

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

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11 November 2010

Dear Councillor,

YOU ARE HEREBY SUMMONED to attend the meeting of the Herefordshire Council to be held on **Friday 19 November 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.

Along with the agenda Members will receive a separate copy of the Financial Procedural Rules, which Members will be discussing at the Council meeting under Item 11 Council Constitution. Should Members approve the amendments the Financial Procedure Rules can then be added directly into your copy of the Constitution.

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 19 November 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 J Stone

Councillor JB Williams

Councillor PA Andrews
Councillor LO Barnett
Councillor PL Bettington
Councillor WLS Bowen
Councillor ACR Chappell
Councillor PGH Cutter
Councillor H Davies
Councillor BA Durkin
Councillor MJ Fishley
Councillor JHR Goodwin
Councillor DW Greenow
Councillor KS Guthrie
Councillor MAF Hubbard
Councillor RC Hunt
Councillor JA Hyde
Councillor JG Jarvis
Councillor Brig P Jones CBE
Councillor MD Lloyd-Hayes
Councillor RI Matthews
Councillor PM Morgan
Councillor JE Pemberton
Councillor GA Powell
Councillor SJ Robertson
Councillor RH Smith
Councillor AP Taylor
Councillor AM Toon
Councillor WJ Walling
Councillor DB Wilcox

Councillor WU Attfield
Councillor CM Bartrum
Councillor AJM Blackshaw
Councillor H Bramer
Councillor ME Cooper
Councillor SPA Daniels
Councillor GFM Dawe
Councillor PJ Edwards
Councillor JP French
Councillor AE Gray
Councillor KG Grumbley
Councillor JW Hope MBE
Councillor B Hunt
Councillor TW Hunt
Councillor TM James
Councillor AW Johnson
Councillor JDD Lavender
Councillor G Lucas
Councillor PJ McCaull
Councillor AT Oliver
Councillor RJ Phillips
Councillor PD Price
Councillor A Seldon
Councillor RV Stockton
Councillor DC Taylor
Councillor NL Vaughan
Councillor PJ Watts
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

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| 1. | PRAYERS | |
| 2. | APOLOGIES FOR ABSENCE
To receive apologies for absence. | |
| 3. | DECLARATIONS OF INTEREST
To receive any declarations of interest by Members in respect of items on the Agenda. | |
| 4. | MINUTES
To approve and sign the Minutes of the meeting held on 16 July 2010. | 1 - 26 |
| 5. | CHAIRMAN'S ANNOUNCEMENTS
To receive the Chairman's announcements and petitions from members of the public. | |
| 6. | QUESTIONS FROM MEMBERS OF THE PUBLIC
To receive questions from members of the public. | 27 - 32 |
| 7. | FORMAL QUESTIONS FROM COUNCILLORS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS
To receive any written questions from Councillors. | |
| 8. | NOTICES OF MOTION UNDER STANDING ORDERS

Two notices of motion have been submitted for consideration by Council. The first notice of motion was submitted by Councillors: MAF Hubbard and JD Woodward. The second notice of motion was submitted by Councillor RJ Phillips, Leader of the Council.

First Notice of Motion

<i>"The Council notes the Standards Committee as its hearing on 23 February 2010 found Councillor T Hunt was in breach of the Brockhampton Group Parish Council's Code of Conduct and the decision notice states:</i>

<i>'The Committee are concerned that Councillor T Hunt has completed a Statutory Declaration under oath, which based on the information presented to the Committee, on the balance of probabilities, does not represent the facts as they found them.'</i>

<i>The Council notes that the Standards Committee had sufficient doubt about the truth of Councillor T Hunt's sworn statement to publish their concern.</i>

<i>The Council agrees that Councillors should be exemplars and this doubt about a Councillor's honesty and integrity published on our website is damaging the Council's reputation.</i>

<i>Therefore this Council requires Council T Hunt to consider his position as Chairman of the Planning Committee.</i>

<i>This Council notes the exceptional job done by officers within the planning</i> | |

department and that this motion in no way reflects on the service provided by the planning department and its officers.”

Second Notice of Motion

“That the Council agree in principle to carrying out a referendum with the people of Herefordshire to ask a question relating to construction of a road around Hereford City and that the Executive be asked to consider the practicality of such action.”

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| 9. LEADER'S REPORT | 33 - 38 |
| To receive the Leader's report, which provides an overview of the Executive's activity since the last Council meeting. | |
| 10. ALLOCATION OF SEATS TO POLITICAL GROUPS AND APPOINTMENTS TO COMMITTEES | 39 - 46 |
| To exercise those powers reserved to Council following changes to the political groups since the last Council Meeting. | |
| Please note that the Council may be asked under this item to approve alternative arrangements to strict proportionality for appointments to Committees and other bodies in accordance with Regulation 20 of the Local Government (Committees and Political Groups) Regulations 1990. | |
| 11. COUNCIL CONSTITUTION | 47 - 90 |
| To seek approval for and present matters relating to the Council Constitution. | |
| 12. NEW EXECUTIVE ARRANGEMENTS | 91 - 98 |
| The Council is required to consider new forms of executive arrangements in order to comply with the provisions of the Local Government and Public Involvement in Health Act 2007 to come into effect in May 2011. | |
| 13. SHARED SERVICES | 99 - 104 |
| The purpose of this report is to seek approval for the establishment of a Joint Venture Company to provide shared support services to the Council, NHS Herefordshire (the Primary Care Trust) and Herefordshire Hospitals NHS Trust (HHT). | |
| 14. YOUTH JUSTICE PLAN | 105 - 124 |
| The Youth Justice Plan is prepared on an annual basis on behalf of Herefordshire Council and Worcestershire County Council. The basic plan preparation is undertaken by the Youth Offending Service according to the deadlines and guidance from the Youth Justice Board for England and Wales (YJB). | |
| 15. STANDARDS COMMITTEE | 125 - 128 |
| To receive the report and to consider any recommendations to Council arising from the meeting held on 22 October 2010. | |
| 16. WEST MERCIA POLICE AUTHORITY | 129 - 138 |
| To receive the reports of the meeting of the West Mercia Police Authority held on 15 June and 28 September 2010. Councillor B. Hunt has been nominated for the purpose of answering questions on the discharge of the functions of the Police Authority. | |
| 17. HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY | 139 - 144 |
| To receive the report of the meetings of the Hereford & Worcester Fire and | |

Rescue Authority held on 25 June and 28 September 2010.

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