guidelines as paper petitions.
36. The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months.
37. When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.
38. If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.
39. When an e-petition has closed for signature, it will automatically be submitted to the Democratic Services Manager. In the same way as a paper petition, you will receive an acknowledgement within 10 working days.
40. If you would like to present your e-petition to a meeting of the council, please contact the Democratic Services Manager within 10 working days of receipt of the acknowledgement.
41. A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.

How do I 'sign' an e-petition?

42. When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition.
43. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

What can I do if I feel my petition has not been dealt with properly?

44. If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the council's overview and scrutiny committee review the steps that the council has taken in response to your petition. The petition organiser will be requested to give a short explanation of the reasons why the council's response is not considered to be adequate.
45. The relevant Scrutiny Committee will endeavour to consider your request at its next meeting. Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the council executive and arranging for the matter to be considered at a Meeting of the Council.
46. Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.

May 2010

MEETING:	COUNCIL
DATE:	28 MAY 2010
TITLE OF REPORT:	COUNCIL CONSTITUTION
REPORT BY:	CABINET MEMBER FOR CORPORATE AND CUSTOMER SERVICES AND HUMAN RESOURCES

CLASSIFICATION: Open

Purpose

To seek approval for issues relating to the council constitution.

Recommendation(s)

THAT Council :

a) Approves the following changes to the Constitution:

- i. That the Deputy Chief Executive be designated as statutory Scrutiny Officer.**
- ii. That responses to Health Scrutiny Committee recommendations and those relating to Crime and Disorder Scrutiny are provided by Cabinet within 28 days (Part 4, Section 5 (4.5.13.3)).**
- iii. That a position of Vice Chairman of the Standards Committee is created and delegate this appointment to the Standards Committee.**
- iv. That Standards Committee sub-committees be established through the selection of 3 members of the Committee (including one independent and one parish member (for parish matters) to undertake reviews of decisions of the assessment sub-committee, consideration of investigation reports and hearings**
- v. That the Council receive formal reports from the Standards Committee at all its meetings (as appropriate)**
- vi. That the wording of the Schedule of Articles – Description of Executive arrangements be clarified at Part 2 (2.14.1)**
- vii. That the Council rules and Cabinet rules (Part 4) relating to the requirements of the Leader’s reports are amended to ensure consistency**

Further information on the subject of this report is available from
Charlie Adan, Assistant Chief Executive Legal and Democratic Services (Interim) (01432) 262000

- viii. **That the function of appointing Representatives to Outside Bodies be made consistent with delegations provided to the Chief Executive**
 - ix. **The wider distribution of decisions to all Councillors be reflected appropriately in Part 4, Section 5 (4.5.16.7(b))**
 - x. **That formal reference be made within the constitution to preclude the recording or filming of meetings without the express prior consent of the Chairman and informing all in attendance**
- b) **Instructs the Monitoring Officer to incorporate the agreed recommendations in the Council's Constitution and make consequential amendments; and**
 - c) **Notes the work undertaken by the Constitutional Review Working Group which continues to assist with such further constitutional review work as it determines.**

Key Points Summary

- Council at its meeting on 13 November 2009 agreed to adopt a new Constitution to take effect on 1 January 2010. This completed Phase 1 of the constitutional review.
- Members of the Constitutional Review Working Group have been progressing Phase 2 of the constitutional and governance review and make recommendations to Council on issues as outlined in the report.
- It is proposed that a fully revised constitution be submitted to Council in July 2010

Alternative Options

- 1 The alternative options in each of the issues outlined were discussed at the Constitutional Review Working Group and other bodies where applicable.
- 2 Council now has the following options:
 - a. To accept the amendments as outlined in the report
 - b. To reject the amendments as outlined in the report

Reasons for Recommendations

- 3 The proposed amendments are those that are essential for the clarity and proper functioning of the constitution and to ensure that the new Constitution reflects the principles of good governance. All issues for consideration have been considered by the Constitutional Review Working Group, and where appropriate by other groups and Committees.
- 4 Some amendments are also required in order to ensure compliance with all legal requirements.

Introduction and Background

- 5 At its meeting on 13 November, the Council tasked the Monitoring Officer to undertake further work on the constitution under the direction of the Constitutional Review Working Group. This

report seeks approval of several issues which have been identified during Phase 2 of the review and which require to be either amended or included within the constitution.

Key Considerations

6 For ease of reference, these issues are grouped as follows:

- (a) Legislative requirements
- (b) Standards Committee
- (c) Clarification of Anomalies

Legislative Requirements

7 Petitions Scheme – the Petitions duty is contained in the Local Democracy, Economic Development and Construction Act 2009. This is the subject of a separate report to Council on this agenda including the need for consequential constitutional changes.

8 Statutory Scrutiny Officer – the Local Democracy, Economic Development and Construction Act 2009 required the Council to formally designate one of their officers as a scrutiny officer, to be known as the authority's scrutiny officer. The designated officer is required to discharge the following functions:

- (a) to promote the role of the authority's overview and scrutiny committee or committees;
- (b) to provide support to the authority's overview and scrutiny committee or committees and the member of that committee or committees
- (c) to provide support and guidance to : (i) members of the authority, (ii) members of the Executive of the authority, and (iii) Officers of the authority – in relation to the functions of the authority's overview and scrutiny committee or committees.

9 Although the Statutory Scrutiny Officer is a statutory post it is not subject to the same recruitment and discipline procedures as the Council's other statutory posts. The statutory scrutiny officer post must be recognised within the council's constitution and designated to a post. It is proposed that the post of Deputy Chief Executive be designated Statutory Scrutiny Officer.

10 Responses to Scrutiny Reports – Legislation specified that a response to scrutiny committee recommendations should be made within two months, with the exception of Health Scrutiny Committee and issues relating to Crime and Disorder Scrutiny which require a response within 28 days. This variance needs to be reflected within the constitution at Part 4, Section 5 (4.5.13.3).

Standards Committee

11 Establishment of Vice-Chairman Office - Currently the only formal position on the Standards Committee of eight members is that of the Chairman, who is an independent member. There is no nominated Vice-Chairman position on the Standards Committee and it is proposed that this position be formally established at this meeting. The appointment must be that of an independent member and it is proposed that the Council delegate the appointment of Vice Chairman to the Standards Committee. The level of activity of the Committee has increased and it is felt that it would be beneficial to have a formally appointed Vice Chairman who could share the responsibility for fulfilling the role of Chairman in his absence or where demands are such that it requires detailed work of more than a single person with the authority of the Chairman.

- 12 Establishment of formal sub-committee structure - Currently the Standards Committee has only one sub-committee; the assessment sub-committee. All other business must be conducted by the Committee as a whole. The different roles that need to be fulfilled by the Committee during the course of handling a complaint may require several different meetings to deal with different tasks. Different members are required for some of those tasks. It is felt appropriate to recommend that the Standards Committee be permitted to conduct assessments, reviews, consideration of investigation reports and hearings by sub-committee. It is not recommended that standing sub-committees be established but rather to ensure flexibility it is proposed that the Monitoring Officer be authorised to establish a sub-committee when required for each of these purposes by selecting at least 3 members (one of which must be independent and one of which on parish matters must be a parish representative).
- 13 Reports to Meetings of the Council – Given the unique relationship between the Council and the Standards Committee, and to maintain good practice, it is proposed that the Standards Committee provide reports to all Meetings of the Council (as appropriate).

Clarification of Anomalies

- 14 As part of the ongoing review of the constitution, the Members, Officers and interested individuals have provided helpful comments on the contents of the constitution in relation to possible anomalies, inconsistencies and duplications as well as highlighting the need to address presentational issues in respect of typographical corrections, grammar and formatting. All comments on the constitution have been welcomed and those received to date have been considered. Most of those issues raised will be dealt with in the proposed redrafting process (under the delegations provided to the Monitoring Officer) and will be captured in the re-draft of the constitution to be presented to the Meeting of Council in July. Some proposed amendments should not be incorporated in the Constitution and those will be detailed with the reasons for not adopting them will be fully explained. In the meantime, the following anomalies need to be addressed at the Annual Meeting of Council.
- 15 Schedule of Articles – It has been highlighted that the Schedule of Articles – Description of Executive arrangements at Part 2 (2.14.1), is not referred to formally within the constitution. The schedule is a statutory requirement of the Local Government Act 2000. It is proposed to add appropriate wording to clarify this point.
- 16 Leader’s Report – the Council rules (Part 4, Section 1) need to reflect the Leader’s report rules currently outlined in the Cabinet rules (Part 4, Section 4.11) to avoid inconsistency.
- 17 Appointing Representatives to Outside Bodies – this function outlined in the Council Functions (Part 3, section 2) requires to be made consistent with delegations provided to the Chief Executive and should reflect that the function be carried out by the Chief Executive.
- 18 Following implementation of the new constitution, decisions made by the Cabinet or individual Cabinet Members are sent to all Members. Reference to this increased distribution needs to be reflected appropriately in Part 4, Section 5 (4.5.16.7(b)).
- 19 Recording of Proceedings – The constitution is currently silent on the issue of recording proceedings. It is proposed that formal reference is made within the constitution to preclude the recording or filming of meetings without the express prior consent of the Chairman and informing all in attendance.
- 20 The Council is asked to approve these changes and authorise the Assistant Chief Executive – Legal and Democratic to make the necessary amendments to the Constitution in consultation with the Chairman of the Council. A full redraft of the Constitution will be presented to Council in July 2010.

Constitutional review

21 A work programme has been developed and approved by the Constitutional Review Working Group for Phase 3 of the constitutional and governance review. The Phase 3 work programme outlines activities which will continue following the Annual Meeting and which includes completion of reviews on contractual procedure rules, financial procedure rules and the functions and procedure rules for the regulatory functions. A full technical redraft will be undertaken of the constitution in advance of the July Council meeting and this revision will be circulated to all Members. This redraft will seek to eliminate all remaining anomalies, consolidate examples of duplication and rectify typographical and grammatical errors. The changes to financial procedure rules and regulatory functions and procedures will be presented to Council later in the year.

Community Impact

22 These amendments to the Constitution seek to clarify elements of the constitution thus enable the public to understand more clearly what the Council and its partners are trying to achieve and how they work together to do that.

Financial Implications

23 There have been no substantive changes to the Council's current Financial or Contract Procedure Rules (Part 4 – Sections 7 and 8). There are no additional financial implications to the designation of the Statutory Scrutiny Officer post.

Legal Implications

24 The Constitution reflects the statutory requirements and guidance, those recommendations reflecting particular legal requirements are noted in paragraphs 7-10 above.

Risk Management

25 There are no risk management issues other than the need to ensure legal compliance.

Consultees

26 The Constitutional Review Working Group has met frequently and been consulted on all proposals in this report.

27 The Standards Committee considered a report on constitutional issues at their meeting on 16 April and submitted their comments to the CRWG for progression to the Annual Meeting.

Appendices

28 There are none.

Background Papers

- a. Local Democracy, Economic Development and Construction Act 2009
- b. Constitutional Review Working Group reports and papers including action notes and schedule of "follow up" actions – these papers have been updated after each meeting and made available to all Councillors in the Group rooms within the Council offices

MEETING:	COUNCIL
DATE:	28 MAY 2010
TITLE OF REPORT:	LEADER'S ANNUAL REPORT

CLASSIFICATION: Open

Purpose

To provide an overview of the Executive's activity in the last 12 months and priorities for the future.

Recommendation

THAT:

The report be noted.

Report

1. Twelve months ago I noted the challenges presented by the credit crunch and the deepest recession for generations. The national financial position is now even starker; efficiency cuts in central government spending of some £6bn have already been announced and the new Government will be presenting its emergency budget on 22nd June, when we will begin to know the full impact on local government and the health service.
2. It has long been a matter of concern that central government has not given Herefordshire its fair share of funding. The 2010/11 settlement figures show that Formula Grant, at £317 per head of population in Herefordshire, is 17% below the unitary authority average. Working closely with our County's elected representatives in parliament, we will continue to press our case for fairer funding for the County; the 2011 Census will be crucial in supporting the further development of that case.
3. Additional challenges during the year have included:
 - The co-ordinated response to the swine flu epidemic to protect local people, which necessitated a significant amount of local resources; and
 - The worst weather experienced in decades, where we battled to keep the primary routes open and the county open for business but which left the inevitable potholes. Our increasing by 10%, to some £18m, our investment in roads maintenance in our county, whilst necessary, adds to the financial challenges we must manage.
4. The Council and its partners have been recognised through independent assessment as improving the services we deliver, particularly for older and for younger people. The first comprehensive area assessment found Herefordshire is a good place to live, thanks to the council, NHS Herefordshire and the police services working very closely together to improve people's lives. It also found the council had significantly improved in its management of performance and acknowledged many positives in terms of what was being done or achieved in relation to housing, health, crime, the environment and the economy.
5. OFSTED records that children's services are performing well, and it is equally pleasing to note that the Care Quality Commission found that adult social care performance has improved from performing adequately to performing well.

6. I have continued to chair the Herefordshire Partnership, which this year has seen the establishment of six policy and delivery groups to progress the key activities needed to deliver the Local Area Agreement and our county's sustainable community strategy. This strategy will be refreshed in the coming year to ensure that partners from across the public, private and third sectors continue to focus their energies on meeting the needs of our communities.
7. Our close partnership with health is already delivering real improvements in the quality of services we deliver, and increasing the number of recipients of these services, within the same financial envelope. Improvements include:
 - The mental health intermediate care project has reduced the numbers of people going into residential care by 43% and has high levels of customer and carer satisfaction
 - A Joint Customer Insight Unit established to provide an integrated service for responding to customer feedback and ensuring that the feedback leads to improved services
 - £147k procurement savings in 2009/10 with a further £693K planned in 2010-11

Joint Corporate Plan

8. During the past year Cabinet has increasingly focussed on the priority themes of the joint corporate plan (JCP)
 - Economic development and enterprise,
 - Healthier communities and older people,
 - Children and young people,
 - Safer communities,
 - Stronger communities,
 - The environment
 - Organisational improvement and greater efficiency

Economic development and enterprise

9. The need, heightened by the current climate, is clear. Herefordshire has the lowest median wage earnings of all 14 West Midlands authorities and the gap is growing. In 2006 the county's earnings were 6% lower than the West Midlands average (14% lower than the England average); by 2009 the equivalent figures were 9% and 23% lower. Herefordshire has an older age profile than both the West Midlands region and England & Wales; a quarter (25%) of the county's population is of state retirement age or above (44,700 people), compared to a fifth both regionally & nationally (20% & 19% respectively), with people in Herefordshire living longer than the national average.

10. We have:

- As members of the West Midlands Leaders Board, launched a Statement of Intent, signed by all 33 local authority leaders setting out how we will work together, why local authorities should be taking the lead economically and also outlining four key areas of priority
 - Improve the economic position of the West Midlands so that business can grow and prosper again
 - Show local government's leadership role in forging solutions to our problems and holding partners to account for delivering those solutions
 - Improve the image and reputation of the West Midlands and lobby government with one voice so that we secure the resources we need
 - Maximise the effectiveness of local government and speak with authority on the challenges facing us
- Six broad sub-regional partnerships have been identified and Herefordshire is working with Shropshire & Telford and Wrekin. Similar sub-regional working arrangements are

being put in place in health.

- Working with the Leader of Shropshire Council I am exploring opportunities for further development of the Memorandum of Agreement in place with the Welsh Assembly government.
- Locally:
 - We have relocated the open retail market to provide a further attraction for shoppers to come to High Town
 - We have started work on the new livestock market to ensure we safeguard our farming heritage that has shaped our beautiful county
 - We have created an economic development reserve (£346k) to support the local economy in difficult times; the Audit Commission has commended our response to the recession.
 - We have signed the ESG retail quarter development agreement with Stanhope, and in active negotiation with household name department stores and multiplex cinema groups, which will boost Hereford as a shopping and leisure destination
 - We are progressing the new flood alleviation scheme which will bring peace of mind to several city businesses and residential streets and planning permission has been granted for a new link road to open up an underused part of the city
 - We continue with our partners to establish a higher education centre based at the Blackfriars site to ensure more of our bright young people stay in Herefordshire
 - We increased our commitment to a single city centre, combining the best of the historic and twenty first century retailing. This is emphasised by a range of activities with partners including: the appointment of renowned streetscape designer Ben Hamilton Baillie and beginning the £1.3m Widemarsh Street high quality refurbishment scheme to create a flagship street attractive for local businesses, residents and visitors; the proposals to restore the Buttermarket in line with residents' preference for a Victorian style interior; and the redevelopment of the Cathedral Close;
 - We have secured a range of external funding to support local business and enterprise including European LEADER funding, Future Jobs funding to help young unemployed people into employment
 - We have agreed how we will address the challenges of delivering broadband throughout the county, recognising that a strategic and long-term vision for broadband is needed, with smarter and more collaborative procurement across all public sector bodies. Broadband access is essential to support a sustainable and vibrant rural economy in the future. Only 1.5% of homes in villages and hamlets can access cable-based broadband services, compared with almost 60% of urban homes yet rural internet users are more likely to rely on the internet for transactions.
 - We have progressed the development of the Model Farm site in Ross on Wye to attract more knowledge-based industries to the county

Healthier Communities and older people

11. The number of people aged over 65 in Herefordshire is forecast to continue to increase, but more rapidly than in recent years, and is expected to be 61% higher in 2026 than in 2008. In particular, the number of people aged 85 and over, who have by far the greatest needs for health and social care, is expected to almost double, from 5,200 in 2008 to 10,200 in 2026. Between 2004 and 2020 there is expected to be at least a 55% increase, from 4,200 to 6,500, in the number of people over 65 likely to have a high demand for social care. The number with some dependency is expected to grow by much the same extent, from 10,500 to 16,200 people. Whilst people in Herefordshire generally live longer than the national and regional average:

- Cancer and circulatory disease are the main cause of early deaths
- Lifestyles in both the young and old contribute to long term health problems

- Obesity, diabetes, heart failure, kidney disease, Chronic obstructive pulmonary disease, and alcohol abuse are common
- Smoking is the single biggest risk to longevity
- Young people more likely to smoke, take drugs and drink alcohol when compared nationally
- Mental ill health in younger groups is relatively high

12. We have:

- Contributed to a Communities and Local Government (CLG) review of how local strategic partnerships are preparing for an ageing population and used the opportunity to lobby for more resources.
- With our partners, NHS Herefordshire and Hereford Hospitals NHS Trust, embarked on radical transformation of patterns of care to meet future needs of local people
- Enabled a 16% increase in numbers helped to live at home by means of equipment; and a five-fold increase in number aided by Telecare
- Joined up services to support older people with mental problems 24 hours a day in their own homes and improved support for family carers
- Implemented a joint smoking cessation action plan including the public 'Stub Buddies' campaign launched earlier this year.
- Encouraged local people to make lifestyle changes in relation to their activity levels through the joint Change4Life campaign
- Enabled local people to choose and book appointments with specialists – at a hospital or clinic to suite them – using libraries or customer service centres
- Funded with NHS Herefordshire, village wardens in remote rural parishes who give practical support to older people, helping them to feel safe, healthy and in touch

Children and Young people

13. The number of under-16s in Herefordshire is forecast to continue to fall until 2016, although at a slightly slower rate than in recent years. Numbers are then expected to stabilise at around 29,000 (7% below 2008 levels). Herefordshire does not receive an equitable share of government funding, ranking 147th out of 149 authorities in the level of Dedicated Schools Grant received per pupil (that being some £68 per pupil less than the average of comparable education authorities). With the demise of the Learning and Skills Council, we have taken on responsibility for 14-19 education in the county but concerns remain regarding the national context within which this must be managed. In addition to the overall safeguarding responsibilities that rest with the Council, we undertake a specific role as 'corporate parents' for some of our most vulnerable young people.

14. We have:

- Endorsed the cluster working and school leadership proposals of the Schools Task Group
- Seen a 149% rise in the number of children with child protection plans in the two years to November 2009
- Agreed the statutory process necessary to secure the amalgamation of Leominster Infant & Junior schools.
- Worked with other local authorities to secure fairer funding from government, sent a Cabinet delegation to the then Minister of State for Schools and Learners, and through the F40 group of local authorities, continue to lobby for more money for our children's education
- Agreed the new management and delivery arrangements for Connexions
- Seen the Herefordshire College of Technology campus enhancement completed in Folly Lane, Hereford
- Supported free swimming for the under 16s (as well as the over 60s) available at Halo

swimming pools across the county (around 7,000 people have registered for the scheme)

- Improved the quality of broadband services for county schools

Safer Communities

15. Due to close working between the Council, the Police and other partners, Herefordshire has particularly low levels of crime and anti social behaviour, and we are also improving road safety and reducing trips and falls in the home.

16. We have:

- Formed a well-received new community protection unit in response to requests from residents to take action on low level anti social behaviour
- Agreed action plans to reduce the growing number of people going into hospital as a result of alcohol harm
- Reduced the number of people killed or seriously injured in road accidents
- Targeted action against graffiti by removing it across Herefordshire
- Established a joint emergency planning service with NHS Herefordshire so that we work more effectively in responding to the challenges of major incidents or health threats, such as pandemic flu

Stronger Communities

17. Herefordshire people have a strong sense of identity and are rightly proud of their county. We have through the year taken a number of actions to build on that sense of place and take forward in particular our role as community leaders. We are tackling the provision of decent and affordable homes, which is a key priority and for which there is high demand.

18. We have:

- Achieved success with the Reaching the Hearts of Herefordshire pilot in 4 areas, Kington, Mortimer, Bromyard and the Golden Valley, and already seen positive changes in the community such as the setting up in Bromyard of a Youth Forum, and a new community newsletter "The Kington Chronicle". Elsewhere partner organisations have begun to share office space and discussions about handing over assets to the community are in progress. Dorstone Front Room has been helping the Council resources directorate by test running various forms and giving practical feedback
- Promoted a wide range of community events and activities including the 'Out in the Sticks' festival, the 'No prejudice in HEREfordshire' campaign; International Women's day and the Holocaust Memorial Day, and the 'Baywatch' campaign to ensure disabled parking facilities are not used inappropriately.
- Revised the sustainable community strategy for Herefordshire and will completely refresh it in the next 12 months,
- Considered 42 recommendations from the public for local actions under the 2007 Sustainable Communities Act and forwarded 14 to the Local Government Association to lobby for legislative change to allow these to happen,
- Approved a new smallholdings and estates strategy, which put £500k capital in for each of the next three years to improve the quality of these assets.
- Cut the use of temporary and bed and breakfast accommodation for people who are made homeless and focused instead in getting them a permanent home

- Helped scores of families stay in their homes through the Council's mortgage rescue scheme and committed £1million to helping homeowners avoid repossession, which inspired the government's own £200-million scheme last year.
- Met the annual Local Area Agreement target to provide additional affordable homes
- Tackled fuel poverty through our energy efficiency grants and programmes to help older people keep warm in their homes.
- Developed a common approach to improving access to public services in localities and ensure that resources are used as effectively as possible.

The Environment

19. We believe that the protection of our distinctive environment is a priority for all who live and work in Herefordshire.

20. We have:

- Completed the hugely successful latest phase of the Shaping Our Place/Local Development Framework consultation of local people. Their views are vital so that we have the right frameworks to provide the growth needed in the county to ensure there are better-paid jobs, better homes, a better transport system and a sustainable and viable economy for future generations, while protecting our renowned quality of life.
- Supported, in principle, the proposals made by the council's waste disposal contractor for the development of an Energy from Waste plant in Worcestershire
- Concluded the first review of the joint municipal waste management strategy with Worcestershire
- Successfully launched the new waste collection contract run by FOSCA. Almost 60,000 wheeled bins are now in use enabling residents, on average, to recycle over 300 tonnes each week, compared to 93 tonnes under the previous arrangements, whilst retaining the popular weekly 'black bag' household waste collection.
- Made energy monitors available for residents through our county's libraries
- Supported the construction of the £11million Ross Flood alleviation scheme and saw the opening of the £5.5million Hereford flood defences

Organisational improvement and greater efficiency

21. Quite rightly given the pressures that are already obvious, we have focussed a great deal of attention on this.

22. We have:

- Agreed a joint property strategy with our partners in health, including an office accommodation strategy which will result in improved service delivery, long term revenue savings, a reduced carbon footprint and act as a catalyst for regeneration
- Enhanced our award-winning customer services which now provide help and information on a wide range of health, council and other public services
- Become the first in the UK to provide information technology, systems and support across local authority, primary care trust, hospital trust, schools, mental health services, GP practices and voluntary sector organisations.
- Made significant progress on our shared services project with Hereford Hospital NHS Trust and NHS Herefordshire. When fully implemented this should save between £3m and £5m a year, delivering value for money and strengthening the financial viability of public sector provision in Herefordshire
- Secured an excellent deal in the purchase of the Plough Lane offices and adjacent land to provide a future headquarters for Herefordshire Council and NHS

Herefordshire, which will cut administrative costs and the upkeep of older, expensive to maintain buildings

- Agreed a sustainable procurement strategy emphasising local sourcing of goods and services wherever possible. Events have been held for local suppliers and all opportunities over £5000 are now published on the web.
- Achieved efficiency savings of £770K in 2009/10 through the Herefordshire Connects programme, with further savings in excess of £2m projected over the coming two years
- Shared our experiences, in establishing our innovative partnership with the local NHS, with national and regional government, and other local authorities and NHS trusts across the UK – achieving recognition for improving services through partnership

The year ahead

12. The challenge, in the hard times ahead, is to achieve more, for more people, with fewer resources than we have now; maintaining a dialogue with our public sector partners, the third sector, businesses and, most importantly, local communities, we must focus our activity on:

- Ensuring that quality improvement and cost reduction benefits are delivered
- Continuing to deliver improved performance for less cost
- Rationalising supporting infrastructure like accommodation and ICT
- Sharing corporate functions and using efficiencies to safeguard essential services
- Enhancing our unique partnership between health and local government
- Empowering local councils
- Seeking to remove the traditional boundaries between public services and the citizen
- Building on Herefordshire's strong sense of place through total place and locality working
- Exploring any potential for more productive cross border working
- The finalisation of an inward investment strategy to attract businesses to Herefordshire

13. I would like to take the opportunity to thank all elected members of the Council, including Overview & Scrutiny members for the contribution they have made towards informing policy development. I am also grateful for the continued dedication and hard work of all members of staff across the Council and NHS Herefordshire in meeting the challenges we face. I would also like to place on record my appreciation of the time, attention, and commitment the Deputy Leader and all my Cabinet colleagues give to the strategic matters that affect everyone's quality of life in Herefordshire.



MEETING:	COUNCIL
DATE:	28 MAY 2010
TITLE OF REPORT:	ANNUAL REPORT OF THE PLANNING COMMITTEE 2009 - 2010
MEMBERSHIP:	<p>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.</p> <p>COUNCILLOR RC HUNT REPLACED COUNCILLOR PM MORGAN WITH EFFECT FROM JANUARY 2010</p>

CLASSIFICATION: This is an open report.

Wards Affected

County-wide

Purpose

To inform the Council of the activities of the Committee during the previous year.

THE NEW COMMITTEE SYSTEM

1. Up to December 2009 the Committee continued its operation under the terms of the former Constitution. It dealt primarily with planning applications of a strategic nature together with planning applications referred from the Area Sub Committees. In addition it dealt with a range of planning policy matters.
2. The Council in response to the report on Planning Services from the Audit Commission and the Review undertaken by the Environment Scrutiny Committee reconsidered the delivery of the planning service. It was concluded that from 2010 there should be a single Planning Committee comprising of 19 Members, together with a revision to the Scheme of Delegated Powers to Officers. Particular tribute was paid to all the Chairmen, Vice Chairman and Members who had served on the outgoing Area Planning Sub-Committees and their contribution to the delivery of the planning service since 1998.
3. The Constitution, in addition, has introduced significant changes to the role of Ward Members specifically in relation to their role in the determination of planning applications submitted to the Planning Committee by enhancing their role in the planning process. Further changes have been made in relation to the procedure whereby Members can request that applications be redirected to the Planning

Further information on the subject of this report is available from
Pete Martens, Committee Manager Planning and Regulatory (01432) 260248

Committee and the procedure to be followed where the Committee are minded to determine applications contrary to the Officer recommendation. In addition there are procedures in place to bring a closer working relationship between Members and application Case Officers,

PLANNING APPLICATIONS

4. Different venues have been explored for meetings of the Committee when there are applications which attract a large public attendance. Shirehall and Town Hall. Have been used and Brockington has also been able to accommodate larger numbers through splitting the meeting into morning and afternoon sessions and specifying when applications were likely to be dealt with in each session so that interested parties could attend the appropriate one.
5. The Committee has determined a number of significant and complex applications which have County-wide implications as well as an impact on local communities. These have included the replacement of Wyebridge School in Hereford, new livestock market for Hereford, the Yazor Brook Flood Alleviation Scheme and the Link Road for the Edgar Street Grid scheme. The Committee also considered applications for alterations to Grange Court Leominster which will bring this important historic building back into public use and help to secure its future. Other significant decisions have been made in respect of applications for polytunnel developments and associated worker accommodation.
6. The new Committee has had a full workload with six meetings having been held and some thirty-two applications considered. These meetings have varied significantly in length and following monitoring of the new arrangements, some changes will be made for 2010/2011 when the frequency of meetings will be increased to a three-week cycle. There will also be a full review of the new arrangements in due course.

POLICY MATTERS

4. During the past year the former Committee and the new Committee been consulted about the following policy matters relating to the Council's Local Development Framework and expressed their views to the Cabinet Member (Environment and Strategic Housing)
 - Draft Supplementary Planning Document on Archaeology and Development;
 - Regional Spatial Strategy : Inspectors' Panel Report – September 2009;
 - Local Development Framework : Update Report October 2009;
 - Annual Monitoring Report 2008-2009; and
 - Herefordshire Unitary Development Plan - saved policies

T.W. HUNT
CHAIRMAN
PLANNING COMMITTEE

BACKGROUND PAPERS Agendas for the meetings of the Planning Committees held during 2009/2010.



MEETING:	COUNCIL
DATE:	28 MAY 2010
TITLE OF REPORT:	ANNUAL REPORT OF THE STANDARDS COMMITTEE 2009 - 2010
MEMBERSHIP:	ROBERT ROGERS (CHAIRMAN) (INDEPENDENT MEMBER), JAKE BHARIER (INDEPENDENT MEMBER), ISABEL FOX (INDEPENDENT MEMBER), RICHARD GETHING (PARISH AND TOWN COUNCIL REPRESENTATIVE), JOHN HARDWICK (PARISH AND TOWN COUNCIL REPRESENTATIVE), DAVID STEVENS (INDEPENDENT MEMBER), JOHN STONE (LOCAL AUTHORITY REPRESENTATIVE), BERIS WILLIAMS (LOCAL AUTHORITY REPRESENTATIVE).

CLASSIFICATION: This is an open report.

Wards Affected

County-wide

Purpose

To inform the Council of the main activities of the Committee during the past year.

The work of the Committee

1. The past year has proved to be an extremely busy but rewarding time for the Committee. The extensive changes to the standards regime took place from May 2008 and have considerably increased the Committee's workload. All complaints cases are now determined locally instead of by Standards for England; a move which we have welcomed because of the advantages that local ownership brings. It has also proved to be a real challenge for many standards committees, including us, not least because of the significant demands it has placed on resources at times. We dealt with 68 complaints between May 2008 (the date when the local filter was introduced) and December 2009, 11 of which were referred to our Monitoring Officer for investigation.
2. Because of the increasing demands on our time to deal with the local filter process we have expanded our membership from six to eight during the two years, and now have four Independent Members, and two each of Parish and Town Council Representatives and Herefordshire Councillors. We also have four additional named substitutes who are able to assist with assessments and reviews of complaints in instances when our usual members are conflicted out. This membership gives us much greater flexibility to meet the new requirements.

Further information on the subject of this report is available from
Heather Donaldson, Democratic Services Officer (01432) 261829

How complaints are being dealt with – January 2009 to May 2010

3. Nearly all complaints alleged behaviour which can reasonably be regarded as bringing the member's office into disrepute as a result of other behaviour, such as failing to treat others with respect or compromising impartiality. Recent cases have raised issues relating to the use of electronic messaging and networking sites. Of 55 complaints made to the Standards Committee since January 2009, one was not formally pursued. Of the other 54, 6, related to Herefordshire councillors, while 48, related to town or parish councillors 17 meetings of our Assessment Sub-Committee have been held.
4. When a complaint is received, the Assessment Sub Committee is required (before the subject of the complaint is notified) to consider whether the complaint demonstrates that there has been a possible breach of the Code of Conduct. This is an initial sifting process designed to sort out complaints that do not fall within the remit of the Standards Committee. The Assessment Sub Committee has a number of options open to it. It can decide that there is complaint that falls within their remit, they can decide to take no further action, they can refer the matter to the Monitoring officer for action as an alternative to formal investigation e.g. training or they can refer the matter to the Monitoring Officer for investigation. In certain limited circumstances the matter can be referred to Standards for England for investigation. If the matter proceeds to investigation and the investigator finds that there has been a breach, the matter is then dealt with by a hearing by the Standards Committee. If the investigator finds that there has not been a breach or has found a breach but is recommending that the case should not proceed to a formal hearing, then a preliminary Consideration hearing is held so that the Committee receives details and can determine whether it agrees with the investigator.
5. Of the 6 complaints against Herefordshire Councillors, the sub-committee found no action required 2 cases, 1 was referred for investigation on one issue and Monitoring Officer training on a second issue and 2 were referred to the monitoring officer for other action in the form of training. One complaint was referred for investigation which led to a full hearing by the Standards Committee.
6. Of the 48 complaints against parish or town councillors, 35 related to members of the same town council. 7 of the 10 remaining complaints against individual town or parish councillors were referred for investigation, 3 were referred to the Monitoring Officer for other action and the assessment sub-committee found no breach of the Code in 3 cases. Of the 7 complaints referred for investigation, our Consideration Sub-Committee found no breach in 1 case and 2 are awaiting referral to the Consideration Committee.
7. In the case of the multiple complaints brought against members of one town council, the Assessment Sub-Committee decided to refer the allegations to Standards for England because, if proven, the conduct complained of would have merited a sanction in excess of that which could be imposed by the Standards Committee. In addition, the investigation required would have imposed an unreasonable burden on the authority and any subsequent hearing would have been unreasonably complex for the Committee. Standards for England in turn directed the Monitoring Officer to take action locally. This direction requires the Monitoring officer to arrange conciliation, training and governance. A governance review is underway, training and development is being delivered but conciliation is deferred pending the other action. In addition, the Monitoring officer has put in place coaching and support for the Council staff. Standards for England are complimentary about the encouraging

progress which has been made so far by the Monitoring Officer's team.

8. Only 1 meeting of our Review Sub-Committee was convened during the year. The sub-committee in that case upheld the decision of the Assessment Sub-Committee.
9. 2 meetings of the Consideration Sub-Committee were convened, and 2 complaints are due to be referred to a Consideration Sub-Committee shortly. In one case, the Assessment Sub-Committee had referred a complaint for investigation of allegations of bullying, using position to confer advantage or disadvantage and failure to declare a prejudicial interest. The Consideration Sub-Committee in that case decided, on the basis of the investigation report, that there had not been any breach of the Code of Conduct.
10. There have been two hearings by the Standards Committee at which evidence was heard relating to a number of complex issues. The result of the hearing was to find breach of the code in both cases and to impose sanctions on the subject members. One of these cases is the subject of an appeal to be heard on 21st May 2010.

Governance Issues

11. We also have an important role to play in contributing to and reviewing the new Constitution of the Council. In addition to handling all complaints about councillors, the Standards Committee is fully involved in encouraging ethical governance. We trust that we continue to be an exemplar of good practice; one example, a national case study on how we have developed member training and our excellent relationship with the Herefordshire Association of Local Councils, is available on the Standards for England website.

Joint Training

12. Last July Members of the Committee and officers involved in supporting us attended joint training at Worcestershire County Council Headquarters. Simon Mallinson, Monitoring Officer at Worcestershire, and Geoff Hardy, Special Projects Lawyer at Herefordshire delivered the training to standards committee members from Herefordshire and Worcestershire County Councils, Worcester City, the Hereford and Worcester Combined Fire Authority, and the West Mercia Police Authority. We considered various applications of the local filter and the hearing process. The case study approach was a good way of matching training to a variety of experience and expertise, and the event was much appreciated and very well-pitched. Joint training has also taken place with Herefordshire Association of Local Councils (HALC)
13. Last year we heard a report of further progress on the Standards Board for England's pilot project to produce a model for compacts between Associations of Local Councils, the Society of Local Council Clerks, Monitoring Officers and Standards Committees, through assessing activities such as joint training, informal meetings between Standards Committees and Associations to ensure agreement on application of the Code of Conduct, and the production of joint guidance leaflets. It is very good that Herefordshire was one of only six authorities in the country invited to take part. HALC produced a report for the National Association of Local Councils, and a compact which explains how the Standards Committee interacts with HALC. The project has been extremely successful and has highlighted the exemplary working relationship between the Committee and HALC (not something replicated in every county). Standards for England has employed consultants to conduct a review of the project, and engaged our Committee members, HALC, and some of the

participating parish and town councillors in their research. They were complimentary about the results of the project.

Our Annual Report

14. Good progress is being made on the preparation of our annual report which will be finalised in June and then published. It is followed by many sectors, both within and far beyond Herefordshire. It is distributed to all parish and town councils in Herefordshire, to our neighbouring standards committees, to the Herefordshire Association of Local Councils, and also to Standards for England, the Department of Communities and Local Government and other national bodies which share an interest in standards and ethics. In addition, the public is becoming increasingly aware of members' responsibilities under the Code of Conduct, and of the standards expected of them. Our report style and format has been widely used by many of the other Standards Committees who operate in England.

Outlook

15. In future, Council will have considered constitutional issues relating to the Committee. If approved the aim will be for us to use panels of three members for Consideration and Hearing instead of the full Committee. This will be a more efficient and flexible use of our resources. We are also recommending the appointment of a Vice Chairman to assist with the Committee's increased workload.
16. I hope that Councillors find the report helpful. I welcome any comments upon it.

**ROBERT ROGERS
CHAIRMAN
STANDARDS COMMITTEE**

BACKGROUND PAPERS:

Agendas for the meetings of the Standards Committee held during 2009-2010.

MEETING:	COUNCIL
DATE:	28 MAY 2010
TITLE OF REPORT:	ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE
MEMBERSHIP	COUNCILLORS: PA ANDREWS, WLS BOWEN, ME COOPER, PJ EDWARDS, AE GRAY, KG GRUMBLY, TM JAMES, RI MATTHEWS, PM MORGAN, AT OLIVER, PJ WATTS.

CLASSIFICATION: Open

Purpose

To inform Council of the work undertaken by the Scrutiny function in 2009/10.

Introduction and Background

1. This report summarises the work undertaken by the six Scrutiny Committees in 2009/10. This summary will form the basis of a fuller Herefordshire Council Scrutiny Committees Annual Report 2009/10 which will be published and made available on the website.

SUMMARY OF WORK UNDERTAKEN BY THE SCRUTINY FUNCTION IN 2009-10

2. **The following scrutiny reviews have been completed this year:**
 - A review of the support to carers in Herefordshire, the principal recommendations of which were accepted by the Executive in its response.
 - A review of the Herefordshire Economic Development strategy 2005-25, the recommendations of which were accepted by the Executive.
 - A review of General Practitioners Services, the response to which is awaited.
3. **The following scrutiny reviews were previously completed but have received a response, or update from the Executive this year:**
 - Review of community engagement with the Herefordshire Community and Safety Drugs Partnership - the Executive's response to the review was accepted, noting that the Executive had accepted the review's recommendations.
 - Review of on-street parking - the majority of recommendations were accepted by the Executive and scrutiny accepted the Executive's response.

Further information on the subject of this report is available from
Tim Brown Committee Manager (Scrutiny) on (01432) 262039

- Review of Planning Services, undertaken by scrutiny committee, and the Planning Service Review undertaken by the Audit Commission - the Executive accepted the recommendations of the scrutiny review and agreed that a single action plan for service improvement be compiled.
- Review of tourism and tourist information centres – the Executive’s initial response was not accepted. Since the scrutiny review a separate, independent review of the County’s Destination Management Partnership (DMP), a public-private sector partnership established to develop the visitor economy of Herefordshire has taken place. Scrutiny will consider the outcome of this review.
- Review of transition from leaving care to adult life - the Executive has been requested to reassess its response to this review and set out specific actions and clear lines of responsibility for delivery within a defined timescale.

4. **Scrutiny Reviews in Progress**

The following scrutiny reviews are in progress: the effectiveness of communication by the Council and NHS Herefordshire with the public about services and access to those services, home care, the impact of the severe winter weather and the response to it, and volunteering. Scrutiny will also participate in a further review of the Herefordshire Travellers Policy.

5. **Scrutiny Development**

- Members of the Committees and the Executive participated in a facilitated scrutiny event to develop an enhanced external focus to the scrutiny committee work programmes reflecting the concerns of residents and communities of Herefordshire. They identified the following top five priorities for scrutiny: housing related issues, Youth, Communication, Safeguarding and Transport. In response the Committees have
 - Considered a number of housing related issues:
 - The delivery programme for affordable housing for 2009/11 and schemes to alleviate homelessness.
 - the outcome of a review of the Housing Allocations Policy.
 - Considered the remit of the youth service and the range of provision across the County.
 - Assessed Safeguarding arrangements for children in the County.
 - Commenced a review of the effectiveness of communication by the Council and NHS Herefordshire with the public about services and access to those services.

6. The scrutiny committees have considered a range of other matters.

7. The **Adult Social Care and Strategic Housing Scrutiny Committee** has:

- Invited the Homes and Communities Agency, the national housing and regeneration agency for England to explain its role and priorities to the Committee.
- Received an update on the review of the Fairer Charging policy for non-residential care services.

- Assessed the operation of the partnership agreement with Midland Heart to provide accommodation and support for adults with a Learning Disability in Herefordshire.
- Highlighted the shortfall in the Disabled Facilities Grant budget in the face of a significant increase in demand for the delivery of major adaptations to homes.
- Examined the Supporting People Grant budget which provided housing support allowing people to live independently in their homes.
- Monitored progress in improvements to adult safeguarding arrangements.
- Considered the implementation of the National Strategy “Living well with Dementia”.

8. The **Children’s Services Scrutiny Committee** has

- Considered the scheme for free early education for 3 and 4 year olds.
- Received a progress report on the work of the Herefordshire Schools Task Group, established to recommend to the Council a set of criteria to underpin the future of education and learning provision in the County.
- Considered arrangements for the transfer of the Learning and Skills Council staff and the Connexions Service to the Council.
- Conducted a spotlight review of Special Educational Needs (SEN)/Banded Funding, and referred a number of observations to the Herefordshire Schools Forum for consideration.
- Considered the percentage of children in Kinship Care Placements and the position regarding children cared for by unofficial carers.
- Considered progress made in addressing the needs of children affected by domestic abuse.
- Considered the provision for children and young people with Autistic Spectrum conditions and action plans for the development of further provision.
- Challenged pupil achievement for swimming at key stage 2.

9. The **Community Services Scrutiny Committee** has:

- Scrutinised a number of aspects of the development of the Edgar Street Grid Scheme (ESG). This included calling-in Cabinet’s decision to grant approval to enter into the ESG Retail Quarter Development Agreement and seeking assurance that Members would be given the opportunity to question and be satisfied as to the financial and operational viability of the project before irrevocable decisions were taken, The Committee also investigated the support the Council had made available to businesses that that would have to relocate from the Edgar Street Grid as result of the construction of the ESG link road.
- Considered the backlog of definitive map modification orders.
- Assessed the measures being taken by the Council to alleviate the impact of the economic downturn in the County.
- Gained an understanding of the role of the Community Safety and Drugs Partnership and

agreed arrangements for discharging the duty on the Council to scrutinise crime and disorder matters.

10. The **Environment Scrutiny Committee** has:

- Considered actions taken by social care transport, following a review of Day Opportunities for Older People to ensure compliance with the Council's Environmental Policy.
- Considered the Executive's response to the Scrutiny Review of the Herefordshire Travellers Policy and agreed to participate in the further review of the policy now proposed.
- Considered a range of environmental issues:
 - Reviewed the Council's performance against the corporate Environmental Strategy targets and received an update on the Council's targets in relation to climate change and carbon management with particular reference to the Council's own carbon emissions and made recommendations to the Executive.
 - Considered the environmental performance of the Council's vehicle fleet.
 - Expressed reservations about the Council's carbon management performance and concern that the planned carbon reduction actions will not achieve the targets.
 - Considered the environmental effect of staff and Member travel to work arrangements.
 - Considered progress made by the Highway Service in reducing the energy consumed and carbon dioxide generated through street lighting.
 - Considered options to increase energy efficiency standards in new buildings and made recommendations to the relevant Cabinet Member.
- Examined the work of the Community Protection Team.
- Considered the work of the West Mercia Safer Roads Partnership and the review of highway speed limits.
- Reviewed the current highway maintenance standards and the plans to improve the long term condition of the network, recommending the local community be kept informed of scheduled work by both the Council and the Highways Agency.
- Considered the impact of the severe winter weather on the highway network and the strategy being adopted to return the roads to an acceptable standard.
- Considered current street cleansing standards and the plans to improve the cleanliness of the county urging Council departments and partner organisations to work even closer together to tackle environmental crime and requesting that parish councils be informed of the financial cost to the Herefordshire tax payer of environmental crime and a regular article be placed in Herefordshire Matters highlighting the cost and implications of environmental crime in the County.
- Pressed for a central database of Council vehicles to be established as soon as possible to ensure that information about this valuable resource is properly recorded and managed and considered an outline programme of work to improve the fleet's management.

- Considered procedures in place to ensure that the Council incorporates sustainability within building contracts.
- Considered the Connect 2 cycle scheme linking Hereford City, via Rotherwas to Holme Lacy, examining the time taken to progress the scheme and the increase in costs.

11. The **Health Scrutiny Committee** has

- Considered the National Health Service Quality Assurance Framework and the processes and systems in place to ensure quality services are being commissioned and directly provided.
- Discussed work undertaken on the integration of provider services.
- Considered the provision of mental health services.
- Assessed the outcome of an efficiency review of the West Midlands Ambulance Service and progress in response to the findings of both that review and the Health Scrutiny Committee's own scrutiny review of the Service.
- Noted NHS Herefordshire's World Class Commissioning Strategy and requested regular updates describing progress and providing evidence of the degree of change and its effectiveness.
- Considered a progress report on health and social care ICT linkages.
- Received assurance on the approach being taken nationally and locally to tackle swine flu.
- Commented on the preferred option to site the GP-led health centre on the Hereford Hospital Trust Site, responding to public concerns about an alternative location.

12. The **Overview and Scrutiny Committee** has:

- Considered progress reports on Information Communication and Technology Service issues following a scrutiny review of the service.
- Commented on a number of key corporate strategies and plans:
 - the draft Medium Term Financial Strategy 2010-13.
 - the joint NHS Herefordshire Corporate Plan.
 - the refresh of the Sustainable Community Strategy.
 - the combined Council and NHS Herefordshire Joint Corporate Property Strategy.
- Evaluated the value for money of the extra care facility known as the Rose Gardens, Ledbury Road, Hereford.

13 All the scrutiny committees have:

- Scrutinised performance across the Council and asked Cabinet Members and officers to account for their performance and explain their future plans.

- Considered capital and revenue budgets, highlighting to the executive areas of concern including:
 - the level of the adult social care budget, given the demographic profile of the County, reinforced by the key findings of the Joint Strategic Needs Assessment, and high expectations of quality services; and proposals to raise eligibility criteria for services. Related to this scrutiny has recommended action to improve budgetary management for the Adult Social Care Service and the Health Service by ensuring linkages on the interface between the Frameworki Social Care software system with the Council's finance system.
 - the highway maintenance backlog situation urging the executive to make every effort to address this in the 2011/12 budget.
- The overspend on the Children's Services budget has also been carefully monitored.

Future Work

14. The Work Programme for 2010/11 includes:

- Concluding reviews currently in progress
- Conducting reviews of access to services and festivals
- Affordable Housing Policy
- Every Child Matters Themes
- Crime & Disorder Reduction Partnership Scrutiny
- Edgar Street Grid
- Environmental Management Issues
- Management of the Council's vehicle fleet
- Rights of Way Service Performance and Outcomes
- Population health and the delivery of effective preventive interventions.

Background Papers

Agenda papers and Minutes of the meetings of the scrutiny committees.



MEETING:	COUNCIL
DATE:	28 MAY 2010
TITLE OF REPORT:	REPORT OF THE REGULATORY COMMITTEE 2009 - 2010
MEMBERSHIP:	P Jones CBE (Chairman), JW Hope MBE (Vice-Chairman) CM Bartrum, DJ Benjamin, PGH Cutter, SPA Daniels, JHR Goodwin, RC Hunt, PJ McCaull, A Seldon and JD Woodward.

CLASSIFICATION: Open

Wards Affected

County-wide

Purpose

To note the main activities of the Committee during the period December 2009 – May 2010.

HIGHWAYS ACT 1980 SECTIONS 118 & 119 – PUBLIC FOOTPATH DIVERSION ORDERS

1. The Committee has dealt with the following applications for Public Path Diversion Orders for which there has been consultation with interested parties, the local parish councils and the local Ward Councillors:-
 - (a) **FOOTPATH EH18 (PART), EWYAS HAROLD** - This application has been refused because of the poor visibility at the point that the proposed route would meet a road and failure of the applicants attempt to obtain a landowners' consent to the installation of a gate;
 - (b) **FOOTPATH LW4 (PART), LLANWARNE** - This application has been refused because the applicants had not obtained a landowners consent for the diversion. The applicants had also failed to confirm that they would indemnify the Council against any possible claim for compensation in respect of land ownership if an Order was made;
 - (c) **FOOTPATH AV1B (PART) IN THE PARISH OF AVENBURY** - The application is to resolve a safety hazard that had arisen from collapsed land on the route of the path and has been approved;
 - (d) **WZ1 (PART); WALTERSTONE** - approval has been given to this application which will to move the route of a footpath from a property and improve its convenience to walkers and the applicant.

Further information on the subject of this report is available from
Pete Martens, Committee Manager Planning and Regulatory (01432) 260248

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 AND TOWN POLICE CLAUSES ACT 1847

2. The Committee has approved revised licence conditions for private hire and hackney carriage vehicles. This follows an extensive process of discussion with the trade, partner organisations and other licensing authorities following on from a request from the Hereford Taxi Association in September 2008 for a review to be carried out. A number of successive drafts had been prepared and discussed with the trade and amendments made where acceptable to officers and which comply with the legislation governing licensing. The revisions have streamlined the former system to make it more user friendly to Officers and the trade in the light of operational experience and best practice.

VEHICLES THAT DO NOT CONFORM TO THE REVISED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS

3. Following the introduction of the new licensing conditions at the end of March there are some 102 vehicles that do not fully comply with them to their age or particular vehicle type. The majority do not comply due to fairly routine matters and the safety of passengers has not been compromised. The Committee has therefore allowed a reasonable amount of time for the conditions to be met either by way of necessary alterations to the vehicles, or their replacement with compliant ones when their licences expire.

APPLICATION FOR APPROVAL FROM PONTING & BETTY LTD TO BE ON HEREFORDSHIRE COUNCIL'S APPROVED LIST FOR WHEELCHAIR ACCESS FACILITIES & N1 CONVERSION FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

4. Ponting & Betty, Bernard Mansell, Media House, St James Mill Road, Northampton N5 5JW have been accepted as an approved manufacturer/installer of wheelchair facilities for their Volkswagen and Mercedes taxi adaptations.

REVIEW OF THE LICENSING 'STATEMENT OF PRINCIPLES' (POLICY) UNDER THE GAMBLING ACT 2005. - GAMBLING ACT 2005

5. The Committee has carried out a three-yearly review of the Licensing Statement of Principles Policy which was introduced under the provisions of the Gambling Act 2005. The Policy is aimed at :
 - preventing gambling being a source of crime or disorder;
 - ensuring that gambling is conducted in a fair and open way; and
 - protecting children and the vulnerable people from being harmed or exploited by gambling.

APPLICATIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES – LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

6. 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. Incidents involving the conduct of drivers have also been heard. Applications for the renewal or transfer of vehicle licenses have also been submitted to the Committee because the applicants were late in submitting their applications and were in breach of the Council's licensing conditions, or they wished to transfer a licence to a vehicle that does not comply with those conditions.

7. 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 the circumstances which had prevented them from renewing their licences within the Council's prescribed timescale or why they wanted to transfer their licenses.
8. The applications were dealt with as follows:
 - a. five applicants were allowed to renew their vehicle licences outside the prescribed timeframe because of particular problems they had encountered or the Committee felt that the timeframe between expiry and the application for renewal was small enough to be acceptable;
 - b. an applicant was allowed to transfer his vehicle licence to another vehicle which did not comply with the condition about the replacement having at least 30,000 less recorded mileage. In this case the difference in mileage is considered by the Committee to be too small to warrant refusal.
 - c. an application for a hybrid petrol electric vehicle was approved because it conforms with the Council's green transportation policies;
 - d. consideration of incidents or applications regarding three drivers was deferred to enable the officers to give more consideration to the legal issues involved;
 - e. thirteen applications for the grant or reinstatement of drivers licenses were granted because the Committee is satisfied that evidence has been given by the applicants that they are fit and proper persons to be licensed;
 - f. three applications for drivers licenses were refused because the Committee is not satisfied that evidence has been given by the applicants that they are fit and proper persons to be licensed;
 - g. an application for the reinstatement of a driver's licence which had been revoked was refused because the Committee was not satisfied that evidence has been given by the applicant that he is a fit and proper person to be licensed; and
 - h. two operators licences which had been suspended because they had inadvertently allowed unlicensed drivers to take vehicles for annual inspection were reinstated.

THE COMMITTEE AND THE NEW CONSTITUTION

- 9** The functions and procedure rules for the Committee will be considered in due course in line with wider organisational issues regarding regulatory functions which will be investigated by the Constitution Review Working Group.

**P JONES CBE
CHAIRMAN
REGULATORY COMMITTEE**

BACKGROUND PAPERS Agenda papers from the meetings of the Regulatory Committee held between December 2009 and May 2010.



MEETING:	COUNCIL
DATE:	28 MAY 2010
TITLE OF REPORT:	ANNUAL REPORT OF THE AUDIT AND GOVERNANCE COMMITTEE
REPORT BY:	CHAIRMAN, AUDIT & GOVERNANCE COMMITTEE

CLASSIFICATION: Open

Purpose

To provide an overview of the activities of the above Committee (known as Audit & Corporate Governance Committee until 1 January 2010) in the last 12 months and workplan for the coming year.

Recommendation

THAT:

The report be noted

REPORT

1. The Committee received reports on the following issues:
 - Progress made in implementing the International Financial Reporting Standards
 - Creditor Payment Authorisation
 - Use of Resources 2009
 - Review of procedures and procurement within property services, and the satisfactory progress made in delivering the subsequent action plan
 - Audit Strategy and Audit Charter
 - Anti- fraud and Anti-corruption policy
 - Arrangements for monitoring Section 106 Planning Obligation Agreements
 - The Audit Commission's Audit Opinion Plan for 2008/09, Annual Audit & Inspection Letter for 2009 and 2009/10 Annual Audit work plan and fee
 - Cost control measures in relation to the service delivery partnership with Amey.

Further information on the subject of this report is available from
Paul Rogers, Democratic Services Officer (01432) 383408

- Major projects update
- Internal Audit joint working protocols
- Data Quality and relevant training requirements

2. The Committee has approved:

- Statement of Accounts for 2008/09
- Annual Governance Statement for inclusion in the statement of final accounts for 2008/09
- The action plan in response to the external auditor's Annual Governance Report for 2009, and the associated Letter of Representation.

The Committee has received a report which provided the Chief Internal Auditor's final audit assurance report for 2008/09 together with a report which updated the Committee on the work status. Both reports drew attention any key control issues and actions being taken in reponse to those issues.

3. The Committee has considered a report on the Review of Procurement undertaken by the by the Audit Commission. The Audit Commission had been requested to carry out a specific audit on procurement with an emphasis on the work which had been already commenced to review the partnership with AMEY. The Committee noted the report and made various recommendations with a view to further improving procurement performance.
4. As well as the standard items for each scheduled meeting, the various annual internal plans and strategy items together with annual Audit Commission Reports, the following items will be considered in 2010/11:
- Data Quality Update (Six Monthly Report)
 - Creditor Payment Authorisations
 - International Financial Reporting Standards

**ACR Chappell
CHAIRMAN**

AUDIT AND GOVERNANCE COMMITTEE

REPORT OF THE MEETING OF WEST MERCIA POLICE AUTHORITY HELD ON 16 FEBRUARY 2010

Three Year Strategic Plan and Annual Joint Policing Plan

1. The Authority has agreed the Three-Year Strategy and Policing Plan, which defines the purpose, aims, priorities and key principles for policing in West Mercia for the period 2010 – 2013. The Joint Policing Plan for 2010/11 is incorporated within the plan and gives particular emphasis to the planned outcomes and priorities for the forthcoming year. A copy of the plan is available on the Authority's website.

2. The successful delivery of the Plan over the three year period will result in the following outcomes -
 - The public have confidence and express satisfaction with the policing service.
 - Levels of crime and anti-social behaviour remain low.
 - Communities feel safe.

3. The Strategic Aims are -
 - Strengthen the confidence of all our communities and improve public satisfaction levels.
 - Protect vulnerable people.
 - Improve the service offered to victims and witnesses.
 - Tackle crime and anti-social behaviour.
 - Ensure sufficient capability and capacity to address major, serious and organised crime and civil contingencies.
 - Bring offenders to justice.
 - Reduce the harm caused by drugs and alcohol misuse.
 - Reduce road casualties.
 - Use resources efficiently and effectively .

4. The Police Authority will monitor the performance of West Mercia Police against the Plan during the year, including at a local level through the Divisional Policing Boards.

Budget 2010/2011

5. The Police Authority has set a net budget of £203.6 million for the financial year 2010/2011. Of this total 38% (£78.5 million) will be collected from local Council Taxpayers and £1.8 million will be financed from the Sustaining Service Delivery Fund.

6. The Council Tax for a Band D property will be £178.72, an increase of £5.10 per annum, representing an increase of 2.94% over the comparative figure for 2009/10.

7. In making its decision the Police Authority took into consideration responses received through the consultation processes with the public of West Mercia. This included feedback from -

- The West Mercia Crime and Safety Partnership Survey where 30,000 surveys had been posted and 6,958 people responded, giving a 22% response rate.
- On-going telephone surveys of victims of crime.
- PACT (Partners and Communities Together) priorities and Issues identified through engagement processes involving the 145 Local Policing Teams.
- Policing Matters public meetings and Your Community Matters events held across each of the five Police Divisions.
- Analysis of surveys and complaints.
- Special Consultation Evenings held in Hereford, Shrewsbury, Telford and Worcester where 3,500 leaflets were sent to partners, businesses and community representatives were consulted upon the policing priorities for 2010/11.

8. The budget contains reductions of £4.0 m following a process of Strategic Resource Leverage. The reductions include the removal of 42 police officer posts and 24.5 fewer police staff posts and the addition of 22 new police staff posts, which will undertake the duties of some of the deleted posts. In total this will result in 44.5 fewer full time equivalent employees equivalent to £2.0m and 1.28% off the pay bill. None of the reductions will affect the front line delivery of policing services, and in particular there will be no reduction in the number of operational divisionally based police constables (i.e. officers deployed in local policing, response policing or local CID roles).

9. The Police Authority has approved a policy framework for planning a three year capital investment programme. Following a review of existing projects resources have been redirected from former priority areas and three information management projects (Command and Control System, Operational Data Store and Security System Tools) added to the programme. .

Planning for the Future

10. As previously reported a detailed examination of the force's activities has been undertaken and outline proposals presented to the Police Authority. The Review recommends the retention of the five geographic (territorial) commands and an internal functional structure built upon the following broad areas of responsibility:

- Territorial Operations
- Protective Services
- Services to the Public
- People Management
- Resource Management

11. The Police Authority has given its outline approval for the Futures Review Team to move into the design phase of the review programme. It is anticipated that this will take four months to complete, during which time the Police Authority will be fully engaged. The firm recommendations on priorities, phasing and implementation will be submitted for final consideration by the Police Authority.

Collaboration

12. A five year collaboration Strategy for the police authorities and forces of Staffordshire, Warwickshire, West Mercia and West Midlands has been agreed, with the aim of increasing operational effectiveness.

13. The strategy is intended to support the discrete operational, organisational and financial challenges faced by each force and authority. The authorities and forces agree that savings in relation to local policing fall outside the scope of this strategy. The spend above that allocated to local policing is agreed as having potential for collaborative savings without reducing operational efficiency.

Police use of resources

14. West Mercia received a Grade of 3 (Performing Well) in the Police Use of Resources assessment. This was a harder test than in previous years and no police authorities received Grade 4. The Audit Committee considered that the marginal additional cost required to achieve a Grade 4 may not be warranted.

Setting Employment Targets for Under Represented Groups

15. The Authority is required to set employment targets for under represented groups and, having regard to the current economic climate and reduced recruitment levels, has agreed a process for consulting with staff associations, internal support groups and independent advisory groups. Once the targets have been agreed a communication strategy will be agreed to promote the commitment and drive of the Police Authority in ensuring that West Mercia Police continues to have a representative workforce.

2008/09 Audit Letter

16. The Authority has welcomed a positive Audit Letter from the Audit Commission for the year 2008/09, which highlighted the excellent working papers and co-operation from Finance Department and the Treasurer's staff. The report highlighted good practice in relation to the preparation of financial statements, Police Use of Resources and ensuring data quality.

17. The report did make a number of recommendations, which had or were being addressed. They related to obtaining maximum benefit from the Audit Commission's National Fraud Initiative and considering the evidence of outcomes to support the use of resources.

Commendations and Honours

18. Chief Constable Commendations have been awarded to Acting Sergeant Lee Grantham and PC Timothy Street from the Shropshire Division for displaying the highest level of bravery when confronted by a male pointing a replica firearm and refusing to put the weapon down. Deputy Chief Constable David Shaw was awarded an external commendation for his work on the DNA Database Transition Project.

19. The West Mercia Multi-Agency Public Protection Arrangements Team has been awarded the High Sheriff's Award in recognition of their great and valuable service to the community.

Significant Cases and Court Results

20. The Police Authority has been updated on significant cases and court results in each of the five Policing Divisions, where successful convictions were secured for

a variety of offences including murder, burglary, kidnap, attempted robbery, drugs and harbouring an escaped prisoner.

Signed on behalf of the
West Mercia Police Authority

Sheila Blagg
Chairman

Further Information

Any person wishing to seek further information on the subject matter of this report should contact David Brierley or Ian Payne on Shrewsbury (01743) 264690.

Further information on the West Mercia Police Authority can also be found on the Internet at www.westmerciapoliceauthority.gov.uk.

Questions on the functions of the Police Authority

The Authority has nominated the following members to answer questions on the discharge of the functions of the Police Authority at meetings of the relevant councils:

<i>Herefordshire Council</i>	<i>Mr B Hunt</i>
<i>Shropshire County Council</i>	<i>Mr M Kenny</i>
<i>Telford and Wrekin Council</i>	<i>Mr K Sahota</i>
<i>Worcestershire County Council</i>	<i>Mrs Blagg</i>

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 meeting of the West Mercia Police Authority held on 16 February 2010.

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

AUTHORITY MEETING HELD ON 17 FEBRUARY 2010

1.	<p>APPOINTMENT OF CHIEF FIRE OFFICER/ CHIEF EXECUTIVE</p> <p>Mr. Paul Hayden, Chief Fire Officer/Chief Executive had notified the Authority of his intention to retire from the Service on 12 May 2010. The Appointments Committee recommended the appointment of Mr. Mark Yates,</p> <p>The Authority resolved to ratify the appointment of Mr. Mark Yates, currently Deputy Chief Fire Officer with Hertfordshire Fire and Rescue Service, as Chief Fire Officer/Chief Executive, subject to satisfactory medical reports, with effect from a date to be agreed with him.</p>
2.	<p>SERVICE REPORT</p> <p>The Meeting noted the increased number of incidents attended by the Service over the October – December 2009 quarter which was largely due to the bad weather.</p> <p>The Authority congratulated the Chief Fire Officer, Paul Hayden, who has been awarded the Queen’s Fire Service Medal in the New Years Honours List.</p> <p>The Chief Fire Officer updated Members on a recent incident at Evesham which was under investigation by the police. The Authority was satisfied that the Service had responded as well as possible in difficult circumstances.</p> <p>Hereford & Worcester Fire and Rescue Service is to receive just over £1m funding to help support rescue teams that can deal with major incidents such as extreme weather, building collapses or terrorism.</p> <p>The extra funding, amounting to £1,043,001, helps HWFRS to provide:</p> <ul style="list-style-type: none">• Two Urban Search and Rescue teams based at Droitwich• A search dog and handler• Two mass decontamination units based at fire stations in Hereford and Droitwich• Enhanced command facilities incorporating advanced satellite communications within Herefordshire• High volume pumping vehicles based at Kidderminster (as proved so useful during the floods of 2007). <p>This will enable Hereford & Worcester Fire and Rescue Authority to operate one of the largest fleets of its kind outside London.</p>

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

AUTHORITY MEETING HELD ON 17 FEBRUARY 2010

3.	BUDGET & PRECEPT AND MEDIUM TERM FINANCIAL PLAN The Authority approved: <ul style="list-style-type: none">• the Capital Budget and Programme totalling £3,980,000;• the Revenue Budget of £31,123,000 (Net Budget Requirement £31,394,675);and• the consequential precept of £20,643,848, Band D equivalent £73.64.
4.	THE ANNUAL AUDIT LETTER 2008/09 The Authority noted the Annual Audit Letter from the Audit Commission which assessed the Authority as “ <i>performing well</i> ” in its arrangements for Managing Finance, Governing the Business and Managing Resources. The Audit Commission reported that the Authority maintained its track record as a high performing organisation and was among the best services in the country for promoting equality and diversity.

**PAUL HAYDEN
CHIEF FIRE OFFICER/CHIEF EXECUTIVE
HEREFORD & WORCESTER FIRE AND RESCUE SERVICE
1 March 2010**

BACKGROUND PAPERS

Agenda and papers of the meeting of the Fire and Rescue Authority held on 17 February 2010.

FURTHER INFORMATION

Any person wishing to seek further information on this report should contact: Corporate Support on 01905 368331. Further information on the Fire and Rescue Authority and the Fire and Rescue Service, including the background papers mentioned above, can also be found on the Internet at (www.hwfire.org.uk).