

**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**

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Time: **10.30 am**

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

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

For any further information please contact:

**Sally Cole, Committee Manager Executive**

Tel: 01432 260249

Email: [scole@herefordshire.gov.uk](mailto:scole@herefordshire.gov.uk)

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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](mailto: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

- |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |         |
|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| <b>1.</b> | <b>PRAYERS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |         |
| <b>2.</b> | <b>APOLOGIES FOR ABSENCE</b><br>To receive apologies for absence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |         |
| <b>3.</b> | <b>DECLARATIONS OF INTEREST</b><br>To receive any declarations of interest by Members in respect of items on the Agenda.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |         |
| <b>4.</b> | <b>MINUTES</b><br>To approve and sign the Minutes of the meeting held on 16 July 2010.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 1 - 26  |
| <b>5.</b> | <b>CHAIRMAN'S ANNOUNCEMENTS</b><br>To receive the Chairman's announcements and petitions from members of the public.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |         |
| <b>6.</b> | <b>QUESTIONS FROM MEMBERS OF THE PUBLIC</b><br>To receive questions from members of the public.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 27 - 32 |
| <b>7.</b> | <b>FORMAL QUESTIONS FROM COUNCILLORS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS</b><br>To receive any written questions from Councillors.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |         |
| <b>8.</b> | <b>NOTICES OF MOTION UNDER STANDING ORDERS</b><br><br>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.<br><br>First Notice of Motion<br><br><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><br><br><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><br><br><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><br><br><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><br><br><i>Therefore this Council requires Council T Hunt to consider his position as Chairman of the Planning Committee.</i><br><br><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.”*

- |                                                                                                                                                                                                                                                                                                       |           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| <b>9. LEADER'S REPORT</b>                                                                                                                                                                                                                                                                             | 33 - 38   |
| To receive the Leader's report, which provides an overview of the Executive's activity since the last Council meeting.                                                                                                                                                                                |           |
| <b>10. ALLOCATION OF SEATS TO POLITICAL GROUPS AND APPOINTMENTS TO COMMITTEES</b>                                                                                                                                                                                                                     | 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.                  |           |
| <b>11. COUNCIL CONSTITUTION</b>                                                                                                                                                                                                                                                                       | 47 - 90   |
| To seek approval for and present matters relating to the Council Constitution.                                                                                                                                                                                                                        |           |
| <b>12. NEW EXECUTIVE ARRANGEMENTS</b>                                                                                                                                                                                                                                                                 | 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.                                                                                     |           |
| <b>13. SHARED SERVICES</b>                                                                                                                                                                                                                                                                            | 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).                                                            |           |
| <b>14. YOUTH JUSTICE PLAN</b>                                                                                                                                                                                                                                                                         | 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). |           |
| <b>15. STANDARDS COMMITTEE</b>                                                                                                                                                                                                                                                                        | 125 - 128 |
| To receive the report and to consider any recommendations to Council arising from the meeting held on 22 October 2010.                                                                                                                                                                                |           |
| <b>16. WEST MERCIA POLICE AUTHORITY</b>                                                                                                                                                                                                                                                               | 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.                                              |           |
| <b>17. HEREFORD &amp; WORCESTER FIRE AND RESCUE AUTHORITY</b>                                                                                                                                                                                                                                         | 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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# 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 Monitoring Officer eight clear working days before the meeting i.e. by 12:00 noon on a Monday in the week preceding a Friday meeting.

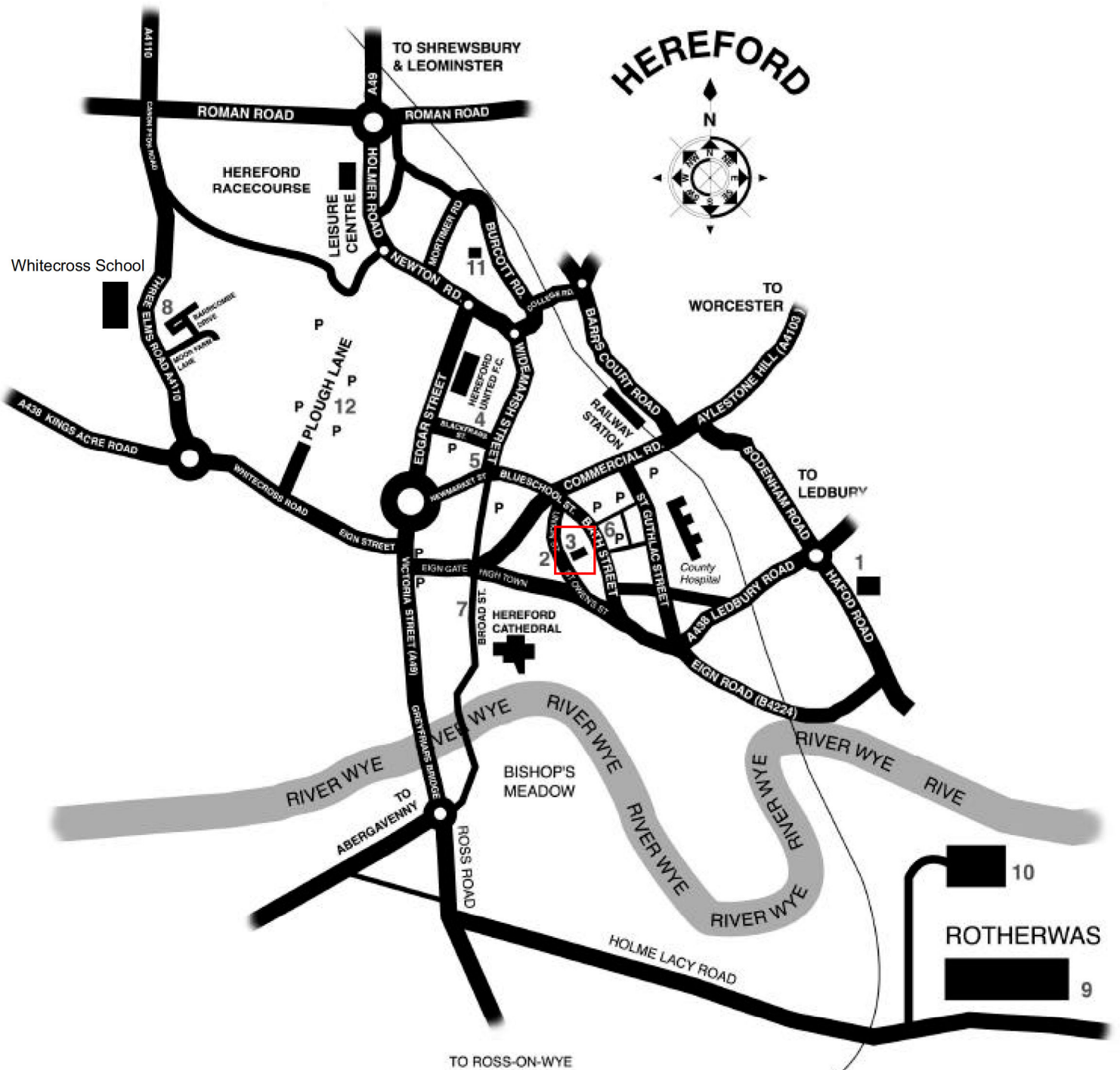
## Public Transport Links

- The Shirehall is ten minutes walking distance from both bus stations located in the town centre of Hereford. A map showing the location of the Shirehall is found opposite.



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





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



# **FIRE AND EMERGENCY EVACUATION PROCEDURE**

## **IN CASE OF FIRE**

**(no matter how small)**

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

## **ON HEARING THE ALARM**

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

## **GAOL STREET CAR PARK**

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



HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Council held at The Shirehall, St Peter's Square, Hereford. on Friday 16 July 2010 at 10.30 am**

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

**Councillors:** PA Andrews, WU Attfield, LO Barnett, DJ Benjamin, PL Bettington, AJM Blackshaw, WLS Bowen, H Bramer, ACR Chappell, ME Cooper, PGH Cutter, SPA Daniels, H Davies, 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, AM Toon, WJ Walling, PJ Watts, DB Wilcox and JD Woodward

**24. PRAYERS**

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

The Chairman expressed the Council's sincere condolences to Councillor PJ Edwards and family on the sudden loss of Mrs Mavis Edwards.

**25. APOLOGIES FOR ABSENCE**

Apologies had been received from Councillors CM Bartrum, GFM Dawe, B Durkin, PJ Edwards, MJ Fishley, AW Johnson and DC Taylor. Mr Robert Rogers, Chairman of the Standards Committee had also tendered apologies.

**26. DECLARATIONS OF INTEREST**

There were none.

**27. MINUTES**

The minutes of the Annual Council Meeting held on 28 May 2010 were approved as a correct record.

**28. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman in his announcements:

- Thanked Members who attended the Raising of the Flag at the Shire Hall on Armed Forces Day 21 June.
- Informed Council that a re-dedication of the Hereford War Memorial in St Peter's Square would be taking place on 17 July at 2.30pm which would acknowledge the honour of the inclusion of the Rifles badge on the monument. The traditional sounding of the Retreat would take place on the Castle Green at 6.30 pm.
- Advised that he had attended the opening of Riverside Primary School on Friday 9 July and commented that the outstanding new facilities funded by local authority prudential borrowing would benefit generations of children.

- Congratulated FC Phoenix Disability Centre and Wye Amateur Boxing Club who were each honoured with the Queen's Award for Voluntary Service; the award being similar to an MBE Honour to an individual.
- Wished the England team well at the World Blind Football Championships which would be taking place at the Royal National College for the Blind from 14 August. Members were encouraged to attend.
- Acknowledged the receipt of the Good Egg award by Compassion in World Farming in recognition of the Council's catering policy of using free range or organic eggs at all Council events catered for by Amey Herefordshire. The Leader of the Council collected this award at the Local Government Conference held recently.

The Chairman informed Council that Councillor RI Matthews had presented him with a petition of 730 signatures (on behalf of Councillor PJ Edwards) on Active Open Space in Belmont. The petition was presented to Councillor JG Jarvis, Cabinet Member Environment and Strategic Housing.

## **29. 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. A copy of the public questions and written answers together with the supplementary questions asked at the meeting and answers provided are attached to the minutes as Appendix 1.

## **30. FORMAL QUESTIONS FROM COUNCILLORS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS**

Please see Appendix 2 to the Minutes.

## **31. NOTICES OF MOTION UNDER STANDING ORDERS**

There were none.

## **32. CONSTITUTION REPORT**

The Cabinet Member for Corporate and Customer Services and Human Resources presented the report on matters relating to the Council Constitution and which sought approval to proposed changes. All Members had received an accompanying table which set out technical changes to the constitution which came into effect on 1 January 2010. A full index would be prepared and circulated to Council in advance of 1 September 2010.

Members were advised, that subject to the approval of the revised constitution, a Parts 1 and 2 of the Constitution would be submitted to the Plain English Campaign for crystal mark accreditation.

Council was also asked to consider and adopt the revised Contract Procedure Rules which had been reviewed by a Task Group; Councillor M Cooper was thanked for her assistance as Lead Member on the Task Group.

A further report on the constitution would be presented to Council in November 2010 which would report on the work of two Task Groups currently underway one reviewing the Financial Regulations, with Councillor JG Jarvis as Lead Member, the other undertaking a review of regulatory matters, with Councillor JP French as lead member.



Responding to comments from Members regarding the Contracts Procedure Rules, the Cabinet Member stated that;

- the Council had done much to encourage the involvement of local firms and would continue to do all which was possible to support local companies to be involved in contracts;
- the Monitoring Officer's responsibilities within the Rules would be delegated appropriately to officers in the authority within the Scheme of Delegation;
- that the monetary thresholds of contracts would be clarified and the appropriate pages re-circulated.

The Chairman expressed thanks to the Constitutional Review Working Group for their continued work on constitutional and governance matters.

**RESOLVED that Council:**

- a) **Approves the following changes to the Constitution:**
  - i. **The Contracts Procedure Rules**
  - ii. **The designation of Monitoring Officer to the successor post of Assistant Director Law and Governance following the cessation of the current interim arrangements**
- b) **Notes that a technical redraft of the constitution has been undertaken**
- c) **Receives and adopts the refreshed constitution to take effect from 1 August 2010**
- d) **Notes the work undertaken by the Constitutional Review Working Group which will continue to assist with such further constitutional review work as it determines.**

**33. REPORT OF THE LEADER OF THE COUNCIL**

The Leader of the Council, Councillor RJ Phillips presented his report to Council.

He informed Council of two changes to portfolio responsibilities; namely that;

- He had moved responsibility for procurement from the Resources Portfolio to that of the Corporate and Customer Services and Human Resources Portfolio in order for better alignment with the wider transformational agenda.
- The selection of tenants for smallholdings was now delegated to the Chief Executive who had in turn delegated to the appropriate officer.

In highlighting aspects of the report, the Leader;

- Emphasised the financial challenges following the announcement of the revenue and capital grant reductions, the impact of which would need to be met within the current financial year. Council was advised that there was a need to maintain as much flexibility as possible when determining where the cuts would be made to ensure that the impact on the most vulnerable be kept to a minimum. Given the level of reductions, it was important that all Members recognised the possible impact on services and that there was a need for a strategy for how the Council would manage spending reductions.

- An immediate impact was the ceasing of the free swimming programme for local people under 16 or over 60 years of age following the end of government support to the scheme.
- A consultation process would be undertaken jointly with NHS Herefordshire to seek views and suggestions on how, together, the needs of local people could be best met in light of the new financial pressures. The Council would work with the Government to meet its obligations to freeze council tax. A detailed announcement on the comprehensive spending review would be expected on 20 October 2010.
- Stated that the Audit and Governance Committee approved the annual Statement of Accounts for 2009/2010 in advance of 30 June, as was required. The Finance Team was congratulated for their efforts.
- Informed Council that the Health White Paper was consistent with Herefordshire's joint working across health and social care. The Council was at the forefront of national policy development with joint work between health and local authorities providing a holistic approach to health and social care budgets. Such a joint approach should be encouraged to ensure that the public spend within a locality (which included other public services) was effective and that organisations did not focus on self preservation and have a silo mentality.
- Outlined that the principle behind Hereford Futures was to establish a single company which would join up thinking and contribute to future enterprise, housing, jobs and infrastructure in Hereford City. There was a need to ensure that important projects for the City went ahead. All Members were encouraged to promote and use the Shop Hereford loyalty card, which would be distributed through Herefordshire Matters. This was one new approach to encourage the public to view Hereford as a centre of choice for medical, educational, civic and retail matters. The Leader stated that he looked forward to the loyalty scheme to be developed further.
- Stated that hosting the World Blind Football Championships in Herefordshire provided an opportunity for promoting the county. The county was proud to host such a prestigious event which had been held previously in Rio de Janeiro, Beijing and Canada. Members were urged to champion the event within their communities.

The Leader in responding to comments and questions raised by Members in attendance stated that:

- Integration was at the heart of the new proposed legislation relating to health and social care, which aligned itself well to the approach adopted by Herefordshire. Assurance to this effect had been provided to the Leader by the Secretary of State for Communities and Local Government, Eric Pickles MP. It was proposed that responsibility for a large part of the public health role would be given to local government thereby widening and strengthening the future role for local authorities. The Government was proposing to ring fence specific monies to support the role of public health.
- In relation to the Academies Bill, whilst there seemed to be much interest nationally, only those schools rated outstanding would be considered to change their status to that of an Academy. It was expected that the scheme would take time to be rolled out. Hereford Academy had been provided with a substantial amount of investment and tribute was paid to the head teacher, staff, governors and communities for their work in making the Academy a success.

- The concerns of traders in the Rockfield area was acknowledged and it was stated that there had been difficult times. The reduction in public expenditure would prevent some projects going ahead to the original timescale proposed. However, the commitment remained and an open dialogue was encouraged. The Leader commented on the need to provide a level of stability for the traders, especially in respect of leases. The Council would work proactively with traders in relation to the provision of suitable sites within the new market site.
- The ESG was in a period of transition and, whilst as a company it would disappear, the Chairman would remain. Ray Stone (formally of Wiggins) had been appointed as a Director to the Board. The establishment of Hereford Futures was a clear commitment to Hereford City to ensure that it became a strong destination to shop, undertake business and welcome tourism. Dialogue with the market towns would be undertaken to manage changes constructively and proactively.
- The significant reduction in Area Based Grant would have an impact on important areas of activity. Therefore, consideration would need to be given to the budgets of all areas in order to maintain other priority tasks. It was essential that such decisions were well informed. Assurance was provided that some ring fencing of budgets was still in place.
- Herefordshire had a sound reputation for delivering good quality education; however, some weaknesses and trends had developed in relation to Key Stages 1 and 2. It was important to tackle these issues as soon as possible.
- In relation to the proposed formation of GP consortia in the Health White Paper, the Leader emphasised the need for a smooth transition to ensure the continuation of quality services without disruption. Within Herefordshire a strong relationship had developed with GPs and this would be built upon to support the GPs during the transition period.
- Welcomed the inclusion of the Wye Valley and Forest of Dean on the list of applications for the UK's new Tentative List of sites for World Heritage status and stated that such high profile promotion of the Wye Valley was to be welcomed.
- ESG Ltd was a private company which published its accounts in Companies House. Members were requested to consider the sensitivity which would surround the transition arrangements for some staff as ESG Limited ceased and Hereford Futures started its work.
- In addition to the secondment in part of an officer, the World Blind Football Championships had received £25,000 in sponsorship from the Council which was deemed to be a proportionate and appropriate response.
- Whilst the level of any debt was an issue, Members attention was drawn to the development of Riverside School which had been supported by prudential borrowing by the Council as the scheme had been refused support from the previous government. It was agreed that it was important to watch the level of borrowing. The injection of monies to the public sector over the previous 10-12 years had been unprecedented and had led to high budgets and staff costs. The new era required the public sector to re-prioritise, re-engineer services and consider issues more strategically; the consequence of which would be fewer staff. All Members would need to part of these processes and lead communities through these challenges.

Responding to questions and comments relating to their portfolios the;

- Cabinet Member for Highways and Transportation stated that whilst he was aware of some claims received by the Council in respect of trips and falls relating to the Widemarsh Street redevelopment it was too early to consider formal legal proceedings. A review of the Widemarsh Street scheme was underway and would be reported to the Cabinet Member by the end of the month.
- Cabinet Member for Economic Development and Community Services advised Council that the free swimming had been very successful in Herefordshire with 4,500 individuals under 16 taking part (which equated to 23,588 free swims) and 1,180 over 60s taking part (equating to 5,200 free swims). Whilst the scheme had finished prematurely, residents had understood that this was as a result of a national directive.

**RESOLVED: That the Leader's report be noted.**

### **34. STANDARDS COMMITTEE**

Mr David Stevens presented the report of the Standards Committee.

In responding to questions and comments raised by Members in attendance, Mr Stevens stated that:

- Standards Committee members attended and took part in many events and training courses during the year. The process by which Standards Committee dealt with vexatious and persistent complainants may be considered during these events, though there was no specific course to solely consider such matters.
- The appellant whose appeal was considered and rejected by the first tier tribunal did have the opportunity to seek a further appeal from the second tier tribunal within a specific time frame. Sanctions would not be undertaken until the required appeals process had run its course.
- For clarification, the Standards Committee is independent of any Council portfolio.

**RESOLVED: That Council approve the Guide to Blogging and Social Networking for members as attached at Appendix A to the report.**

The meeting ended at 12.05 pm

**CHAIRMAN**

**PUBLIC QUESTIONS TO COUNCIL – 6 FEBRUARY 2009****Question from Ms P Mitchell, Cycle Hereford***Question 1*

*When will the Council introduce 20mph speed limits on all roads not wide enough to accommodate both two-way motor traffic and full-width cycle lanes and when will it introduce full-width cycle lanes in both directions on roads in the City of Hereford where the speed limit is higher than 20mph?*

Summary

- *The Council departs from national guidance and good practice in its treatment of cyclists.*
- *The safety of cyclists is a prerequisite to increasing levels of cycling in Hereford.*
- *Traffic speed is both the most important and most readily managed aspect of road safety.*
- *When the Council's management of the road network fails to take the safety of cyclists and pedestrians fully and systematically into account, it discriminates against these road users.*

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

## Answer to question 1

The Council has no proposals to introduce 20mph speed limits on all roads not wide enough to accommodate both two-way motor traffic and full width cycle lanes. We have been following our LTP policy to introduce 20pmh at schools and have now implemented 10 permanent schemes and 3 part time 20mph speed limits.

In terms of emerging policy being developed for the third Local Transport Plan we will set out proposals for the continuation of schools 20mph zones and the introduction of other 20mph speed limits in appropriate locations including residential areas. In developing this policy we will take into account Department for Transport Guidance and best practice.

The Council does not have a blanket proposal to introduce full width cycle lanes in both directions on city roads where speed limits are higher than 20mph. However, the process by which cycle routes are identified and prioritised for construction takes traffic speed into account and also favours schemes that re-allocate road space in favour of cyclists. This approach has the advantage of focussing efforts to the locations where they are needed while maintaining the right of cyclists to use the carriageway.

*No supplementary question was asked but Members encouraged to visit Cycle Herefordshire's website.*

## **PUBLIC QUESTIONS TO COUNCIL – 16 JULY 2010**

### **Question from Mr M Harding, Chairman Ledbury Town Council Planning and Economic Development Committee**

#### *Question 2*

*Is there a set criteria for ward members to follow in the Herefordshire constitution and how can a ward member agree to delegate a planning application when they do not know the location or details of the plan?*

### **Answer from Cllr J French, Cabinet Member Corporate & Customer Services and Human Resources**

#### Answer to question 2

The Constitution makes a number of references to ward councillors and their roles and responsibilities and the role of the ward member in relation to planning matters is set out in the Planning Rules (section 4.8) and the Planning Code (section 5.14).

Ward councillors cannot delegate a planning decision because planning applications are not within their remit. The Constitution provides a ward councillor with a right to ask that an application be redirected to the Planning Committee if certain criteria are met. The Planning Committee then deals with the matter. Otherwise decisions are made by the relevant planning officer under the delegations in the Constitution

The Council's constitution is available on the website and open to inspection at the Council's offices at Brockington. The Council's democratic services team will be happy to provide further advice about how the Council's delegations work upon request.

*No supplementary question was asked*

## PUBLIC QUESTIONS TO COUNCIL – 16 JULY 2010

### Question from Mr D Packman, Withington

#### Question 3

*In recent months, when following up matters of interest to each of us as individuals rather than of joint interest, my wife and I have become increasingly concerned at the length of time it has taken to obtain acknowledgement of our emails, still less to be provided with answers to the questions we have raised. This observation applies not only to our attempts to contact Herefordshire Council officers but also to requests for information from the staff of the Herefordshire Partnership and of Amey Herefordshire. In view of this, and following discussions with a number of Herefordshire Councillors, we ask that the following written questions be put on the agenda for the next Council meeting.*

*What is the target period within which members of the Council's staff are required to respond to electronic correspondence; is it enforced; can automated acknowledgements be sent and what arrangements are in place to acknowledge incoming messages when staff are away from the work place?*

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

#### Answer to question 3

Currently, whilst there are general guidelines there is no prescribed response time for staff to reply to correspondence whether received by email or other channels, and therefore no means of enforcement. As part of the drive towards improving services delivered to our Customers, we are in the process of developing a Customer Charter, which will set out some simple, consistent service standards for all employees to work towards; this will be prescriptive about expected response times.

The use of automated acknowledgements is being considered, including for use when an individual is away from the office. However, whilst acknowledgments can provide a degree of assurance to the correspondent, I am sure Mr Packman will agree with me that our primary concern should be to ensure that customers receive a substantive response to their enquiry in a timely manner. I would therefore ask that any specific instances of concern are brought to the attention of the customer services team, which provides information, advice and assistance, progress chasing and complaint handling for all our services, and can be contacted at [info@herefordshire.gov.uk](mailto:info@herefordshire.gov.uk).

### **Supplementary Question**

When would work on the Customer Charter be completed?

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

Work was currently underway and would be completed during Autumn 2010.

## PUBLIC QUESTIONS TO COUNCIL – 16 JULY 2010

### Question from Mr C Grover, Much Birch, Hereford

#### Question 4

*During the last two years three gates or swinging bars have been erected on Bromyard Downs. The digging of six holes, inserting six, six by six inch five foot high wooden posts, concrete and fitting swinging bars would for most people's interpretation be regarded as "works" as described in the Commons Act 2006 Section 38. Why have the public been denied the consultation required under this law despite the fact that all persons in authority in Hereford Council and the Parish Council concerned with the administration and management of the Downs have been aware of the works?*

### Answer from Councillor AJM Blackshaw Cabinet Member Economic Development and Community Services

#### Answer to question 4

Bromyard Downs Common is managed under a management agreement by Brockhampton Group Parish Council who in turn has delegated that function to its Commons Management Committee. I can confirm that all issues raised in relation to Bromyard Downs are receiving careful consideration and I will ask that consideration is given to what the Council can do to enforce obligations on the Parish Council and/or the Commons Management Committee under the Commons Act 2006 or other relevant provisions.

It is important that Commons management is effective across the County and for that reason and to prevent problems occurring in future, arrangements for the management of commons including Bromyard Downs are being reviewed and I am expecting a report on this in September 2010.

#### Supplementary question

Why was no public consultation undertaken regarding the erection of the gates?

### Answer from Councillor AJM Blackshaw Cabinet Member Economic Development and Community Services

A large amount of correspondence has been received from both officers and Members on issues relating to the Downs. A detailed consistent reply would be provided in the next 10 days. A review would report in September 2010 and would outline a holistic approach to management arrangements for Downs and Commons county wide.



## PUBLIC QUESTIONS TO COUNCIL – 16 JULY 2010

### Question from Mr R Steeds, Bringsty

#### Question 5

*Many folk have written numerous letters to Herefordshire Council staff concerning Bromyard Downs Management; planning applications for Olivers Field, Clatter Park and Slipstone Workshop; and breaches of the code of conduct associated with SCO916 few have been acknowledged and none that I am aware of has received a considered response.*

*Is this acceptable for an organisation whose leader is paid more than the Prime Minister and what is the Herefordshire Council policy on responding to correspondence?*

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

#### Answer to question 5

No it is not acceptable that questions remain unanswered. There has been a considerable volume of correspondence to a wide range of Council officers and Councillors about a considerable number of different issues. It is important that all the issues raised receive a considered response and that the Council in the light of all the issues raised considers carefully what action it can take to resolve those issues.

A complete review of all the issues raised is now underway and full responses to all outstanding correspondence will be sent very shortly.

It is important that Commons management is effective across the County and for that reason and to prevent problems occurring in future, arrangements for the management of commons including Bromyard Downs are being reviewed and I am expecting a report on this in September 2010.

The Council's policy on responding to correspondence is explained by the relevant Cabinet Member, Cllr Mrs French in response to Question 3 of the questions from members of the public.

### **Supplementary Question**

When would the Council remove the common thread linked to these issues to free officers to do the jobs that they are paid to do?

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

The issues referred to in the original question are several and complex in nature. The Cabinet Member would continue to impress the importance of resolving specific issues. A detailed report on the review of downs and commons management would be considered in September 2010; prior to the publication of the report, patience was requested.

## PUBLIC QUESTIONS TO COUNCIL – 16 JULY 2010

### Question from Mrs M White, Bringsty

Question 6

#### *Completion of Malvern Road Drainage*

*I am 75 years old and registered blind. My home was flooded in July 2007 and under repair until May 2008. The flood was due to the negligence of Herefordshire Council's agents the Brockhampton Group Parish Council whose Chairman's "unlawful" decision (See SCO916) has left a serious local hazard. This is the third formal request to Herefordshire Council for the work to be completed urgently to our satisfaction and that of the Land Agent, Mr Thompson. When can we expect completion?*

### **Answer from Council AJM Blackshaw Cabinet Member Economic Development and Community Services**

Answer to question 6

Bromyard Downs Commons is managed under a management agreement by Brockhampton Group Parish Council who in turn has delegated that function to its Commons Management Committee. Consequently, Herefordshire Council did not start these works. For that reason I cannot say when completion can be expected. I can say that, the Council will continue to do what it can to ensure that the Commons Management Committee meets its obligations, through its land agent.

I cannot comment on the Standards Committee case SCO916.

### **Supplementary Question from Mrs M White's representative, Mr R Steeds, Bringsty**

What is the mechanism to ensure that decisions, once made, are carried out?

### **Answer from Council AJM Blackshaw Cabinet Member Economic Development and Community Services**

It would not be possible to answer the question in detail at this time. A detailed report on the review of downs and commons management would be considered in September 2010; prior to the publication of the report, patience was requested.

**Question from Mr P McKay**

Question 7

*Legislation provides that legitimate limitations and conditions, such as structures across paths and ways, i.e., gates and stiles, be recorded on the definitive map written statements, with procedures for correcting errors and omissions, so I am somewhat concerned when enquiring why gates and gaps have been replaced with stiles (or other structures such as kissing gates and narrow pedestrian gates) to be told that they are suitable for the status of the route, a reply that ignores a) whether or not they are legitimate, b) ignores the disability discrimination act, and c) ignores the fact that the status of the route is without prejudice to higher rights over it, refer Council web page. So may I ask in this time of cutbacks, with structures of questionable legitimacy having been installed, and Council's accounts having previously been endorsed by auditor due to unlawful expenditure on structures such as these, just which section of Highway Act gives you the power to restrict the highway in this way, and if expenditure on maintenance, other than removal of the structure, could be curtailed to those structures that may be verified by audit to be legitimate, my objecting to my money being used to hinder access to the countryside?*

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

Answer to question 7

It should be recognised that stiles, gates and similar structures are normally the property of the landowner and they are responsible for their maintenance and upkeep, with a 25% contribution towards reasonable costs from Herefordshire Council.

Herefordshire Council does not authorise new stiles where none previously existed, and will only authorise replacement stiles in exceptional circumstances after efforts have been made to secure a gate; we are also confident that current policies meet with the statutory requirements.

Most of the structures in place are reasonable for the status of the route and have provided access to the countryside for countless visitors and allowed the public and landowners to enjoy and work the countryside in comparative harmony. This is not to say that there are not improvements that can be made, however these have to balance the needs of the landowners with the wishes of the public and be set in the context of an increasingly challenging financial climate.

*No supplementary question asked.*

## PUBLIC QUESTIONS TO COUNCIL – 16 JULY 2010

### Question from Ms K Rock, Bromyard

#### Question 8

*In addition to general overgrowth of paths, Mr Barnes' gate, Mr Lane's hedge and shed and numerous "earthworks" which have been put up illegally on Bromyard Downs, we now have single bar gates erected. These are not only unlawful but extremely dangerous for horse riders due to the design, height, type of fastening (which has been fitted on some) which are hazardous for both rider and animal. They also very effectively block disabled access onto the Downs at the bottom of the Racecourse (where access was previously possible). There have also been large stones placed on the track by Foxglove Cottage which again are hazardous to horses and completely block wheelchair access.*

*Given all relevant authorities are aware of the various impediments currently on Bromyard Downs, when will the Council take action to remove these gates and other impediments to access?*

### Answer from Councillor AJM Blackshaw Cabinet Member Economic Development and Community Services

#### Answer to question 8

Bromyard Downs Common is managed under a management agreement by Brockhampton Group Parish Council who in turn has delegated that function to its Commons Management Committee. Consequently, Herefordshire Council did not undertake these works. For that reason, the Council cannot take the action suggested in the question. I can say that, the Council will raise these issues again and continue to do what it can to ensure that the Commons Management Committee meets its obligations, through its land agent.

### Supplementary question

How can the Council ensure that access for disabled and other users will be safeguarded?

### Answer from Councillor AJM Blackshaw Cabinet Member Economic Development and Community Services

It was acknowledged that a number of issues needed to be clarified, one of which related to users of the Downs. A detailed report on the review of downs and commons management would be considered in September 2010; prior to the publication of the report, patience was requested.

**MEMBERS' QUESTIONS TO COUNCIL – 16 JULY 2010****Question from Councillor PJ Watts to Councillor JA Hyde Cabinet Member Children's Services***Question 1*

- 1 *With regard to Phase One of the Playbuilder Scheme which was recently completed within the recreation ground - Ledbury. However when finished in Ledbury it contained a number of defects which showed up in a Rospa report as risks of a low or medium status. As this was totally new build theoretically and practically there should have been no defects. This project was under the control of HC officers.*
- A *Does HC have a policy where responsible officer check projects like this for defects and get them corrected before signing them off?*
- B *How much was spent on this particular project in Ledbury. (The money came from a central government grant)?*
- C *Can HC confirm that when the Playbuilder project was rolled out across Herefordshire at other locations, there were problems with other finished developments – eg Bromyard?*
- D *Can HC confirm that when Playbuilder Phase 2 comes forward (with regard to budget constraints) that the same contractor Park Leisure is to be used again?*

**Question from Councillor PJ Watts to Councillor AJM Blackshaw Cabinet Member Economic Development and Community Services***Question 2*

*The Ledbury library project has been in place for some 3 years with £2.9 million earmarked for its future development*

- A *Is Ledbury going to get a new building to primarily house the library?*
- B *If the above project is cancelled what plans are in place to re-house the library, where and when?*

**Answer from the Cabinet Member Children's Services**

## Answer to question 1

Playbuilder funding was allocated to Ledbury Town Council as a grant towards providing play space for 8 – 13 year olds. Playbuilder has been closely monitored by Central Government, requiring Councils to take the same stance when providing grants either to Town and Parish Councils or to Community

## MEMBERS' QUESTIONS TO COUNCIL – 16 JULY 2010

Groups. For this reason, whilst every project has been closely monitored, the grant recipient is ultimately responsible for liaison with their supplier.

- A Every Playbuilder project, has been inspected by the Royal Society for the Prevention of Accidents to ensure the finished play space is complete and to provide a risk rating. (Several of the problems noted at Ledbury Recreation Ground were faults with existing parts of the space, eg damaged fencing and low tree branches) It should also be noted that Central Government is requesting a higher degree of risk and challenge in play than has been available to children in recent years, this is being achieved through design of play spaces.
- B The grant to Ledbury Town Council was £48,000.
- C As part of the final inspections a number of defects were recorded at six sites, and the installers have now corrected most or all of these. In addition there were two known acts of vandalism, one at Bromyard and the other at King George V playing fields, Hereford that occurred soon after installation.
- D If the Playbuilder budgets remain available this year it will fund grants to up to nine other organisations and five council schemes. The suppliers for these schemes have not yet been confirmed; selection would be in compliance with the appropriate procurement processes.

### **Answer from the Cabinet Member Economic Development and Community Services**

Answer to question 2

Work is continuing on library provision for Ledbury. The work is focussing on the Masters House and the adjoining land. Given the historic and listed nature of the Masters House with its various constraints this is a complex project. Any library provision on this site will be part of a more comprehensive group of public services where residents of Ledbury can access a range of activities. Work is currently underway to assess all of the different premises and service requirements in Ledbury across all of the Public and Voluntary Sector. This work should inform the exact mix of services which can be co-located with a Library on the Masters House site.

### **Supplementary to Question 1**

Would the Cabinet Member visit the Playbuilder scheme in Ledbury to consider whether the project has been value for money?

### **Answer from the Cabinet Member Children's Services**

The Cabinet Member confirmed that she would be happy to meet with Councillor Watts at their earliest convenience to talk about the perceived problems relation to the Playbuilder in order that any defects are remedied if substandard.

No supplementary to question 2.

## MEMBERS' QUESTIONS TO COUNCIL – 16 JULY 2010

### **Question from Councillor AT Oliver to Councillor JP French Cabinet Member Corporate and Customer Services and Human Resources**

#### *Question 3*

*What is the total cost in legal fees to the Council since 1 May 2007 of defending legal cases brought against the Council, together with the cost of defending planning appeals, and how many cases does this cover? What are the total costs awarded against the Council in these cases?*

### **Question from Councillor AT Oliver to Councillor JG Jarvis Cabinet Member Environment and Strategic Housing**

#### *Question 4*

*We are advised that the target figure for 2010/11 for social and affordable housing in Hereford City is 2%. Given the scale of the housing need in Hereford City, and bearing in mind the deterioration in people's wellbeing and health when left to fester in poor housing and over-crowded conditions, has the Council considered any emergency schemes to increase the numbers of social housing completed within the next 24 months?*

### **Question from Councillor AT Oliver to Councillor DB Wilcox Cabinet Member Highways and Transportation**

#### *Question 5*

*Whilst welcoming the refurbishment of Widemarsh Street, given that the total cost of this scheme is £1.4 million, for an area of 220 yards in length, which at the equivalent cost would mean a price of some £8 - £10 million to build a single track road, does the Cabinet Member believe that this scheme represents good value to Council Tax payers, at a time when the Council is contemplating cutting back on its services and staff?*

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

#### Answer to question 3

All defence costs have been recovered through awards of costs on successful cases.

The only cost incurred since 1 May 2007 is £250,129.96 on one very complex and historical property related case which remains ongoing. This case is due to come to trial in January 2011. The question of award of costs between the parties will be settled as part of the case.

The costs incurred in Planning Appeals, including judicial review, s.287 and s.288 of the Town and County Planning Act cases, are £96,300.35. There are cases still to be resolved and on which the costs may yet be recovered.

## **MEMBERS' QUESTIONS TO COUNCIL – 16 JULY 2010**

Since May 2007 Legal Services have defended with 29 cases brought against the Council including planning appeals. These do not include defending insured claims which are dealt with by insurers. Many cases are dealt with solely by in-house lawyers and no legal costs external expenditure is incurred.

### **Answer from the Cabinet Member Environment and Strategic Housing**

Answer to question 4

There is no 2% target. The target we are operating to in 2010/11 is 170 affordable homes across Herefordshire which is nearer 19% of the annual housing targets proposal over the 20 year plan period of the LDF as set out in the Shaping our Place consultation.

Over the 20 year plan period the average number of homes delivered is expected to be 900 new homes per annum of which a third are planned to be affordable. Approximately half of these homes are to be delivered in Hereford City.

There are no 'emergency' schemes to increase the number of social homes completed within the next 24 months and no national funding programme exists to support such a proposal. Instead we are focussing our efforts on supporting the delivery of new and innovative housing schemes, continuing to target empty properties and developing a range of pro-active planning policies through the LDF to support our ambitious plans for affordable housing growth.

### **Answer from the Cabinet Member Highways and Transportation**

Answer to question 5

Widemarsh Street is a key retail street within Hereford city centre. The refurbishment of the street is part of the Council's capital programme and is key to supporting the growth of local business and jobs within the retail sector. The use of high quality materials will provide a much improved shopping environment and help attract more people to come to shop and do business in the city. Therefore, this scheme represents good value for Council Tax payers and looks to ensure the good connectivity between different parts of the city centre.

### **Supplementary to Question 3**

Is the Cabinet Member able to identify the complex case which has cost the Council over £250,000 to date?

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

The identity of the case would not be revealed in a public forum.

### **Supplementary to Question 4**

On a point of clarification, the figure quoted in the question had been mistranslated and should have read 21%.



## MEMBERS' QUESTIONS TO COUNCIL – 16 JULY 2010

Is it proposed to develop a scheme of 30 houses on the site of the former Hunderton School, and if so, could the site not be used for affordable social housing?

### **Answer from the Cabinet Member Environment and Strategic Housing**

Whilst not aware of any social considerations for the site, the Cabinet Member would make enquiries and provide a full response by means of a written answer.

### **Supplementary to Question 5**

As the cost of refurbishing Widemarsh Street has increased from £1.3m (Services Update February 2010) to £1.4m (July 2010) can assurance be provided that the project would be completed to the new budget?

### **Answer from the Cabinet Member Highways and Transportation**

Yes, it is hoped that the project would be completed within the £1.4million budget.

## MEMBERS' QUESTIONS TO COUNCIL – 16 JULY 2010

### Question from Councillor RI Matthews to Councillor RJ Phillips Leader of the Council

#### Question 6

*The Government have stated that in the near future GP practices will be given sole responsibility for overseeing £80B of front line medical care with PCTs to be scrapped. Can we be told how it is envisaged that these changes will affect the present partnership between the Council and the local PCT?*

#### Answer from the Leader of the Council

Answer to question 6

The Government White Paper, published this week, aims to achieve improved health services and outcomes, as well as better value for money for taxpayers, and contains much that is familiar to Herefordshire. The shared vision for NHS Herefordshire and Herefordshire Council is totally consistent with the aims of the White Paper, and our values, to put people at the heart of everything we do, are also reflected in the Government's proposals.

Our ambitious direction of travel for reforming health and social care in Herefordshire is consistent with, and complements, the proposals in the White Paper which underlines the need for health and social care services to be joined up to deliver the right care at the right time in the right place, through stronger relationships between local authorities and the NHS, who will work closely together in promoting the integration of services. With our partners NHS Herefordshire, and thanks to the hard work and dedication of our staff, this is something we have been doing successfully in Herefordshire for over two and a half years, and which we will continue.

Although the White Paper envisages that PCT's will cease to exist in 2013 and indicates the transfer of a number of functions to local authorities, many of these functions will continue to be carried out in partnership with other public bodies including the GP consortia outlined by the Secretary of State.

#### Supplementary question

Whilst all Members have welcomed the development of the partnership arrangements in Herefordshire, it is disappointing to note that, as the benefits (both financial and otherwise) are coming to fruition, legislative changes may impact on the partnership's future. Could the Leader inform the Council of any financial implications to the Council which would arise should there be a need for the partnership to be dissolved?

#### Answer from the Leader of the Council

Having met with Government Ministers, they have welcomed and acknowledged the partnership arrangements which had been developed within Herefordshire. Whilst the PCT would be disbanded from 2013 and a GP consortium established, the principles which underpinned the current partnership would remain valid. There was to be a clear duty of co-operation between local authorities and such

## **MEMBERS' QUESTIONS TO COUNCIL – 16 JULY 2010**

consortia, especially in relation to social care. More active funding of both preventative and social care would be envisaged which would, for instance, reduce problems such as bedblocking. As Herefordshire Council had worked proactively with health for several years, it was considered to be at the forefront of such developments, although it was appreciated that more work would need to be done. Ministers were seeking to meet with the Chief Executive at the earliest opportunity. Engagement with GPs was already in place within the existing partnership arrangements. Whilst it was envisaged that there would not be any financial implications as such to dissolution of the partnership, the challenge to provide service provision would remain.

## MEMBERS' QUESTIONS TO COUNCIL – 16 JULY 2010

### **Question from Councillor TM James to Councillor JP French Cabinet Member Corporate and Customer Services and Human Resources**

#### *Question 7*

*Can the Cabinet Member inform Members as to the contractual position of joint management staff of the Council/PCT in the event of the PCT being abolished or its functions dramatically reduced?*

#### *Question 8*

*Can the Cabinet Member inform Members as to the number of agency/consultancy/acting staff paid at a rate of £500 and above per day and £700 and above per day in the last twelve months.*

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

#### Answer to question 7

Jointly managed staff have only one legal employer. Staff employed by the PCT, which will continue to exist until 2013, have employment contractual rights with the PCT and will be covered by the PCT Organisational Change policy. The same applies for staff employed by the Council in respect of the Council's change policy. Any changes required to the role and functions of employees will be dealt with under these policies as for any other organisational change. It is also worth reflecting that joint appointments are nothing new, and are commonplace across the public sector; indeed the White Paper itself presages an increase in the number of joint appointments.

#### Answer to question 8

The number of Interim staff paid at a rate of £500 and above per day, and £700 and above per day during the period July 2009 and July 2010 are as follows:

10	-	Over £500
5	-	Over £700

It is important to note that in paying a daily rate, the council does not carry the financial liabilities arising from employment overheads such as national insurance, pensions, tax and paid leave; interims not uncommonly work less than 5 days a week, and for short periods of time. This is a cost effective way of ensuring the capacity is in place to deliver services during periods of change whilst minimising longer term liabilities in relation to employment costs and redundancy liabilities.

#### **Supplementary to Question 7**

What are the contract arrangements in the event of the demise of the PCT and is there a guarantee that the level of remuneration would be appropriately adjusted

## MEMBERS' QUESTIONS TO COUNCIL – 16 JULY 2010

accordingly? Is the Council safeguarded in respect of joint contracts or will it be liable to cover the whole salary costs?

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

Joint staff have either a contract with the PCT or Council with a Service Level Agreement to provide duties to the other organisation as appropriate. Consideration would need to be given to the impact to contracts as changes took place within the partnership. It was anticipated that work would be undertaken to appropriately consider the management structure of the Council in the lead up to the demise of the PCT. The Government would also be lobbied appropriately.

In considering the changes, Members were requested to consider such impacts of the staff across the public services as many may feel vulnerable given the current circumstances.

### **Supplementary to Question 8**

As a substantial number of people were employed by the Council for short periods in posts were currently supported by consultants the figures quoted in the response were queried.

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

The original response would be referred back to officers for confirmation.

## MEMBERS' QUESTIONS TO COUNCIL – 16 JULY 2010

### Question from Councillor SJ Robertson to Councillor JA Hyde Cabinet Member Children's Services

#### Question 9

- A *Following the announcement on the 10 June 2010 outlining local government savings, could the cabinet member give reassurance that the phase 2 schemes identified under the Playbuilder programme will still go ahead?*
- B *Does the cabinet member not agree that considerable time and effort has been spent by communities on these projects, including engaging with young people, and it would be unfair to withdraw the Playbuilder funding at this late stage?*
- C *It states in the Cabinet Report on the 17 June 2010 "Herefordshire is scoping the extent of contracts which will not be funded", which Playbuilder schemes does this statement relate to?*

### Answer from the Cabinet Member Children's Services

#### Answer to question 9

Cllr Robertson will of course be aware that the government has implemented a number of in-year budget and grant reductions, accompanied by the removal of a number of grant ring-fences. Local authorities have a responsibility to ensure that the available resources are directed to meet local priorities. We are, with our partners, working to review funding allocations and until that process is complete I cannot make any commitment to funding as yet uncommitted schemes.

#### Supplementary Question

Given that the Playbuilder projects had been the first time for many young people to be engaged with local government, does not the possibility that this scheme won't be funded provide a negative view to young people of local democracy? The Playbuilder team were commended for their good work.

### Answer from the Cabinet Member Children's Services

The huge impact of cutting £934,000 from the Department of Education section of the area based grant has required the Council to concentrate on priorities and vulnerable areas. Whilst the authority will do its best not to cut the budget altogether, the scheme is not considered a priority.

## MEMBERS' QUESTIONS TO COUNCIL – 16 JULY 2010

### **Question from Councillor PL Bettington to Cllr AJM Blackshaw, Cabinet Member Economic Development and Community Services**

Question 10

*Prince William's report in the press that more than 2000 playing fields are to be created as a permanent memorial to the Queen in her Diamond Jubilee Year 2012. The Charity Fields in Trust have identified 550 sites across the UK, as they require local authorities to nominate further plots for consideration. My question to the Council is to nominate Ledbury's Football and Cricket Fields as part of the said scheme, if they are selected this will protect them for perpetuity.*

### **Answer from the Cabinet Member Economic Development and Community Services**

Answer to question 10

The Queen Elizabeth II Fields Challenge is a new program championed by Prince William to mark the Queens Diamond Jubilee. It is a landmark project designed to create a permanent and tangible legacy from the two major events in 2012, the Olympics and the Queens Diamond Jubilee. The aim of the project is to bring focus on the benefits of having accessible public open space for health and well being, community cohesion and reducing anti social behaviour by protecting and improving outdoor recreational space.

Herefordshire Council's parks service are looking at ways to take the challenge forward which will engage with local communities and provide local people with an opportunity to nominate a suitable area or areas.

*No supplementary question asked.*

## MEMBERS' QUESTIONS TO COUNCIL – 16 JULY 2010

### **Question from Councillor DW Greenow to Councillor RJ Phillips, Leader of the Council**

Question 11

*Following the new management of Hereford United, has Herefordshire Council been in formal contact with them regarding the future?*

### **Answer from the Leader of the Council**

Answer to question 11

Yes I can confirm that I have met with the new Management of Hereford United and that the Council is working closely with them in supporting them with their future vision for the club.

*No supplementary question asked.*



<b>MEETING:</b>	<b>COUNCIL</b>
<b>DATE:</b>	<b>19 NOVEMBER 2010</b>
<b>TITLE OF REPORT:</b>	<b>QUESTIONS FROM MEMBERS OF THE PUBLIC</b>
<b>REPORT BY:</b>	<b>ASSISTANT CHIEF EXECUTIVE LEGAL AND DEMOCRATIC</b>

**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;

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

**PUBLIC QUESTIONS TO COUNCIL – 19 NOVEMBER 2010**

**Question from Mrs J O'Donnell, President, Hereford Guild of Guides**

*Question 1*

*What is the justification for the closure of the tourist information office in Hereford with the consequent loss of jobs when tourism is a £410 million industry and Hereford is the County town?*

**Question from Mr P Cocks, Hereford**

*Question 2*

*What is the overall council policy of equating income from car parks with maintaining a friendly shopper/visitor balance and fairness across the county and will council staff, like most other workers in the city of Hereford, have to pay for parking on the proposed new 600+ spaces car park at Plough Lane?*

**Question from Ms A Sancha, Hereford**

*Question 3*

*Could the Council explain what fuels road transport will be powered by in 2020-25 and what will be the relative importance of each?*

**Question from Mr L Clements, Hereford**

*Question 4*

*Why is the Council sticking to imposed central targets planning targets for house building and retail land requirements.*



## PUBLIC QUESTIONS TO COUNCIL – 19 NOVEMBER 2010

### Question from Ms P Mitchell, Hereford

#### Question 9

*What does the Council's evidence base (i.e. the 'Hereford Relief Road – Study of Options' Report (Aug 2010) referred to in para 4.13) predict for the amount of time saved on the **average** trip (please give duration and length of the average trip) with a relief road for the PM peaks in 2016 compared to the 2008 baseline?*

### Question from Mr A Simmonds, Hereford

#### Question 10

*Can the council provide clear financial detail demonstrating how Herefordshire can afford both the bypass and the other infrastructure required?*

### Question from Mr A Fisher, Hereford

#### Question 11

*The Vision states that 'dependency on the private care will be reduced' (para 2.5) and that a network of cycleways, footpaths and bus priority lanes will reduce residents' reliance on the private car' (para 2.4). If this is to be the case then how have the 'overall costs of travel' to people travelling on foot by bicycle and public transport been calculated and what weight have these been given in choosing transport and housing options for Hereford?*

### Question from Ms M Burns, Hereford

#### Question 12

*In its numerous consultations on the Core Strategy (i.e., on issues, vision, objectives, and developing options) which the Council sites as giving popular support for its Hereford Outer Distributor/Relief Road, what information were people given about the traffic reduction effects of a Relief (or Outer Distributor) Road, and alternatives to road building?*

## **PUBLIC QUESTIONS TO COUNCIL – 19 NOVEMBER 2010**

### **Question from Mr S Horsfield, Hereford**

#### Question 13

*Herefordshire needs to shoulder its share of the burden of English population growth. What modelling has taken place of the economic and social consequences and out comes bearing in mind population/demographic profile of the county, the decline in employment in the private and public sectors and insufficient transport links?*

### **Question from Mr D Straker, Hereford**

#### Question 14

*What evidence does the Council have on whether the single river crossing could be discouraging car use and what studies have the Council undertaken of the potential for an additional river crossing to encourage increased numbers of car trips?*

### **Question from Mr C Grover, Much Birch, Hereford**

#### Question 15

*In February this year the Standards Committee upheld a complaint (SC0916) against a parish councillor that he had breached the Parish Council Code of Conduct Paragraph 3(1) and failed to comply with Rule 5. Three sanctions were imposed by the Committee but to date (8 November) only one of those sanctions has been complied with and even this sanction, a letter of apology, was delivered to the complainant well outside the time limit set by the Committee and has not yet been considered by the Parish Council as required. Will the Council state what it is doing to resolve this contempt of a decision by the Standards Committee?*

<b>MEETING:</b>	<b>COUNCIL</b>
<b>DATE:</b>	<b>19 NOVEMBER 2010</b>
<b>TITLE OF REPORT:</b>	<b>LEADER'S REPORT</b>

**CLASSIFICATION:** Open

### **Wards affected**

County wide

### **Purpose**

To provide an overview of the Executive's activity since the last meeting of Council.

### **Recommendation**

**THAT:**

**The report be noted.**

### **Report**

#### **Meeting the Financial Challenge**

1. The government's Comprehensive Spending Review 2010 (CSR) announcement was made on 20<sup>th</sup> October, and I know many members will have attended the briefing session held at the end of last month. Whilst the full implications for Herefordshire won't be known until we receive the detailed local government settlement in the first week of December, some of the key elements of CSR include:
  - From April 2011 grants currently paid outside Formula Grant worth more than £4bn, will be rolled into Formula Grant.
  - From April 2011 onwards, grant streams to local authorities will be reduced from around 70 to less than ten.
  - All ring fencing on grants will be removed, except from the Dedicated Schools Grant and a new grant for public health, to be introduced in 2013.
  - Authorities, which choose to freeze Council Tax in 2011/12, will 'have the resultant loss to their tax base funded at a rate of 2.5% in each year of the Spending Review period'.
  - By 2014/15, £1bn will be put into Formula Grant for Personal Social Services, meaning total funding for social care, including rolled-in grants, will be £2.4bn; in 2011/12 the addition is £530 million.
  - In addition, £1bn of funding will be provided through the NHS budget to support joint working between the NHS and councils in the provision of social care.
  - Bus Operators' Subsidy will be reduced by 20%, and Statutory concessionary travel entitlements will remain; I have written to both the Minister for Transport and the Rural

Affairs Minister expressing my concern about the future resourcing implications for concessionary fares in rural areas.

- Revenue grants to local authorities from DfT will be reduced by 28%. More details on funding will be announced shortly.
- The number of transport grants to councils will be reduced; councils will gain greater control and flexibility over spending these grants.
- The schools budget for 5 to 16 year olds will increase by 0.1% in real terms each year of the Spending Review period. This includes £2.5bn of funding for the new pupil premium, although clarity is still needed about whether this resource will be capital or revenue. I have written to the Minister, Lord Hill, seeking assurance that we will be safeguarded from any cuts in devolved schools grant.
- The 'New Homes Bonus' will be introduced to 'reward' councils granting planning permission for the construction of new homes, by matching Council Tax receipts for each new home built for a number of years, with an additional premium added. The government has also announced its intention of introducing a statutory Community Infrastructure Levy on developers; this is a policy we have been pursuing in Herefordshire and it is pleasing to note the government's intention to legislate on this issue.
- The Regional Growth Fund will be worth over £1.4bn over three years. A panel will assess funding bids from Local Enterprise Partnerships as well as the private sector.
- From 2013/14 Council Tax Benefit (CTB) will be localised; Government also plans to reduce spending on CTB by 10%.

2. Whilst the financial settlement will undoubtedly be challenging, because we have been working over the past three years to ensure better services are delivered using less money, we are in a better position than many. Our aim is for the council to become focussed on the commissioning of quality services rather than directly providing services itself. We are developing locality working to achieve:

- More effective/efficient use of properties;
- Improved public access to services and provide greater public engagement in the design and delivery of services;
- Increased co-location and co-working across all sectors;
- Reduced revenue expenditure by sharing and redesigning services; and
- Reduced county carbon footprint.

We will also work with local councils to support them in making choices about which services they may choose to commission locally for their communities

3. Actions we have already undertaken or planned include:

- Over £1 million a year to be saved by shedding management posts. We will have 25 per cent fewer managers in two years time and estimate that at least 250 other posts are likely to go as public services are further streamlined.
- Around £33 million would be gained over the next ten years by sharing corporate functions across the council, the primary care trust and the county hospital. We are the only place in the UK to share corporate functions across local government and health in this way. A report appears elsewhere on your agenda regarding the establishment of a joint venture company through which to progress this service sharing arrangement.
- A new commercial strategy will control purchasing and secure economies of scale, saving a further £4 million a year.
- We are rationalising the number of buildings we operate from in each area of the county, bringing services together to make access easier for residents; receipts will be gained from asset sales and money saved on running costs. All historical, heritage or



iconic buildings under council ownership will be safeguarded. We are working with partners from different agencies in nine localities across the county to ensure public services are joined up and available much closer to communities.

- We will be cutting red tape, spending less on enforcing regulations, and working to abolish several old by-laws that are irrelevant in the modern age.

4. Cabinet has agreed the timetable and consultation arrangements for the 2011/12 budget.

### **National Policy Developments**

5. The Council, with its health partners, submitted a response to the government's White Paper *Equity & Excellence: Liberating the NHS*, and its four associated consultation documents. The assistance given by the Overview and Scrutiny Committee in hosting a local stakeholder event to help inform the development of that joint response was much appreciated. Further White Papers on Public Health, Children's Services, Social Care, Localism and Local Government Financing are expected in the coming months.
6. The government has announced that there will be no Council Tax revaluation in the lifetime of this parliament.

### **Supporting the community and local economy**

7. Working in partnership with Shropshire and Telford & Wrekin councils, as well as local business representatives, Herefordshire has been successful in securing government approval for the Marches Local Enterprise Partnership (LEP); one of only 24 out of 67 partnerships to gain approval in the first tranche. The Marches LEP partnership will work with local business leaders to encourage economic growth and prosperity, while at the same time cut bureaucracy. Coming hard on the heels of the announcement that Herefordshire is to be a pilot for superfast broadband in rural areas, enabling access for over 10,000 homes and businesses in the south of the county, this is a welcome demonstration of the confidence that exists in our county's ability to attract and sustain enterprise, boost home working and local prosperity, as well as retaining our talented young people and maximising the value of our beautiful and highly valued rural environment. I would like to place on record my thanks to all those involved in the development of this bid and in particular Philip Wells of AWM, and Alan Ronald from the council's own economic development team.
8. Tourism is a key element to securing the future of our local economy and I am delighted that Sir Ben Gill has accepted the chairmanship of a new Destination Management Partnership for the county. Following a review of tourism in Herefordshire which identified that the county's tourism industry is currently worth around £415 million a year, and suggested there is the potential to grow the annual tourism spend, the new partnership will be private sector led and will undertake a strategic role in growing the visitor economy and marketing a distinctive new brand for Herefordshire.
9. Of the almost £440,000 that Herefordshire Council currently contributes to supporting tourism each year, some £219,00 has been supporting the costs of running stand-alone tourist information centres in the county. Whilst we fully support the need to provide this service, and understand the value they add to the local economy, in the current economic climate it is vital that we find the most cost effective way of securing this service for the future. We have therefore agreed a re-modeling of the service to, wherever possible, operation of the service is transferred to existing customer service facilities, providing better value for money whilst retaining service quality.
10. As part of our continuing promotion of the county we have again supported the Flavours of Herefordshire event, the Hereford Contemporary Craft Fair, and the 20<sup>th</sup> annual Herefordshire

Photography Festival, which runs until 27<sup>th</sup> November at venues across the county and region including the Museum and Art Gallery, Courtyard Theatre, Cathedral, Buttermarket, Royal National College for the Blind and Hereford College of Arts; I would encourage you all to attend.

11. I must place on record our thanks to all those involved in tackling the recent fire in High Town, and in particular Darren Prosser an Amey street cleaner who first raised the alarm; without his quick thinking things could have been very much worse. Activity is now focused on recovery, offering support to those businesses affected and ensuring that the retail heart of the county can continue to flourish, particularly in the all important run up to Christmas. A host of activities to attract shoppers are in place, including a skating rink, festive events at the Old House, themed markets and Santa will be taking up temporary residence in the Buttermarket! To take the stress out of the shopping experience we are again operating a Saturday Park & Ride scheme from the Racecourse in the north and Grafton Car Park in the south.
12. At a time when the focus is on cut-backs and belt-tightening we should not forget to celebrate our successes and build on them.
  - Hereford is now off the 'critical list' for empty shops, with a number of retailers, such as The Entertainer and East opening for the first time in the city.
  - The county has been identified as being one of the top ten most economically resilient areas in the UK.
  - Our £1.2m refurbishment of Widemarsh Street will be completed by the end of this month, in time to allow Christmas events to take place.
  - Designs for the future refurbishment of the Buttermarket, which celebrated its 150<sup>th</sup> anniversary this year, go on show later this month and I would encourage everyone to visit and express their views on the ideas displayed.
  - The new Livestock Market on Roman Road is taking shape and, when completed will be able to handle around 9,000 animals a day in 21<sup>st</sup> century facilities.
  - Plans to progress regeneration of the old livestock market site are in place with our development partner Stanhope announcing they have secured Odeon as their first operator, providing a 6-screen facility able to host live music events as well as screening films and major sports events.
13. Other activity includes:
  - Consultations on both the Local Transport Plan and Hereford Core Strategy have taken place during the autumn, the outcomes of which will be considered by Cabinet and Council in the New Year.
  - We have been making preparations for the coming winter period; salt stocks are in place and we have agreed actions in response to the *Scrutiny Review of the Impact of Winter Weather December 2009 – February 2010 and the Response to it*. I would like to thank the Overview and Scrutiny Committee for undertaking this review on our behalf. Communities of course have a key role to play in difficult times and I am sure all members will join me in recognising the valuable contribution made by volunteers and good neighbours – just calling in to check that a neighbour is OK can make all the difference. I know that many members of the public were concerned that if they took action to clear snow or ice from pathways outside their premises or homes they may be incur legal liabilities and I therefore wrote to the Secretary of State for Communities & Local Government urging clarification on this matter. I am pleased to report that I have received a response indicating that such guidance is now in development.

## Other Issues

14. In addition, Cabinet has considered the following issues:

- a) *Budget and Performance Monitoring Reports* – Cabinet considered reports on performance and revenue and capital outturn for the first quarter of 2010/11 and noted actions being taken to address areas of underperformance.
- b) *Equalities & Human Rights Charter* – Cabinet approved a charter provide a focus to ensure that we meet our obligation under the Human Rights Act 1998, and the detailed requirements of the Equality Act 2010, and demonstrating our commitment to dignity, respect and human rights in everything that we do.
- c) *Joint Strategic Needs Assessment* - Cabinet noted the key points and recommendations of the 2010 assessment and agreed they be used to inform decisions regarding future plans, strategy development, budget decisions and commissioning of services.
- d) *Youth Justice Plan* – Cabinet endorsed the 2010 plan for Council’s consideration; this appears elsewhere on your agenda today.



<b>MEETING:</b>	<b>COUNCIL</b>
<b>DATE:</b>	<b>19 NOVEMBER 2010</b>
<b>TITLE OF REPORT:</b>	<b>ALLOCATION OF SEATS TO POLITICAL GROUPS AND APPOINTMENT TO COMMITTEES</b>
<b>REPORT BY:</b>	<b>CHIEF EXECUTIVE</b>

**CLASSIFICATION: OPEN**

### **Purpose**

To exercise those powers reserved to Council following changes to the political groups since the last Council Meeting.

- (a) To confirm its committees and the number of seats on each.
- (b) To approve the allocation of seats to political groups until the May 2011 Annual Meeting.
- (c) To make arrangements for such appointments to committees and other bodies as may be necessary.

### **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 as set out in Table 2 in paragraph 15, OR;**
- (e) **in the absence of the vote at recommendation (c) being passed nem con, the Council allocates the seats to political groups accordingly.**

### **Key Points Summary**

- It is a legal requirement for the Council to review its political composition and how this is applied

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

to appointments to committees and sub-committees of the Council at each Annual Meeting of Council, or as soon as practicable after that meeting, and in other circumstances such as a change in political balance.

- Since the last Council meeting there have been two significant issues relating the political composition of the Council:
  - (a) The Alliance for Accountability and Democracy Group (Alliance Group) has formally ceased to be a political group on the Council.
  - (b) The It's Our County Group has increased its membership to 5 members.
- The Council meeting on 19<sup>th</sup> November must review the political proportionality of the Council and determine the allocation of seats to the respective political groups.
- In determining the allocation of seats the Council must apply four principles as set out in paragraph 6 of this report as far as reasonably practicable.
- Certain committees are exempt from the rules of proportionality
- The Council at its Annual Meeting in May 2010 agreed to allocate seats on a different basis from that of political proportion, (known as a nem con vote by Council) in respect of the Overview and Scrutiny Committee. It is necessary for the Council to consider again whether to allocate seats on a different basis from that of political proportionality.
- Options relating to the allocation of seats are outlined in paragraphs 12 – 19.

## **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, and in other circumstances such as a change in political balance.

## **Introduction and Background**

- 3 The Local Government & 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, and in other circumstances such as a change in political balance.
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:
  - a) Ensure membership of those committees and sub committees covered by the rules reflect the political composition of the Council as far as practicable;

- b) 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);
  - c) Allocate seats on the committees to the political groups in proportion to their numerical strength on the Council as far as practicable;
  - d) 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:
- a) Not all seats to be allocated to the same political group;
  - b) Where a political group has a majority on the Council, it must have a majority of seats on committees
  - c) 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
  - d) 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 proportionality, 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, 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. At the Annual Meeting in May 2010, the Council approved the overall constitution of committees as set out below (which included securing a nem con vote by Council in respect of

Overview and Scrutiny Committee). Council is requested to reconfirm 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
<b>Total seats</b>	<b>92</b>

### **Allocation of seats to political groups**

12. Council is required to approve the allocation of seats to the political groups for the period up to the Annual Meeting in May 2011. The political proportionality of the Council as at May 2010 and November 2010 is set out in the table below:

<b>Political Proportionality : May 2010</b>	<b>Political Proportionality : November 2010</b>
Conservative : 31	Conservative : 31
Independent : 11	Independent : 11
Liberal Democrats : 9	Liberal Democrats : 9
It’s Our County! : 3	It’s Our County! : 5
Alliance Group : 2	Labour : 2
Labour : 2	

13. Under principle (c) set out in paragraph 5 above, each political group is entitled to the following number of seats as at May 2010 and November 2010. The total entitlement of each group for November 2010 assumes that Overview and Scrutiny Committee is excluded for the rules of proportionality.



<b>Allocation of Seats : May 2010</b>	<b>Allocation of Seats : November 2010</b>
Conservative : 49	Conservative : 49
Independent : 17	Independent : 17
Liberal Democrats : 14	Liberal Democrats : 14
It's Our County : 5	It's Our County : 8
Alliance Group : 3	Labour : 3
Labour : 3	Unallocated : 1
Unallocated : 1	
<b>Total : 92</b>	<b>Total: 92</b>

14. The Council must take account of the changes in political proportionality since the Annual Meeting in May 2010, i.e It's Our County political group having five members and the formal cessation of the Alliance Group, and reconsider the allocations of seats to committees. The strict application of allocating seats proportionally to all political groups across the committees (assuming the exclusion of Overview and Scrutiny Committee) is set out in the table 1 below.

<b>Table 1</b>						
	<b>Con</b>	<b>Ind</b>	<b>LibDem</b>	<b>IOC</b>	<b>Lab</b>	<b>Total</b>
Planning	10.16	3.60	2.95	1.64	0.66	19
Regulatory	5.88	2.09	1.71	0.95	0.38	11
Environment Scrutiny	5.88	2.09	1.71	0.95	0.38	11
Health Scrutiny	5.88	2.09	1.71	0.95	0.38	11
Children's Scrutiny	5.88	2.09	1.71	0.95	0.38	11
Adult Scrutiny	5.88	2.09	1.71	0.95	0.38	11
Community Scrutiny	5.88	2.09	1.71	0.95	0.38	11
Audit	3.74	1.33	1.09	0.60	0.24	7
Total / (proportional allocation)	49.18	17.47	14.30	7.94	3.18	92

15. Applying the principles at para 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. The unbracketed figures in the totals line are the total seats secured, for each group, whilst the figures in brackets are the entitlements to the number of seats overall.

<b>Table 2</b>						
	<b>Con</b>	<b>Ind</b>	<b>LibDem</b>	<b>IOC</b>	<b>Lab.</b>	<b>Total</b>
Planning	10	3	3	2	1	19
Regulatory*	5	3	2	1	0	11
Environment Scrutiny	6	2	1	1	1	11
Health Scrutiny	6	2	1	1	1	11
Children's Scrutiny	6	2	2	1	0	11
Adult Scrutiny	6	2	2	1	0	11
Community Scrutiny	6	2	2	1	0	11
Audit	4	1	1	0	1	7
Total / (proportional allocation)	49 (49)	17 (17)	14 (14)	8 (8)	4 (3)	92

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!	9
Labour	4
Over allocated	-1
<b>Total seats</b>	<b>103</b>

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):

<b>Table 3</b>						
	<b>Con</b>	<b>Ind</b>	<b>LibDem</b>	<b>IOC</b>	<b>Lab</b>	<b>Total</b>
Planning	10.16	3.60	2.95	1.64	0.66	19
Regulatory	5.88	2.09	1.71	0.95	0.38	11
Environment Scrutiny	5.88	2.09	1.71	0.95	0.38	11
Health Scrutiny	5.88	2.09	1.71	0.95	0.38	11
Children's Scrutiny	5.88	2.09	1.71	0.95	0.38	11
Adult Scrutiny	5.88	2.09	1.71	0.95	0.38	11
Community Scrutiny	5.88	2.09	1.71	0.95	0.38	11
Audit	3.74	1.33	1.09	0.60	0.24	7
Overview and Scrutiny	5.87	2.09	1.71	0.95	0.38	11
Total / (proportional allocation)	55.05	19.56	16.01	8.89	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) :

	<b>Con</b>	<b>Ind</b>	<b>LibDem</b>	<b>IOC</b>	<b>Lab</b>	<b>Total</b>
Planning	10	3	3	2	1	19
Regulatory*	5	3	2	1	0	11
Environment Scrutiny	6	2	1	1	1	11
Health Scrutiny	6	2	1	1	1	11
Children's Scrutiny	6	2	2	1	0	11
Adult Scrutiny	6	2	2	1	0	11
Community Scrutiny	6	2	2	1	0	11
Audit	4	1	1	0	1	7
Overview and Scrutiny	6	2	2	1	0	11
Total / (prop.allocation)	55 (55)	19 (20)	16 (16)	9 (9)	4 (4)	103

## **Appointment of Offices Reserved to Council**

### Appointment of Chairmen of Committees

20. Subject to securing of a nem con vote in respect of Overview and Scrutiny Committee, it is proposed that the existing Chairmen and Vice Chairmen are retained.

## **Community Impact**

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

## **Financial Implications**

22. There are no financial implications

## **Legal Implications**

23. 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**

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

## **Consultees**

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

## **Appendices**

There are none.

## **Background Papers**

The Council Constitution



<b>MEETING:</b>	<b>COUNCIL</b>
<b>DATE:</b>	<b>19 NOVEMBER 2010</b>
<b>TITLE OF REPORT:</b>	<b>COUNCIL CONSTITUTION</b>
<b>REPORT BY:</b>	<b>CABINET MEMBER FOR CORPORATE AND CUSTOMER SERVICES AND HUMAN RESOURCES</b>

**CLASSIFICATION:** Open

### **Purpose**

To seek approval for and present matters relating to the Council Constitution.

### **Recommendation(s)**

**THAT Council :**

**a) Approves the following changes to the Constitution:**

- i. That the Financial Procedure Rules be revised**
- ii. That the Regulatory Committee role and functions be revised;**
- iii. That the Regulatory Sub-Committee role and functions be revised;**
- iv. That the regulatory role and functions of the Cabinet or Cabinet Member be noted;**
- v. That the Chief Executive has responsibility for the discharge of all regulatory functions not specifically reserved to the Regulatory Committee, Regulatory Sub-Committee, Cabinet or Cabinet member;**
- vi. That the Chief Executive may delegate the discharge of those functions to a Director who in turn may delegate to another officer; and**
- vii. That the Chief Executive establishes an officer review panel to review regulatory decisions by officers.**

**b. Instructs the Council's Monitoring Officer to make the amendments to the Constitution to give effect to the above decisions as set out in Appendix 1 (The Financial Procedure Rules) and Appendix 2 (The Regulatory Committee and consequent changes) of this report.**

**c. That the decisions recommended in (a) (i) be implemented with effect from 1 December 2010 and those in (a) (ii) to (vii) be implemented with effect from 1 February 2011.**

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

- d. **Encourages the Regulatory Committee to delegate responsibility for hearing appeals and revocation of licences to the Regulatory Sub-Committee and to consult with its stakeholders before doing so.**
- e. **Instructs the Regulatory Committee to review its procedures and present to Council at a future meeting Regulatory Procedure Rules for incorporating into Part 4 of the Council's Constitution.**
- f. **Notes the work undertaken by the Constitutional Review Working Group which will continue 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.
- Council at its meeting on 28 May 2010 agreed to make further changes to the Constitution and approved a revised new written Constitution at its meeting in July 2010, including the revised contracts procedure rules thereby completing Phase 2 of the constitutional review.
- Members of the Constitutional Review Working Group have been progressing Phase 3 of the constitutional and governance review and now make recommendations to Council on a revised set of Financial Procedure Rules as outlined in this report (Part A) (attached as Appendix 1) and on regulatory functions as outlined in this report (Part B) (attached as Appendix 2. Further copies of Appendices 1 and 2 showing the tracked changes are available in the Members' rooms and can be made available publicly on request.
- It is proposed that the changes recommended in Part A of this the key considerations section of this report become operational on 1 December 2010 and those in Part B of the same section become operational on 1 February 2011.

## **Alternative Options**

- 1 The alternative options have been discussed at either the Constitutional Review Working Group (CRWG) or other bodies where applicable.
- 2 Council now has the following options:
  - a. To accept the revised Financial Procedure Rules
  - b. To reject the revised Financial Procedure Rules
  - c. To accept the changes to the Regulatory functions
  - d. To reject the changes to the Regulatory functions

## **Reasons for Recommendations**

- 3 The Council is being asked to adopt new Financial Procedure Rules and to make changes to the arrangements for the discharge of Regulatory functions as endorsed by the CRWG. The revised Financial Procedure Rules are considered to be more accessible whilst providing appropriate assurance about the use of council assets and resources. The new arrangements for the discharge of Regulatory functions ensure that all appropriate regulatory functions the responsibility of the Cabinet or Cabinet member are within the remit of the Regulatory Committee, that the delegations authorising officers to discharge those functions

are clear and that there are safeguards providing for review and appeal. The CRWG agree these changes are necessary for the clarity and proper functioning of the constitution and to ensure that the arrangements for the discharge of regulatory functions are consistent with the rest of the Functions Scheme.

## **Introduction and Background**

- 4 The Council has been undertaking a process of Constitutional Review since June 2009. This work has been done under the guidance and direction of the cross party CRWG. It was agreed that Phase 3 of that process would include a review of the Financial Procedure Rules and of the constitutional arrangements for discharge of Regulatory functions. This report seeks approval of the changes recommended by the CRWG.

## **Key Considerations**

### **PART A**

#### **Financial Procedure Rules**

- 5 As part of the work of the CRWG to review and update the constitution, a project team was set up to review and propose amendments to the Council's Financial Procedure Rules. The team included members from the Resources Directorate, Legal Services and the Sustainable Communities Directorate, with Councillor JG Jarvis as the Lead Member on behalf of the CRWG.
- 6 The Project Team considered the Rules in depth and consulted Audit and Governance Committee informally, the Joint Management Team and CRWG.
- 7 The main areas of key changes or adjustments are as follows:
- (a) There is a clearer process for the approval of capital acquisitions and improvements.
  - (b) Details of responsibilities under the Financial Procedure Rules, which are repeated in various sections of the current rules, have now been collated into a single place as an appendix to the Rules. This brings greater clarity to the document and ensures consistent wording is used.
  - (c) The section on procedures for payments has been updated to accommodate electronic procurement systems that will be in place after the implementation of Agresso, thereby ensuring that the Rules have been future proofed as far as possible.
  - (d) Specific arrangements for schools have been included where appropriate e.g authorised signatories and credit card payments.
  - (e) New sections have been added relating to Income Charging and Spend to Save funding.
  - (f) Virement limits have been updated.
  - (g) Job titles have been updated.
  - (h) Plain English has been used to improve the accessibility of the document.
  - (i) A glossary of terms has been added.

- 8 These changes are reflected in the revised Financial Procedure Rules which it is proposed should replace the existing Financial Procedure Rules in Part 4 of the Council's Constitution. If agreed, Officers will be notified of the changes and will be asked to operate to the new Rules with effect from 1 December 2010.

## **PART B**

### **Regulatory Functions**

#### The current arrangements

- 9 The Council's Constitution currently provides for the Regulatory Committee to carry out the functions of the Council relating to trading standards, consumer protection, animal health, environmental protection, food safety, some highway functions and the consideration of appeals against the refusal of some licences. Its functions are set out in a list in paragraph 3.6.2.2 of the Constitution. It also provides for the Regulatory Sub-Committee (comprising any three members of the Regulatory Committee) which is responsible for determining individual applications for licensable activities under the Licensing Act 2003 and the Gambling Act 2005.
- 10 These provisions in the Constitution were not changed when the Constitution was amended in November 2009 (Phase 1) or July 2010 (Phase 2).
- 11 The current arrangements as set out in the Constitution give rise to the following problems:
- (a) The Functions Scheme agreed by Council in November 2009 delegated all Council functions not specifically reserved to Council, the Cabinet or another body to the Chief Executive who in turn can delegate to Directors. The constitutional provisions relating to Regulatory Committee do not accord with that principle agreed by Council and do not set out clearly those specific matters that are not in the remit of the Chief Executive and other officers to whom he may delegate.
  - (b) It is not clear what specific types of licences are the subject of a right of appeal to the Regulatory Committee and which are the subject of some other process.
  - (c) The statutory framework that sets out what Council functions may be fulfilled by which body say that certain functions cannot be executive (Cabinet) functions and some are "local choice functions" (i.e. the Council can decide whether the Cabinet or some other body carries out those functions). All other functions are executive functions. The Constitution does not clearly specify which non-executive functions the Regulatory Committee is responsible for and which "local choice functions" are vested in the Regulatory Committee and which rest elsewhere.
  - (d) The reality is that the Council's officers fulfil a number of the Council's regulatory "powers and duties" and it is not clear that what happens in practice is fully reflected in the Constitution. So whilst the Regulatory Committee may be responsible for overseeing the Council's regulatory functions on behalf of the Council and for actually fulfilling and carrying out some "powers and duties" itself, some regulatory activity is not being done by the Committee.



- (e) The Regulatory Committee has adopted its own procedure for the hearing of appeals. It is bound by the Council procedure rules in the conduct of its business. The rules of natural justice apply to appeal proceedings. Some licensing matters must be dealt with in accordance with statutory procedures. The Regulatory sub-committee has its own procedure rules for dealing with licensing applications that are subject to statutory provisions. Whilst these arrangements are legally sound and have been the subject of regular review and updating with the Committee Solicitor's input, they are not reflected in the Constitution in the same way as similar proceedings in other committees e.g. the Planning Committee.
- (f) The Constitution currently does not deal effectively with and is not explicit in allocating responsibility for the following regulatory related functions:
  - i. Responsibility for oversight, development and direction of the carrying out of regulatory functions.
  - ii. Responsibility for the development, review and refresh of comprehensive regulatory policies.
  - iii. Monitoring performance of regulatory services.
- (g) The Constitution reserves some but not all appeals to the Regulatory Committee and states that the Regulatory sub-committee is responsible for hearing applications. The Regulatory sub-committee hears some appeals.
- (h) The Director of Children's Services and the Director of Adult Social Care have statutory responsibility for ensuring that the Council discharges its functions so as to safeguard vulnerable children, young people and adults. There are regulatory functions that could have an impact on the safeguarding and there is a need to ensure that both safeguarding and regulatory functions are discharged consistently. Following the change proposed in this report there will be 3 ways in which that consistency will be achieved:
  - i. Officers discharging regulatory functions will have regard to the Council's safeguarding functions.
  - ii. An officer review panel comprising officers from both regulatory and safeguarding will review officer decisions where that is requested or where cross cutting considerations make that appropriate.
  - iii. Safeguarding officers with expertise in that field will provide expert evidence and advice to the Regulatory Committee and/or Regulatory Sub-Committee at hearings.

12 In order to address these issues, it is recommended:

- i. That Part 2 and Part 3 of the Constitution relating to the Regulatory Committee and its functions be amended to ensure that the regulatory functions carried out by the committee and its sub-committee are clearly distinguished from those that can be carried out by the Chief Executive or other officers.

- ii. That the Constitution be amended to make it clear which regulatory functions are the responsibility of the Cabinet or Cabinet member(s) and which are responsibility of the Regulatory Committee.
  - iii. The Constitution is amended (in line with the principle agreed in November 2009) and specifies those functions that are reserved to the Regulatory Committee and Regulatory Sub-Committee and all other regulatory functions should be discharged by the Chief Executive.
  - iv. That the body or office holder responsible for carrying out the full range of regulatory functions are clearly stated and set out in a clear framework.
- 13 The recommended changes preserve the right of appeal to Committee and provide that only the Committee may revoke licences. The Regulatory Committee can delegate the hearing of appeals and the revocation of licences to the Regulatory sub-committee. The changes simplify arrangements.
- 14 It is important that regulatory functions are discharged in a way that enables the Council to meet its safeguarding duties. It is important that there is a mechanism for ensuring that consistent decisions are taken by officers. Therefore, it is proposed that the Chief Executive establishes an officer panel which may conduct a preliminary review in such cases prior to an officer decision being taken under delegated authority. The panel may also review an officer decision prior to but not as an alternative or replacement for a full appeal if that is requested by an applicant.
- 15 However, it is important relevant stakeholders be consulted on the process for implementing these changes and their views sought on any changes to procedure and delegation. For that reason it is recommended that the changes be implemented on 1 February 2011 to allow time for such consultation.
- 16 The proposed amendments set out in Appendix 2 reflect these recommendations.
- 17 The Regulatory Committee procedure rules and the Regulatory Sub-Committee procedure rules should be set out in the Council's Constitution. To allow for flexibility should the law require a change to those procedure rules, the Council should delegate the authority to amend those Procedure rules to the Committee in consultation with the Monitoring Officer. It is proposed that the current procedure rules be reviewed by the Committee in the light of the Constitutional changes made in November 2010 and following review are incorporated into the Constitution. The Council is being asked to instruct the Regulatory Committee to review its procedure rules and to present those rules to a future meeting of Council for incorporation into Part 4 of the Council's Constitution

## **Community Impact**

- 18 These amendments to the Constitution seek to make the Financial Procedure Rules more accessible to Members, officers and the public.
- 19 These amendments to the Constitution seek to clarify the roles and responsibilities for the discharge of regulatory functions and to enable stakeholders and the public to understand the arrangements more clearly. By clarifying that officers have delegated authority to fulfil regulatory functions not reserved to Committee, the system is much simpler and the right of appeal to the Committee preserves the right for the Committee to be the arbiter on contentious matters. The Committee will continue to deal with revocation of licences. The Committee will set the detailed policy framework for the conduct of all regulatory functions and this will ensure that community interests are reflected in the regulatory policy and procedural

framework.

## **Financial Implications**

- 20 The revised Financial Procedure Rules will assist the Council to facilitate more effective approach to financial matters. The financial impact of reviewing the Financial Procedure Rules has been absorbed within existing budgets.
- 21 The changes to Regulatory functions largely reflect what currently happens in practice in any event and the changes have minimal financial impact. The financial impact will be absorbed within existing budgets.

## **Legal Implications**

- 22 The proposed amendments to the Constitution reflect all appropriate statutory requirements and guidance.

## **Risk Management**

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

## **Consultees**

- 24 The CRWG has been consulted on the proposals. A project team of members and officers have considered the current Financial Procedure Rules, reviewed them in detail and formulated the recommendations in this report. A regulatory review working group considered and proposed the changes to the Regulatory functions.
- 25 The Regulatory Committee, the Audit and Governance Committee and Joint Management Team were consulted with informally as part of these processes.
- 26 All Councillors were invited to comment on the draft revised Financial Procedure Rules and on the Regulatory proposals.

## **Appendices**

Appendix 1 – Revised Financial Procedure Rules

Appendix 2 – Revisions to Parts 1, 2 and 3 of the Constitution to give effect to the changes to the Regulatory functions

## **Background Papers**

None



## Section 7 - Financial Procedure Rules

### **4.7.1 Introduction**

- 4.7.1.1 Further advice on this section of the Council's Financial Procedure Rules can be obtained from the Director of Resources.
- 4.7.1.2 Authority is delegated to the Head of Financial Services to act on behalf of the Director of Resources in all respects in his/her absence or if requested by the Director to do so.

### **4.7.2 Background**

- 4.7.2.1 Section 151 of the Local Government Act 1972 requires that: *"Every local authority shall make arrangements for the proper administration of their financial affairs"*. The Financial Procedure Rules give effect to this requirement and control the way the Council manages its finances and safeguards its assets. They form part of the Council's Constitution and are to be read in conjunction with other sections of the Constitution in particular:
  - a Part 3 – The Functions Scheme.
  - b Part 4 – Section 3 - The Budget and Policy Framework Rules.
  - c Part 4 – Section 6 – the Contract Procedure Rules.
- 4.7.2.2 The Financial Procedure Rules apply to every Member and officer of the Council and anyone acting on its behalf except where separate arrangements are made under the scheme for the Local Management of Schools.

### **4.7.3 General Responsibilities**

- 4.7.3.1 Members and officers have a general responsibility for taking reasonable action to provide for the security of assets under their control and for ensuring that the use of these resources is legal, properly authorised, provides value for money, and achieves best value.
- 4.7.3.2 Members, officers and others acting on behalf of the Council are required to have proper regard to the advice and guidance issued by the Director of Resources on the Financial Procedure Rules.
- 4.7.3.3 Every report to Members shall contain a statement setting out the financial implications of the recommendation(s) proposed that has been approved by the Director of Resources.
- 4.7.3.4 The Council's expectation of propriety and accountability is that Members and staff at all levels shall lead by example in ensuring adherence to financial and legal requirements, rules, procedures and practices.
- 4.7.3.5 Members and staff at all levels shall act in accordance with the council's Anti-fraud and Anti-corruption policies.
- 4.7.3.6 The Council also expects that individuals and organisations (e.g. suppliers, contractors, service providers) that it comes into contact with, shall act towards

the Council with integrity and without thought or actions involving fraud or corruption.

4.7.3.7 Appendix A sets out the responsibilities of members and officers relating to the Financial Procedure Rules.

4.7.3.8 The council's scheme of delegation is the formal record of delegation of financial decision making.

#### **4.7.4 Urgent Decisions**

4.7.4.1 In exceptional circumstances, where an urgent decision is required, this shall be taken by the relevant Director in consultation with the Director of Resources, the Head of Financial Services and the Assistant Director - Law and Governance. If the matter is outside the scheme of delegation then the matter can only be authorised by the Head of Paid Service and the Cabinet Member responsible for Resources in accordance with the procedures for the taking of urgent decisions set out in the Council's Constitution.

4.7.4.2 Any decisions made under the 'Urgent Decision' arrangements shall be reported to the relevant Director, Cabinet Members and Local Members.

4.7.4.3 Nothing in these standing orders shall prevent expenditure required to meet immediate needs caused by a sudden emergency to which Section 138 of the Local Government Act 1972 applies, provided that such expenditure shall be reported as soon as possible to the appropriate Cabinet Member and the Cabinet.

#### **4.7.5 Preventing Financial Irregularities**

4.7.5.1 The Director of Resources will report financial irregularities to the Head of Paid Service, Cabinet and the Audit and Corporate Governance Committee.

4.7.5.2 The Director of Resources, in conjunction with the Chief Internal Auditor, will determine the scope of any internal enquiries or investigations, subject to consultation with the relevant member of the Joint Management Team.

4.7.5.3 The Director of Resources, in consultation with the relevant member of the Joint Management Team, will decide whether any matter under investigation should be referred for police investigation and take recovery action as appropriate on such matters.

4.7.5.4 The Director of Resources will inform the Head of Paid Service and Monitoring Officer if a suspected irregularity occurs involving staff who are his or her responsibility.

4.7.5.5 Directors, Heads of Service and officers will report financial irregularities to the Director of Resources and Chief Internal Auditor.

4.7.5.6 Directors, Heads of Service and officers will instigate the Council's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour.

**4.7.6 Money Laundering**

- 4.7.6.1 The Director of Resources shall appoint a Money Laundering Reporting Officer (MLRO). This officer shall ensure that all staff likely to receive payments from the public, businesses or professions are aware of the Authority's responsibilities under the Proceeds of Crime Act 2002, the Money Laundering Regulations 2003 and any other relevant acts and regulations, such as the anti-terrorism acts.
- 4.7.6.2 The MLRO, or the Deputy MLRO in the MLRO's absence, shall receive reports from staff about suspicious payments of any value for any purpose and payments in cash in excess of £10,000 or €15,000.
- 4.7.6.3 The MLRO shall report any instance of suspected money laundering to the Serious Organised Crime Agency.

**4.7.8 Asset Management****Introduction**

- 4.7.8.1 The Asset Management section of the Council's Financial Procedure Rules provides a framework of principles, minimum requirements, levels of authority and delegations to ensure that Herefordshire Council's asset portfolio is managed effectively to achieve maximum value for money.
- 4.7.8.2 Further detail can be found by referring to the Capital and Asset Management Strategy.

**Overarching principles**

- 4.7.8.3. A set of overarching principles govern the operation of this section of the Council's Financial Procedure Rules.
- 4.7.8.4 These are:

**Property -**

- a All property owned or leased by Herefordshire Council is held corporately (including Herefordshire Council-owned schools).
- b The Director of Resources is responsible for ensuring that the occupation of all Herefordshire Council property by Directorates is in the interests of the Council as a whole.
- c Directorates have discretion to manage the operations within the property they occupy in order to promote effective service delivery. However, this discretion operates subject to the corporate responsibilities of the Director of Resources who has the authority to intervene in property matters to protect Herefordshire Council's overall interests. Directorates will not occupy property without the prior approval of the Director of Resources.
- d Resolution of disputes on property matters is through the Head of Paid Services.
- e All property transactions should be referred to the Director of Resources who shall seek the comments of all interested parties, including relevant Cabinet Members, Directorates and local Members, before the decision is taken to proceed. All decisions must be taken in accordance with the delegations set out in this section of the Council's Financial Procedure

Rules and the decision making procedures set out in the Council's Constitution.

**General**

- a Capital investment on assets must be linked to HPS priorities identified through the corporate planning process using a clear and objective prioritisation policy.
- b Capital investment must be directed to obtain maximum benefit from available resources, taking account of economy, efficiency and effectiveness.
- c Revenue implications of capital investment must be considered and spend to save funding may be available to pump prime investment that can demonstrate a clear financial pay back.

**Acquisitions and improvements to assets**

- 4.7.8.5 Before an asset is acquired or improved the need for investment must be clearly identified and appraised.
- 4.7.8.6 Prior to allocation of resources a business case must be prepared and approved by the relevant Director and submitted to the Capital Strategy Working Group (CSWG).
- 4.7.8.7 The CSWG will rank and score business cases based on clear criteria linked to HPS priorities, including affordability using whole life costing, sustainability and value for money.
- 4.7.8.8 The Director of Resources will present the scored business case to JMT. Where the acquisition is part of the annual budget setting process JMT will make recommendations to Cabinet for inclusion in the Medium Term Financial Strategy. Where the proposal is outside of the budget setting process the approval will follow the council's virement procedures.
- 4.7.8.9 The use of compulsory purchase powers must be approved by Cabinet.
- 4.7.8.10 Where appropriate, local members will be kept informed and views sought as outlined in paragraph 4.7.8.4.
- 4.7.8.11 The Director of Resources may action acquisitions for highway purposes provided the scheme is in an approved programme or the property concerned has as a consequence been blighted.
- 4.7.8.12 The Director of Resources shall ensure that acquisitions for highways purposes that are part of a scheme that is not in an approved programme is referred for formal decision in accordance with the Council's Constitution and Financial Procedure Rules.
- 4.7.8.13 Where the value of highways land to be acquired is less than £5,000 this may be approved by the Director of Sustainability or any officer nominated to act on his/her behalf providing that there is a budget to cover the acquisition.



**Property**

- 4.7.8.14 Property is to be used efficiently, effectively and economically with due regard to legislative requirements. When any property is no longer required for operational purposes it is to be formally declared surplus, at which point its management reverts to the Director of Resources. The budgetary implications of this are to be identified and reported to the Cabinet Member responsible for Resources.
- 4.7.8.15 The occupation and use of property by a Directorate is subject to the Director of Resources responsibility for approving all material changes to property, including change of use, appropriations, granting/taking of interests, alterations or additions. Such changes must be reported to the Head of Financial Services for correct accounting treatment and apportionment of charges.
- 4.7.8.16 The Director of Resources has the authority to undertake reviews of the property portfolio, or parts of it, to determine if it is optimised in terms of its utilisation, cost and value and within this to challenge the retention or use of existing properties occupied by Directorates.

**Disposals**

- 4.7.8.17 Land, property and any other assets which are surplus to operational need are either to be reallocated to meet alternative needs or disposed of in line with statutory requirements and/or Herefordshire Council disposals and asset transfer policies.
- 4.7.8.18 Directorates shall notify the Director of Resources of:
- a Any property (or part) that is:
    - Vacant.
    - Held against a future operational need.
    - Not used for the principal purpose for which it is held.
    - Likely to be surplus to requirements (with estimated time-scale).
  - b Any operational issues associated with such property (e.g. longer-term requirements).
  - c Any statutory/process issues relevant to its disposal (e.g. prescribed consultation processes, reference to the Secretary of State, etc.).
  - d Any other issues which need to be considered prior to disposal.
- 4.7.8.19 The Director of Resources may identify any property (or part) that is considered, or could be made, surplus to operational requirements.

**Treatment of Capital Receipts**

- 4.7.8.20 In general capital receipts from disposals are deemed to be a corporate capital resource available for allocation in line with corporate priorities, excluding schools.

- 4.7.8.21 Use of capital receipts are subject to the following rules:
- a Overspending on schemes dependent on receipts must be contained within the budget allocated to the directorate concerned.
  - b Capital schemes dependent on receipts are included in the Capital Programme only after full vetting and valuation by CSWG and ultimate approval by Cabinet or as appropriate within the virement rules.
  - c All dependencies, assumptions and risks to be clearly identified by the project sponsor leading to prudent valuation adopted in project sign-off.
  - d Scheme assumptions about the quantum, timing and phasing of receipts to be explicit and receipts cannot generally be “counted” until the sale is complete.
  - e Monitoring shall be undertaken by CSWG with Asset Management & Property Services using a traffic light system to assess the level of risk around the receipts.

#### **Financial Procedure Rules**

- 4.7.8.22 All of the protocols set out in the Council’s Financial Procedure Rules and the Functions Scheme (Part3) and officer Schemes of Delegation must be adhered to. No transaction should be approved unless specific budgetary provision is identified, except where the purchase is approved under the authority given in paragraph 4.7.4.

#### **Delegation to Officers**

- 4.7.8.23 Subject to the consultation and approval provisions set out in this section of the Council’s Financial Procedure Rules, the Director of Resources is authorised to:
- a Determine and settle the disposal of any land or property, or an interest in land or property.
  - b Determine and settle the terms of a lease (taken or granted) for any land or property.
- 4.7.8.24 As provided by arrangements made in the Constitution for the discharge of executive functions, the Chief Executive may exercise any power delegated under this section of the Council’s Financial Procedure Rules to the Director of Resources. The Director of Resources may delegate his/her powers in writing to other officers.

#### **4.7.9 Audit**

- 4.7.9.1 The Director of Resources has delegated responsibility for maintaining an adequate and effective internal audit service.
- 4.7.9.2 The Director of Resources shall maintain strategic and annual audit plans that take account of the relative risks of the activities involved. He/she shall liaise with the Joint Management Team on the audit strategy and plan.

- 4.7.9.3 The Chief Internal Auditor is responsible for providing the Audit & Governance Committee with regular assurance reports that highlight any areas of concern regarding the effectiveness or level of compliance with agreed systems of internal control.
- 4.7.9.4 The Chief Internal Auditor shall provide the Chairman of Audit & Governance Committee with a copy of audit review reports with an unsound, unsatisfactory or marginal audit opinion. The Council's procedures for maintaining confidentiality shall apply.
- 4.7.9.5 The Chief Internal Auditor shall submit an annual report to the Audit and Governance Committee detailing internal audit activity for the previous year and reporting significant findings and areas of concern.
- 4.7.9.6 The Chief Internal Auditor shall provide an annual summary to the Leader, Chairman of Audit and Governance Committee and relevant Cabinet Member(s) of audit review reports with a satisfactory or good audit opinion.
- 4.7.9.7 The Director of Resources is responsible for producing an Annual Governance Statement for inclusion with the annual Statement of Accounts based on assurances provided by the Chief Internal Auditor.
- 4.7.9.8 Officers shall ensure that internal and external auditors are provided with:
- a Access at reasonable times to premises or land used by the Council.
  - b Access at reasonable times to any employee or employees.
  - c Access to all assets, records, documents, correspondence and control systems relating to any matter or business of the Council.
  - d Any information and explanation considered necessary concerning any matter under examination.
- 4.7.9.9 Officers must account for cash, stores or any other Council property under their control and produce such items for inspection if required by Audit Services.
- 4.7.9.10 Officers are required to consider and respond to audit reports and audit recommendations within two weeks.
- 4.7.9.11 Officers must ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient manner.
- 4.7.9.12 Where an appropriate response to audit recommendations has not been made within the agreed period, the Director of Resources shall refer the matter to the Head of Paid Service and/or the Audit and Governance Committee.
- 4.7.9.13 Officers are responsible for notifying the Director of Resources or Chief Internal Auditor immediately in writing/electronic medium of any suspected or alleged fraud, theft, irregularity, improper use or misappropriation of Council property or resources. Pending investigation, all necessary steps should be taken to prevent further loss and secure records and documents against removal, destruction or alterations.
- 4.7.9.14 The Director of Resources is to investigate promptly any apparent, suspected or reported irregularity or fraud he/she becomes aware of. He/she shall report his/her findings to the Head of Paid Service to discuss and agree appropriate legal proceedings and disciplinary action, consulting with the relevant member(s) of the Joint Management Team as appropriate.

- 4.7.9.15 Officers are responsible for ensuring that new systems for maintaining financial records, or records of assets, or changes to such systems are discussed and agreed with the Director of Resources prior to implementation.
- 4.7.9.16 Officers are responsible for ensuring that all paperwork and systems are up to date, kept securely and are made available for inspection by internal or external audit.
- 4.7.9.17 Officers shall ensure that all fundamental systems as defined by the Chief Internal Auditor and other financial systems are reconciled on a monthly basis and that records are up to date and available for internal or external audit inspection when required.

**4.7.10 Imprest Accounts**

- 4.7.10.1 The Head of Financial Services will consider requests from Heads of Service and Head Teachers to provide a cash or bank imprest account to meet minor expenditure on behalf of the Council.
- 4.7.10.2 The Head of Financial Services will maintain a record of all advances made and reconcile to the Council's main financial system.
- 4.7.10.3 Officers operating an imprest account will comply with the following procedures:
- a Obtain and retain vouchers to support each payment from the imprest account including official VAT receipts where appropriate.
  - b Make adequate arrangements in their office for the safe custody of the account including vouchers and any other supporting documentation.
  - c Produce upon demand by the Director of Resources cash and all vouchers to the total value of the imprest account.
  - d Record transactions promptly.
  - e Reconcile and balance the account at least monthly with reconciliation sheets to be signed and retained by the imprest holder.
  - f Provide the Head of Financial Services with a certificate of the value of the account held at 31st March by 31st May each year.
  - g Ensure that the imprest is never used to cash personal cheques or to make personal loans.
  - h Ensure that the only payments into the account are the reimbursement payments and any notes/coinage relating to purchases made by a cash advance from the imprest account.
  - i Ensure income due to the Council is collected and banked as provided in paragraph 4.7.12 of the Council's Financial Procedure Rules and not through an imprest account.
  - j On leaving the Council's employment, ceasing to be entitled to hold an imprest advance or no longer requiring an imprest advance, account to the Head of Service or Head Teacher for the amount advanced to them.
  - k A bank imprest account cannot become overdrawn.
  - l Submit a claim for reimbursement at least monthly.

m Notify the Head of Financial Services of any new signatories.

4.7.10.4 Further information on operating imprest accounts can be found in the Accounting Guidelines for the Petty Cash Imprest Accounts

#### **4.7.11 Income Charging Policy**

4.7.11.1 Local authorities have a wide discretion to levy charges for services. Where charges can be set at the discretion of the council Directors should comply with the following principles;

- a Services should raise income wherever there is a power or duty to do so.
- b The income raised should cover the full cost of providing the service, including overheads. Any exception to this must be justified in a transparent manner which links to the council's objectives and priorities.
- c All fees and charges should be transparent and consistently applied.
- d Fees and charges must be set for a specific purpose- either as a policy tool or full cost recovery, or a combination of both.

4.7.11.2 Further details can be found in the council's Income Charging Policy.

#### **4.7.12 Income Collection**

4.7.12.1 The Director of Resources shall agree arrangements for the collection of all income and approve procedures and systems. In order to achieve this, the following controls must be followed:

- a All income due to the Council is identified, charged correctly and billed promptly.
- b All money received by an employee on behalf of the Council is paid without delay to the Director of Resources or to a nominated officer or into the Council's specified bank account and is properly recorded.
- c All receipts given for money should be on an official receipt form.
- d All income is collected from the correct person, at the right time using the correct procedures and appropriate stationery and effective recovery action to pursue outstanding sums is taken within defined timescales.
- e A formal approval process for write-offs of uncollectable debts using the criteria detailed below.
- f Personal cheques shall not be cashed out of money held on behalf of the Council.
- g All income received shall be receipted immediately.
- h Officers shall bank all cash received immediately; its use for either personal or official purposes is strictly forbidden.
- i All paying in records shall be retained securely in line with the Council's policies on the retention of documents.

- 4.7.12.2 The Director of Resources has determined the following authorisations for writing off uncollectable debt:
- a Under £150 – individual Service Managers.
  - b Between £150 and £500 – Revenues Manager.
  - c Between £500 and £2,000 – Head of Benefit and Exchequer Services.
  - d Between £2,000 and £20,000 – Director of Resources.
- 4.7.12.3 For write offs of amounts exceeding £20,000 the Director of Resources shall seek agreement from the relevant Cabinet Member responsible for Resources.
- 4.7.12.4 The Director of Resources shall report details of amounts over £2,000 written off to Cabinet twice a year for information purposes.
- 4.7.12.5 Write off of amounts above £2,000 relating to other Directorates require the recommendation of the relevant Director.

#### **4.7.13 Orders for Goods, Works and Services**

- 4.7.13.1 Orders shall not be issued for goods, work or services unless the cost is covered by an approved budget.
- 4.7.13.2 All orders given on behalf of the Council shall be in a written or electronic form approved by the Director of Resources. All orders are to be authorised by officers nominated by the appropriate Director who shall be responsible for official orders issued from his or her Directorate. Orders given verbally shall be confirmed by paper or electronic order as appropriate as soon as possible.
- 4.7.13.3 All works, goods or services supplied to the Council are to be subject to formal prior authorisation, in writing and/or electronic medium, as to need and budget cover. Written or electronic orders are to be issued for all work, goods or services to be supplied to the Council unless a written contract is required. An order or contract is not required for public utility services, periodical payments such as rent or rates, for petty cash purchases or for such other expenditure as the Director of Resources may approve. All orders and contracts are to be managed in compliance with the Council's Contract Procedure Rules and Financial Procedure Rules.
- 4.7.13.4 Each order shall conform to the directions of the Council with respect to central purchasing and the standardisation of supplies and materials and with respect to Contract Procedure Rules.
- 4.7.13.5 Written orders shall be marked with invoice details when relevant accounts are passed for payment. When an electronic procurement system is in use an appropriate entry shall be made in that system when a payment is authorised.
- 4.7.13.6 The key controls for ordering and paying for work, goods and services are:
- a All works, goods and services are ordered only by appropriate persons and recorded.
  - b All works, goods and services shall be ordered in accordance with the Council's Procurement Strategy and Contract Procedure Rules unless they are purchased from internal sources within the Council.

- c Works, goods and services received are checked to ensure they are in accordance with the order.
- d Payments are authorised by officers who can certify that goods have been received to price, quantity and quality.
- e All payments are made to the correct person, for the correct amount and are properly recorded, regardless of the payment method.
- f All appropriate payment documents are retained and stored for the defined period in accordance with the 'Herefordshire Council Records Management Policy'.
- g All expenditure, is accurately recorded against the right budget and any exceptions corrected.
- h That processes are in place to maintain the security and integrity of data for transacting business electronically.

#### **4.7.14 Payments**

- 4.7.14.1 Individual Directors shall ensure that payments are authorised by appropriate officers who can certify that goods and services have been received and that price, quantity and quality are in accordance with the initial order, where appropriate.
- 4.7.14.2 Directors shall provide the Director of Resources with a list of authorised officers showing their signing levels with specimen signatures. This list should be reviewed at intervals to ensure is up to date and accurate and any changes being reported promptly.
- 4.7.14.3 Unless specifically authorised otherwise by the Director of Resources:
  - a Directors must authorise all payments in excess of £250,000 (excluding VAT).
  - b Heads of Service (as defined by Head of Service pay grades) may authorise payments up to £250,000 (excluding VAT).
  - c Managers who report to Heads of Service may authorise payments up to £100,000 (excluding VAT).
  - d Other officers as authorised by the Director up to £5,000 (excluding VAT).

The above limits apply to officers employed by NHS Herefordshire (the Primary Care Trust) when carrying out functions on behalf of the council under Part 3, section 8 of the council's constitution. (paragraphs 3.8.6 and 3.8.7)
- 4.7.14.4 Authorisation limits for schools will be set by the governing body. Schools shall provide the Director of Resources with a list of authorised officers showing their signing levels with specimen signatures. This list should be reviewed at intervals to ensure is up to date and accurate and any changes being reported promptly.
- 4.7.14.5 Where an electronic file contains multiple payments, an officer may authorise the whole file with one signature if his or her authorised limit is at least the value of the highest individual amount within that file.

- 4.7.14.6 References to certification and authorisation are deemed to include those made online within a system where the identity of the user is verified using the system's identification protocols.
- 4.7.14.7 Once certified, all accounts paid through the centralised payment system must be passed to the payments section that shall ensure that the required payment is made to the correct person by the agreed method of payment and that all expenditure including VAT is accurately recorded against the correct budget.
- 4.7.14.8 Requests for payment shall be rejected by the Payments Manager unless certified by an officer using their full signature who has the appropriate level of authority.
- 4.7.14.9 The use of feeder systems to generate payments will only be allowed if the Director of Resources is satisfied that the data integrity of the corporate financial system would not be compromised and that the feeder system works in accordance with these financial procedures.
- 4.7.14.10 Invoices do not need specific authorisation for payment in an electronic system where the invoice matches the authorised order and goods receipt, and all three are correctly entered into the system.
- 4.7.14.11 All accounts should be paid promptly, having due regard to the Late Payment of Commercial Debts (Interest) Act 1998 and to maximise performance. All accounts received must be date stamped with the day of receipt. In the event of a penalty for late payment, the amount will be charged to the budget of the Directorate responsible.
- 4.7.14.12 The Director of Resources shall ensure that all appropriate payment documentation is retained for the required period of time in accordance with the Herefordshire Council Records Management Policy.
- 4.7.15 Salaries, Wages, Pensions, Travel and Subsistence**
- 4.7.15.1 Directors shall provide the Director of Resources with a list of officers authorised to sign claims and other payroll documents showing their signing limits with specimen signatures. This list should be updated and reported promptly to reflect staff changes.
- 4.7.15.2 All claims for payment of allowances, subsistence, travelling and expenses must be submitted within one month of the period they relate to on the approved form, duly certified in a form approved by the Director of Resources with all required supporting evidence including VAT receipts for fuel and other expenses where appropriate. Any exceptions shall require individual certification by both the Director and the Head of Service.
- 4.7.15.3 The certification of claims by or on behalf of a Director or Head of Service shall be taken to mean that the certifying officer is satisfied that the journeys and the expenses incurred were necessary and authorised as being in line with the Council's policies on travel and subsistence claims.
- 4.7.15.4 The Director of Resources shall ensure that all appropriate payroll documents are retained for the required period of time in accordance with the 'Herefordshire Council Records Management Policy'



**4.7.16 Revenue Budget Management**

- 4.7.16.1 The Head of Financial Services shall prepare and review annually a three-year financial plan and strategy to provide an estimate of resources available to the Council and identify budget pressures.
- 4.7.16.2 Proposed budgets over periods of one year or longer shall be prepared by Directors, in consultation with the Director of Resources, for submission through the Cabinet to the Council.
- 4.7.16.3 Directors shall evaluate the financial implications of any new policy option, initiative or major project in conjunction with the Director of Resources and Head of Financial Services prior to a report to the Cabinet and/or Council.
- 4.7.16.4 The Cabinet shall recommend an annual budget to Council that includes the following:
- a Annual capital and revenue budget.
  - b Proposed contingencies, general reserves and specific reserves.
  - c Statutory Council tax calculations;
  - d Treasury management policy and borrowing limits.
  - e The Chief Finance Officer's statutory declaration on budget setting.
  - f Virement limits.
  - g Scale of fees and charges.
- 4.7.16.5 Budget management ensures that resources allocated by Members are used for their intended purposes and that these resources are properly accounted for. Budgetary control is a continual process enabling the Council to review and adjust its budget targets during the financial year. It also provides the mechanism to call to account managers responsible for defined elements of the budget.
- 4.7.16.6 The structure and format of the revenue budget should be sufficient to permit effective financial management.
- 4.7.16.7 The overall budget setting process for both revenue and capital is controlled by the Head of Financial Services.
- 4.7.16.8 The Head of Financial Services will produce a Budget Holders' Handbook.
- 4.7.16.9 Budgets will be distributed to budget holders for consultation. Budget holders will work with finance staff to prepare detailed income and expenditure estimates for the forthcoming year taking into account known service level changes, contractual commitments and financial constraints
- 4.7.16.10 Budget holders should provide information on any legislative changes, statutory duties, demographic changes, which impact upon service trends and activity levels to inform the financial planning and budget setting process.

**4.7.17 Capital Budget Management**

- 4.7.17.1 The Cabinet shall, following the submission of proposals by the Joint Management Team, recommend to Council:
- a A capital programme for each financial year.

- b A future indication of a capital programme over a three-year period.
  - c The recommended funding method for each capital project (including the use of Prudential Borrowing, capital receipts, revenue or other financing methods).
- 4.7.17.2 All capital spending proposals should be subject to approval through the Council's capital planning processes.
- 4.7.17.3 Following the approval of a capital programme, and subject to any conditions specified in that programme, or specified by the relevant Cabinet Member, the relevant Director shall take all appropriate action to carry into effect the approved schemes, within the budget and timescale agreed in the capital programme. Any material variation in cost or timescale shall be reported to the Cabinet.
- 4.7.17.4 If a project has not started within a specified timeframe it may need to be confirmed for it to go ahead.
- 4.7.17.5 Any report for a project or policy of a capital nature shall include details of:
- a The estimated cost of the proposal.
  - b Any phasing of the capital expenditure.
  - c The proposed method of financing, whether by loan, revenue or otherwise.
  - d The effect on the revenue estimates in the first and subsequent years.
  - e The additional staff and grades required both initially and ultimately.
  - f An assessment and measurement of the need for the scheme and the benefits it will produce.
  - g A technical and financial appraisal of the alternative approaches to meeting the need.
- 4.7.17.6 In the first instance, in-year capital requirements will be presented to the CSWG via a business case for ranking and scoring and will be referred to JMT.
- 4.7.18 Budgetary Control**
- 4.7.18.1 Each Director shall be responsible for monitoring the revenue and any capital budget relevant to his/her Directorate to ensure that such budgets are properly spent and not exceeded.
- 4.7.18.2 Any new proposal or variation which would materially affect the finances of the council shall require approval by the Cabinet. Any budget virements must comply with the council's scheme of budget virement (section 4.7.19)
- 4.7.18.3 The council operates within an overall annual cash limit. As a result all individual budgets are cash limited. Each budget holder is required to operate within the cash limit.
- 4.7.18.4 Directors shall monitor spend and income against budgets monthly and ensure that expenditure in excess of their net approved budgets is not incurred without prior approval. If actual income is expected to be below budget, this must also be actively managed.
- 4.7.18.5 If it appears to a Director that his/her overall cash limited budget may be exceeded, he/she shall report the details as soon as practicable to the Chief

Executive, the Director of Resources and to the Cabinet Member. The relevant Cabinet Member shall then report on the matter to the Cabinet.

- 4.7.18.6 Action plans must be put in place by each Directorate at an early stage in the financial year in order to manage potential overspendings (e.g. due to additional spending or below target income). Directors must submit their recovery plans to the Chief Executive and the Director of Resources. Where appropriate the additional spending or below target income should be met by virements from other elements of the Directorate budgets. All Directors are required to manage expenditure within the agreed budget for their areas of responsibility. Compliance with this requirement will be dependent upon the earliest possible implementation of such action plans and rigorous supervision to achieve the required outcome.
- 4.7.18.7 It is the duty of Directors to ensure that responsibility for budgetary control is allocated to appropriate officers in their Directorates. Directors shall nominate a budget manager for each cost centre. As a general principle budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure.
- 4.7.18.8 Budget Managers are accountable for their budgets and the level of service to be delivered and must understand their financial responsibilities. Budget Managers should be responsible only for income and expenditure that they can influence.
- 4.7.18.9 Budget managers are required to;
- a Follow an approved certification process for all expenditure.
  - b Ensure that income and expenditure are properly recorded and accounted for.
  - c Ensure that expenditure is committed only against an approved budget head.
  - d Monitor performance levels/levels of service in conjunction with the budget and necessary action is taken to align service outputs and budget.
  - e Monitor and control the gross expenditure budget position.
  - f Investigate and report significant variances from approved budgets.
- 4.7.18.10 The Director of Resources shall establish an appropriate framework of budgetary control.
- 4.7.18.11 The Director of Resources shall provide Directors, budget holders and Cabinet Members with monthly financial management information reports.
- 4.7.18.12 The Director of Resources shall ensure that each Director has available timely information on receipts and payments on each budget which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities.
- 4.7.18.13 The Head of Financial Services shall provide financial management training courses that all budget managers must attend.

#### **4.7.19 Virement**

- 4.7.19.1 The Council operates a scheme of budget virement. This enables budget holders to manage budgets with a degree of flexibility within the overall policy framework determined by the Council.

- 4.7.19.2 Directors have authority to vire expenditure between individual budget heads in accordance with the virement policy.
- 4.7.19.3 Key controls for the scheme of virement are:
- a That it is administered by the Director of Resources within guidelines set by Council. Any variation from this scheme requires the approval of Council.
  - b That the overall budget is agreed by Cabinet and approved by Council. Directors and budget holders are therefore authorised to incur expenditure in accordance with those estimates. The rules below cover virement that is switching resources between budget heads. For the purposes of these Rules a budget head is considered to be the standard service sub-division as defined by CIPFA. The scheme applies equally to a reduction in income as to an increase in expenditure.
- 4.7.19.4 All virements below £150,000 must be approved by the Head of Financial Services in consultation with the relevant Head of Service or Director. All virements above £150,000 must be approved by the Director of Resources in consultation with the relevant Director. All virements above £250,000 must also be approved by the portfolio Cabinet Member. All virements of above £150,000 shall be reported in the budget monitoring report provided to Cabinet.
- 4.7.19.5 The prior approval of the Cabinet is required to any virement of £25,000 or more where it is proposed to:
- a Vire between budgets of different portfolio Cabinet Members.
  - b Vire between budgets managed by different Corporate Directors.
- 4.7.19.6 Virement which is likely to impact on the level of service activity of another Director should be implemented only after consultation with the relevant Director.
- 4.7.20 Spend to Save**
- 4.7.20.1 The Capital and Asset Management Strategy aims to encourage innovation and allows officers to draw down funding to pump prime creative projects that demonstrate 'spend to save/mitigate' and funding is available throughout the year.
- 4.7.20.2 The council operates a Spend to Save scheme for budget holders, who want to either pump prime a service initiative, purchase equipment or service and/or realign their current service model, all of which must generate a revenue saving year on year.
- 4.7.20.3 Applications for funding accompanied by a Business Case shall be submitted to the Head of Financial Services.
- 4.7.21 Banking Arrangements and Corporate Credit Cards**
- 4.7.21.1 All arrangements with the Council's bank concerning the Council's bank accounts and for the ordering and issue of cheques shall be made by, or under arrangements approved by, the Director of Resources. The Director of Resources shall be authorised to open and operate such banking accounts, as he or she may consider necessary. This authority shall include the power to give the necessary directions to the bank as to signatures for withdrawals. The Director of

Resources shall report periodically to the Cabinet or Audit & Governance Committee as to the opening or closing of such accounts.

- 4.7.21.2 Apart from payments from corporate cards, petty cash, imprest accounts or schools' own local bank accounts; the normal method of payment due from the council shall be by BACS or cheque. Direct debit and periodical payment arrangements shall require the prior agreement and authorisation of the Director of Resources.
- 4.7.21.3 All cheques and cheque stationery shall be ordered only on the authority of the Director of Resources who shall be satisfied that proper arrangements are in place for their safe custody. Where the signature is printed on the cheque by a Council system, the signature shall be that of the Director of Resources.
- 4.7.21.4 The Director of Resources shall be responsible for authorising the issue of corporate credit cards and determining spending limits. Cardholders are required to comply with the guidance issued by the Director of Resources regulating the use of corporate credit cards. This guidance will include the requirement for cardholders to provide the Payments Manager with a receipt and coding slip for each item purchased using a credit card within 14 days of the monthly card statement being received.
- 4.7.21.5 Schools are permitted by the local management of schools regulations to operate their own bank account independently of the council. In order to take advantage of new ways of purchasing books, supplies and services through the internet, schools are permitted by the council to apply for a credit card provided the card is issued by a UK bank and approved by the office of government commerce. The use of the credit card must be approved by the schools governing body and the monthly card statement must be paid in full by a direct debit from the schools imprest bank account. Schools are required to comply with the guidance issued by the Director of Resources regulating the use of credit cards.

#### **4.7.22 Insurance and Risk Management**

- 4.7.22.1 All organisations, whether they are in the private or public sector, face risks to people, property and continued operations. Risk is defined as the chance or possibility of loss, damage or injury caused by an unwanted or uncertain action or event. Risk management is the planned and systematic approach to the identification, evaluation and control of risk.
- 4.7.22.2 Insurance has been the traditional means of protecting against loss, but this cannot be seen as the complete answer. By reducing or even preventing the incidence of losses (whether they result from crime or accident), the Council shall benefit from reduced costs of providing insurance cover and shall also avoid the disruption and wasted time caused by losses and insurance claims.
- 4.7.22.3 It is the overall responsibility of the Cabinet to approve the authority's Risk Management Strategy and to promote a culture of risk management awareness through the Council. Monitoring of and reporting on the effectiveness of the Strategy is an essential part of the process.
- 4.7.22.4 The key controls for risk management and insurance are:

- a Robust systems are in place to identify, assess, prevent or contain significant operational risks on an integrated basis and these systems are promoted throughout the organisation.
  - b Acceptable levels of retained risk are identified and evaluated and arrangements are in place for their funding, either by internal provision or external insurance as appropriate.
  - c Managers know that they are responsible for managing relevant risks and are provided with appropriate and timely information on claims experience and risk management initiatives relating to their areas of responsibility.
  - d Procedures are in place to investigate and process claims within required timescales.
  - e A monitoring process is in place to review regularly the effectiveness of risk reduction strategies and the operation of these controls. The risk management process should be conducted on a continuing basis.
- 4.7.22.5 The Director of Resources shall effect all insurance cover and negotiate all claims in consultation with the relevant Monitoring Officer where appropriate.
- 4.7.22.6 Directors shall give prompt notification to the Director of Resources of all new risks, properties, vehicles and other assets that are required to be insured or any alterations affecting existing insurances.
- 4.7.22.7 Directors shall promptly notify the Director of Resources in writing of any actual or potential loss, liability or damage or any event likely to lead to an insurance claim by or against the Council.

#### **4.7.23 Loans, Leasing and Investments**

- 4.7.23.1 The Director of Resources shall report to Cabinet, on an annual basis, with recommendations to Council to determine the limits for the borrowing of monies.
- 4.7.23.2 The Director of Resources shall borrow as necessary to finance the approved capital programme and deal with all matters in connection with the raising or repayment of loans and is authorised to borrow for meeting expenses pending the receipt of revenues.
- 4.7.23.3 All investments and all borrowing shall be made in the name of the Council
- 4.7.23.4 Directors shall not enter into financial leasing arrangements except with the consent of the Director of Resources. Before entering into any lease agreement Directors shall submit details to the Financial Services Technical Accounting Team to enable a financial appraisal to be undertaken, including alternative financing options and implications for accounting treatment.
- 4.7.23.5 Loans to third parties will only be made in exceptional circumstances.
- 4.7.23.6 The Director of Resources shall arrange the borrowing and investment activities of the Council in such a manner as to comply with the CIPFA Code of Practice on Treasury Management and the Authority's Treasury Policy Statement.
- 4.7.23.7 The Director of Resources shall prepare an annual strategy with regard to investments, borrowing and the repayment of external debt. These are set out in the Treasury Management Strategy approved by full council before the start of the new financial year.

- 4.7.23.8 The Treasury Management Strategy will include the following:
- Prospects for the economy and for interest rates;
  - Borrowing requirement and strategy;
  - Investment policy and strategy;
  - MRP Statement;
  - Prudential Indicators for the next three years providing assurance that the council's capital plans are affordable, prudent and sustainable; and
  - The Treasury Management Policy Statement.
- 4.7.23.9 In addition, Cabinet will receive an annual report after the end of the financial year and will recommend to Full Council for approval.
- 4.7.23.10 Cabinet and the Overview & Scrutiny Committee will also receive quarterly treasury management reports.

#### **4.7.24 Trust Funds**

- 4.7.24.1 The Director of Resources shall:
- a Arrange for all trust funds to be held wherever possible in the name of the Authority. All officers acting as trustees by virtue of their official position shall deposit securities, etc relating to the trust with the Director of Resources unless the deed otherwise provides.
  - b Arrange where funds are held on behalf of third parties for their secure administration approved by the Director of Resources and to maintain written records of all transactions.
  - c Ensure that trust funds are operated within any relevant legislation and the specific requirement for each trust.

#### **4.7.25 Inventories and Stocks And Stores**

- 4.7.25.1 Further advice can be found in the council's 'Guideline for Inventories Stocks and Stores'.
- 4.7.25.2 The Director of Resources shall:
- a Advise on the form, layout and content of inventory records to be maintained by the Council.
  - b Advise on the arrangements for the care and custody of stocks and stores in Directorates.
- 4.7.25.3 Directors shall:
- a Maintain inventories in a form approved by the Director of Resources to adequately record and describe all furniture, fittings and equipment, plant and machinery under their control.
  - b Carry out an annual check of all items on the inventory in order to verify location, review condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly.

- c Ensure attractive and portable items, such as computers, cameras and video recorders are identified with security markings as belonging to the Council and appropriately controlled and secured.
- d Make sure that property is only used in the course of the Council's business unless the Director concerned has given permission otherwise.
- e Directors have discretion to write off redundant equipment up to the value of £5,000, but must seek Cabinet Member approval for write-offs in excess of £5,000. Directors shall seek independent quotations where it is not immediately obvious what the market value of the redundant item is.
- f Make arrangements for the care, custody and recording of stocks and stores in Directorates.
- g Ensure that assets are identified, their location recorded and that they are appropriately marked and insured.
- h Ensure stocks are maintained at reasonable levels and subject to a regular independent physical check. All discrepancies should be investigated and pursued to a satisfactory conclusion.
- i Write-off discrepancies of up to £5,000 and seek advice from Internal Audit on discrepancies above this limit.
- j Authorise write-off and disposal of redundant stocks and equipment by competitive quotations or auction unless, following consultation with the Director of Resources, it is decided otherwise in a particular case.
- k Seek approval from the Director of Resources and Cabinet Member to the write-off of redundant stocks and stores valued in excess of £5,000.
- l Record the reasons for the chosen method of disposing of redundant stocks and equipment if not by competitive quotation or auction.

#### **4.7.26 Working for Third Parties and Shared Services**

- 4.7.26.1 Current legislation enables the Council to provide a range of services to certain other bodies. Such work may enable the unit to maintain economies of scale and existing expertise. Arrangements must be in place to ensure that any risk associated with this work is minimised.
- 4.7.26.2 All proposals to work for a third party shall be properly costed in accordance with guidance provided by the Director of Resources. Financial advice should be obtained from the Head of Financial Services on the cost of providing the service.
- 4.7.26.3 All decisions to work for a third party shall be made in accordance with the Council's formal decision making processes as set out in the Scheme of Delegation. Formal approval in line with the Council's Functions Scheme must be obtained before any negotiations to work for third parties are concluded.
- 4.7.26.4 Officers must obtain legal advice on the implications of providing the proposed service to the third party. All contracts for providing work for a third party shall be drawn up using guidance provided by the Assistant Director – Law and Governance.



**4.7.26.5 Officers shall ensure that:**

- a All contracts are properly documented and a register of all contracts to supply goods and services to third parties is maintained by each Directorate.
- b Appropriate identity checks on the third party are carried out in accordance with the Council's anti money laundering policy and guidance.
- c Appropriate insurance arrangements are in place for the third party work.
- d The Council is not put at any risk of bad debts as a result of any third party work
- e Wherever possible, payment is received in advance of the delivery of the service under a third party contract.

## Appendix A

**Responsibilities under the Financial Procedure Rules**

This appendix provides details of responsibilities under the Financial Procedure Rules. It lists in a single place responsibilities that would otherwise be repeated in various sections of the Financial Procedure Rules. It confirms the overall responsibilities of the Council's Director of Resources, the Cabinet and members of the Senior Management Team (Joint Management Team) within the Financial Procedure Rules.

**A1 Cabinet Responsibilities**

- A1.1 Cabinet is responsible for overseeing all aspects of the Council's finances. Day to day responsibility for the Council's finances rests with Directors and their managers as set out in these Financial Procedure Rules.
- A1.2 Each Cabinet Member shall oversee compliance with the Council's Financial Procedure Rules for those functions within their terms of reference. Each Director is responsible for ensuring those functions within their terms of reference operate within the Council's Financial Procedure Rules.

**A2 Director of Resources' Responsibilities**

- A2.1 The Director of Resources has been appointed under Section 151 of the Local Government Act 1972 as the officer with responsibility for the proper administration of the Council's financial affairs.
- A2.2 Reference in these Financial Procedure Rules to the Director of Resources shall be taken to include any officer nominated by the Director of Resources to act on his/her behalf.
- A2.3 The Director of Resources shall be entitled to attend a meeting of any body on which Members are represented where matters affecting the financial affairs of the Council are being discussed.
- A2.4 The Director of Resources, under the general direction of Cabinet, is responsible for determining the basis for all accounting procedures and financial records for the Council and for exercising a check over all financial matters.
- A2.5 The Director of Resources is responsible for maintaining a continuous review of the Financial Procedure Rules and advising the Council of any additions or changes necessary.
- A2.6 The Director of Resources is responsible for reporting, where appropriate, breaches of the Financial Procedure Rules or any other element of the Constitution that relates to the proper administration of the Council's financial affairs to the Council and/or Cabinet.
- A2.7 The Director of Resources is responsible for issuing advice and guidance to underpin the Financial Procedure Rules.
- A2.8 The Director of Resources is responsible for maintaining adequate and effective audit arrangements for the Council and for ensuring that Audit Services complies with the Chartered Institute of Public Accountancy's Code of Practice for Internal Audit.

- A2.9 The Director of Resources is responsible for ensuring, in conjunction with the relevant member of the Joint Management Team, that the Council's disciplinary procedures are followed where the outcome of an audit or other investigation indicates fraud or irregularity.
- A2.10 The Director of Resources is responsible for ensuring that any case of fraud or loss or financial irregularity or bribery or corruption discovered or suspected to exist which involves the Council's interest shall be dealt with in accordance with the Council's Anti-Fraud and Anti-Corruption policy.
- A2.11 The Director of Resources is responsible for appointing senior officers to be the Council's Money Laundering Reporting Officer and deputy to the Council's Money Laundering Reporting Officer.
- A2.12 The Director of Resources has overall responsibility for making payments on behalf of the Council and has sub-delegated this to the Head of Benefit and Exchequer Services.
- A2.13 The Director of Resources has overall responsibility for the Council's income and collection functions and has sub-delegated this to the Head of Benefit and Exchequer Services who is required to ensure the effective collection and recording of all monies due to the Council.
- A2.14 The Director of Resources is responsible for making payments to employees, former employees and Members on behalf of the Council and has sub-delegated this responsibility to the Head of the Benefit and Exchequer Services

### **A3 Joint Management Team Responsibilities**

- A3.1 Members of the Joint Management Team are responsible for ensuring that all employees are aware of the content of the Financial Procedure Rules and other internal regulatory documents and that they are complied with.
- A3.2 Members of the Joint Management Team are responsible for consulting with the Director of Resources on any matter within their area of responsibility that is liable to materially affect the finances of the Council before any provisional or other commitment is incurred or before reporting the matter to a Cabinet Member.
- A3.3 Members of the Joint Management Team are responsible for supplying the Director of Resources with all information necessary for the proper administration of the Council's affairs.
- A3.4 Members of the Joint Management Team shall allow the Director of Resources and his/her authorised representatives access to all documents and records on demand.
- A3.5 Members of the Joint Management Team shall maintain a sound system of internal control.
- A3.6 Members of the Joint Management Team are responsible for ensuring those functions within their terms of reference operate within the Council's Financial Procedure Rules.
- A3.7 Members of the Joint Management Team are responsible for informing Cabinet Members promptly if the Council's Financial Procedure Rules are not being complied with.

**Glossary of terms**

In the Financial Procedure Rules the words and phrases in the left hand column have the meaning given in the right hand column;

Asset	Something the council owns that has value, such as premises, vehicles, equipment or cash.
Budget	A statement of the Authority's plans for revenue and capital expenditure and income over a specified period of time.
Capital	Spending, usually on major assets like a building, where the benefit of the asset lasts for more than one year.
Capital Programme	A budget generally covering a 3-5 year period relating to items of capital expenditure
Capital receipts	Proceeds from the sale of fixed assets, such as land or buildings.
Cash Limit	The most that can be spent in an area in one year.
CIPFA	The Chartered Institute of Public Finance and Accountancy is the leading professional accountancy body for public services in the UK. CIPFA has responsibility for setting good practice accounting standards for local government.
Cost Centre	A division of an organisation to which costs can be specifically allocated.
Gross Expenditure	The total cost of providing the Council's services before taking into account income from Government grants and Fees and Charges for services.
Imprests	Petty cash floats.
Internal Audit	A specialist section of the Council that examines, evaluates and reports on the adequacy of internal control systems.
Internal Control	The systems of control that help ensure the Council's objectives are achieved in an economical, efficient and effective way and consistent with safeguarding the Council's assets.
Inventory	A list of equipment and furniture
Money Laundering	The practice of engaging in financial transactions in order to conceal the identity, source, and/or destination of money.
Officer	A person employed or appointed as a member of staff
Revenue budget	Budget relating to the day-to-day expenses associated with the provision of services.

Treasury Management	Management of the Council's Cash Balances on a daily basis, to obtain the best return while maintaining an acceptable level of risk.
Treasury Management Strategy	A document stating how the Council plans to borrow and optimise its return on its cash and investments in the coming financial year whilst ensuring the over-riding criterion of security of public money
Virement	Transfers of budgets between one area and another. Virements are subject to strict controls

**Clarification of Post titles**

Chief Executive	The Council's Head of Paid Service
Director of Resources	The Council's Section 151 officer
Assistant Director – Law and Governance	The Council's Monitoring Officer

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## APPENDIX 2 – CONSTITUTIONAL AMENDMENTS

### REVISED PARTS 1, 2 AND 3 OF THE CONSTITUTION TO GIVE EFFECT TO THE CHANGES TO THE REGULATORY FUNCTIONS



#### PART 1 – INTRODUCTION AND SUMMARY

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*That the existing paragraphs 1.16.1 and 1.16.2 be replaced with*

#### **Planning and Regulatory**

- 1.16.1 The Council has established a Planning Committee that is responsible for the Council's statutory town and country planning and development control functions as set out elsewhere in the Constitution
- 1.16.2 The Council has established a Regulatory Committee that is responsible for the Council's statutory regulatory functions as set out elsewhere in the Constitution



#### PART 2 – ARTICLES

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*That the existing paragraph 2.8.2 be replaced with:*

#### **2.8.2 Regulatory Committee**

##### **Composition**

- 2.8.2.1 The Regulatory Committee comprises 11 Councillors.

##### **Role**

- 2.8.2.2 The Regulatory Committee is responsible for the use of the Council's regulatory powers and the carrying out of Council's regulatory duties. The Committee's roles and functions are set out in the Functions Scheme at Part 3 section 6

- 2.8.2.3 The Council has also established a Regulatory Sub-Committee

#### **2.8.3 Regulatory Sub-Committee**

##### **Composition**

- 2.8.3.1 The Regulatory Sub-Committee comprises any three members of the Regulatory Committee drawn from the membership of the Regulatory Committee by the Chief Executive.

## Role

- 2.8.3.2 The Regulatory Sub-Committee has the roles and functions as set out in the Functions Scheme at Part 3 section 6 and such functions as the Regulatory Committee may from time to time delegate to it



## PART 3 - THE FUNCTIONS SCHEME

***That the footnote to Table in paragraph 3.2.1 be added to the following section 2***

# Section 2 - Council Functions

This section explains the Council Functions and who carries them out. Council Functions are local authority functions which by law cannot be carried out by the Cabinet.

### 3.2.1 Delegation of Council functions

- 3.2.1.1 The Council has decided that the functions in Column 1 will be carried out by the body or officer in Column 2.

<b>Column 1 What is the function</b>	<b>Column 2 Who can carry the function out</b>
Adopting and changing the Constitution	Council Meeting Monitoring Officer (technical changes or those required by law only)
Approving or adopting the Policy Framework, the Budget and any application to the Secretary of State in respect of any Housing Land Transfer	Council Meeting only
Subject to the Urgency Procedure in the Access to Information Rules, making a decision contrary to the Policy Framework or the Budget, or part of it	Council Meeting only
Appointing the Leader of the Council	Council Meeting only
Setting the terms of reference of committees, deciding on their composition and allocating seats on them	Council Meeting only
Appointing representatives to outside bodies	Chief Executive as set out in the functions scheme, unless appointment retained by Council as a whole
Agreeing the Members Allowances Scheme	Council Meeting only
Changing the name of the area	Council Meeting only
Giving someone a civic honour or title	Council Meeting only
Planning and development control functions including enforcement for which the Council	Planning Committee/Chief Executive as set out in this



<b>Column 1 What is the function</b>	<b>Column 2 Who can carry the function out</b>
is responsible in Schedule 1 of the Functions Regulations	Functions Scheme
Hedgerow and tree preservation functions for which the Council is responsible in Schedule 1 of the Functions Regulations	Planning Committee/Chief Executive as set out in this Functions Scheme
Rights of way functions for which the Council is responsible in Schedule 1 of the Functions Regulations	Regulatory Committee/Chief Executive as set out in this Functions Scheme
Licensing and registration functions for which the Council is responsible in Schedule 1 of the Functions Regulations	Regulatory Committee/Chief Executive as set out in this Functions Scheme
Health and safety at work functions (other than those relating to the Council itself as an employer) for which the Council is responsible in Schedule 1 of the Functions Regulations	The Chief Executive
Elections functions in Schedule 1 of the Functions Regulations	Council Meeting Chief Executive(as Returning Officer and Electoral Registration Officer)
Byelaw Functions in Regulation 2 and Schedule 1 of the Functions Regulations	Council Meeting
Power to promote or oppose local or personal bills set out in Regulation 2 and Schedule 1 of the Regulations	Council Meeting only
Power to appoint staff, and to determine the terms and conditions on which they hold office (including procedures for their dismissal)	Council Meeting / Employment Panel/ Chief Executive as set out in the Functions Scheme
Duty to make arrangements for the proper administration of financial affairs	Council Meeting/Chief Executive/s.151 Officer as set out in the Functions Scheme and the Financial Procedure Rules
Power to appoint Officers for particular purposes (otherwise called the appointment of proper officers)	Council Meeting /Monitoring Officer as set out in the Functions Scheme
Approval of the appointment of the Chief Executive and duty to designate an Officer as the Head of Paid Service	Council Meeting only
Duty to designate Officers as the Monitoring Officer and the s 151 Officer and to provide staff	Council Meeting only
Duty to approve the Council's statement of accounts, income and expenditure and balance sheet, or record of payments	Council function delegated to the Audit and Governance Committee
Powers relating to overview and scrutiny	Council Meeting/Overview and Scrutiny Committee/Scrutiny Committees as set out in the Functions Scheme
Community governance review	Council Meeting only

Footnote:

Where in the above table it indicates that the functions are to be discharged by a Committee, an officer and/or another body, some elements of the function are discharged by an officer or other body on behalf of the Committee or the Council. The specific arrangements are explained elsewhere in the Functions Scheme

***That the footnote to Table in paragraph 3.4.1 be added to the following section 4***

## Section 4 - Local Choice Functions

The Council must choose by law who carries out some functions (known as Local Choice Functions) set out in the Functions Regulations.

### 3.4.1 Allocation of functions

The Council has decided that the functions in Column 1 will be carried out by the body or officer in Column 2.

<b>Column 1 What is the function</b>	<b>Column 2 Who can carry the function out</b>
Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1.	Cabinet/Cabinet Member as set out in the Functions Scheme
The determination of an appeal against any decision made by or on behalf of the authority.	Cabinet/Chief Executive as set out in the Functions Scheme
The appointment of review boards under regulations under subsection (4) of section 34 (determination of claims and reviews) of the Social Security Act 1998.	Cabinet/Chief Executive as set out in the Functions Scheme
The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools pursuant to section 52 of the Education Act 2002 and the subordinate legislation made under that section.	Cabinet/Chief Executive as set out in the Functions Scheme
The making of arrangements pursuant to sections 94(1) (1A) and (4) of the 1998 School Standards and Framework Act (admissions appeals)	Cabinet/Chief Executive as set out in the Functions Scheme
The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the 1998 Act (children to whom section 87 applies: appeals by governing bodies).	Cabinet/Chief Executive as set out in the Functions Scheme
The making of arrangements under section 20 (questions on police matters at council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority.	Chief Executive after consultation with the Chairman of the Council
The making of appointments under paragraphs 2 to 4 (appointment of members by relevant councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996.	Cabinet/Chief Executive as set out in the Functions Scheme
The conducting of best value reviews in accordance with the provisions of any order for the	Cabinet/Chief Executive as set out in the Functions Scheme

<b>Column 1</b> <b>What is the function</b>	<b>Column 2</b> <b>Who can carry the function out</b>
time being having effect under section 5 (best value reviews) of the Local Government Act 1999.	
Any function relating to contaminated land.	Landowner responsibilities: Cabinet Member (Environment & Strategic Housing) Other Functions: Regulatory Committee
The discharge of any function relating to the control of pollution or the management of air quality.	Strategic and Policy: Cabinet Member (Environment & Strategic Housing) Other functions: Regulatory Committee
The service of an abatement notice in respect of a statutory nuisance.	Cabinet/Chief Executive as set out in the Functions Scheme
The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Cabinet/ Cabinet Member (Environment & Strategic Housing)
The Inspection of the authority's area to detect any statutory nuisance.	Cabinet/Chief Executive as set out in the Functions Scheme
The investigation of any complaint as to the existence of a statutory nuisance.	Cabinet/Chief Executive as set out in the Functions Scheme
The obtaining of information under section 330 of the Town and Country Planning Act 1990.	Cabinet/Chief Executive as set out in the Functions Scheme
The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Cabinet/Chief Executive as set out in the Functions Scheme
The making of agreements for the execution of highways works.	Cabinet/Chief Executive as set out in the Functions Scheme
The appointment of any individual (a) to any office other than an office in which he is employed by the authority; (b) to any body other than (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body, and the revocation of any such appointment.	Cabinet/ Chief Executive as set out in the Functions Scheme

**Footnote:**

Where in the above table it indicates that the functions are to be discharged by a Committee, an officer and/or another body, some elements of the function are discharged by an officer or other body on behalf of the Committee or the Council. The specific arrangements are explained elsewhere in the Functions Scheme

## Section 6 – Other Functions

*That the existing paragraph 3.6.2 in Section 6 of the Functions Scheme be replaced with the following new paragraph 3.6.2:*

### **3.6.2 Regulatory Functions**

#### **The Regulatory Committee**

3.6.2.1 The Regulatory Committee shall be responsible for the discharge of the Council's regulatory functions as specified in this section of the Functions Scheme

3.6.2.2 The Regulatory Committee's role is

- a. to oversee the discharge of the Council's regulatory functions and exercise of regulatory powers and duties of the Council including trading standards and consumer protection, animal health and welfare, environmental health (including Public Health, Control of Pollution (including noise), Contaminated Land, Environmental Protection (including statutory nuisance), Food Acts and related legislation, hackney carriage and private hire, licensable activities under the Licensing Act 2003, Gambling Act 2005, Local Government (Miscellaneous Provisions) Act 1982 (as amended), cinema, theatre and other public entertainment, house to house and street collections and other miscellaneous regulatory functions not within the remit of any other Council body
- b. to hear appeals against the refusal of any licences, decisions taken and conditions imposed in any regulatory matter by any officer or officer panel established for the purpose of carrying out or reviewing any action taken by any officer pursuant to the Chief Executive's delegated authority to discharge the Council's regulatory functions and to revoke any licence, permission consent or certificate granted by the Council, except where a separate statutory framework exists. The Regulatory Committee may exercise these functions by delegation to the Regulatory Sub-Committee.
- c. to consider and approve detailed regulatory policies and procedures other than those that require approval by Council or fall within the overall executive strategic and policy remit of the Cabinet and to ensure that the detailed regulatory policies and procedures provide a robust framework and criteria within which officers discharge the regulatory functions of the Council pursuant to the Chief Executive's delegated authority to discharge the Council's regulatory functions
- d. For the purposes of this section the regulatory functions within the remit of the Regulatory Committee include all licensing and registration functions in Part B of Schedule 1 to the Local Authorities (Functions and Responsibilities) Regulations 2000 as amended from time to time and the miscellaneous functions in paragraphs 1-7 of Part I of those regulations relating to footpaths, bridleways and similar

matters and the Local Choice functions allocated to the Regulatory Committee in Section 4 of this Part.

**The Regulatory Sub-Committee**

3.6.2.3 The Regulatory Sub-Committee will be responsible for determining individual applications for licensable activities under the Licensing Act 2003 and the Gambling Act 2005 and will comply in all respects with the statutory provisions in that regard.

3.6.2.4 The Regulatory Sub-Committee will carry out such other functions as the Regulatory Committee delegates to it in accordance with this section of the Functions Scheme.

**The Regulatory framework**

3.6.2.5 The Regulatory Committee shall discharge its functions having regard to the overall constitutional regulatory framework within which the following bodies are responsible for discharging the following functions:

<b>Body</b>	<b>Responsible for:</b>
The Council	The approval of the Council’s budget and policy framework The allocation of Local Choice functions and functions set out in the Schedule to the Local Authorities (Functions and Responsibilities) (England) (Amendment) Regulations 2001 The approval of licensing policy pursuant to the Licensing Act 2003
The Cabinet (or Cabinet Member)	To set the overall strategic and policy framework for the discharge of regulatory functions
Scrutiny Committee(s)	To undertake overview and scrutiny in relation to the Cabinet and Cabinet member’s regulatory functions
The Regulatory Committee	To oversee the discharge of regulatory functions by officers To hear appeals against officer or officer panel decisions and revoke any licence To consider and approve detailed regulatory policies and/or procedures
The Regulatory Sub-committee	To determine applications under the Licensing Act 2003 and the Gambling Act 2005 To determine appeals and deal with revocation of licenses in accordance with any delegation of those function by the Regulatory Committee
The Officer Review Panel	To review any decision taken by an officer or officers and to ensure consistency of decision making in relation to the discharge of any regulatory functions
The Chief Executive (or any officer to whom the Chief Executive or any Director has delegated authority)	To fulfil all day to day operational regulatory activities To manage the discharge of regulatory functions To take all regulatory decisions except those specifically reserved to the Regulatory Committee or Regulatory Sub-Committee To establish a Regulatory Review panel of officers to review regulatory officer decisions

***That the additional paragraph 3.8.2 (e) be added to Section 8 of the Functions scheme as shown below***

## Section 8 - Officer Functions

- 3.8.1 Except as set out in this Functions Scheme, the Chief Executive will exercise all functions on behalf of the Council.
- 3.8.2 Those functions are:
- a Council Functions as set out in Section 2 of the Functions Scheme which will be exercised in consultation with the Council
  - b Cabinet functions that are not reserved for Cabinet or individual Cabinet Member decision as set out in Section 3 of the Functions Scheme which will be exercised in consultation with the Leader of the Council or the relevant Cabinet Member
  - c Local Choice Functions as set out in Section 4 of the Functions Scheme which will be exercised in consultation with either the Cabinet or the Council depending on whether the Council has designated those functions as Council or Cabinet functions. Where such functions are designated Council functions but have been delegated to another Council body, the Chief Executive will exercise his delegated functions in consultation with that body
  - d other functions (other than overview and scrutiny functions) not specifically reserved to another Council body in Section 6 of the Functions Scheme
  - e the carrying out of all regulatory functions other than those specified as being the responsibility of the Regulatory Committee within Section 6 of the Functions scheme
  - f the proper functions of the Head of Paid Service including any formal statutory functions pursuant to that role including determining the management structure of the Council. That structure is included in Part 7 of this Constitution
  - g the functions of Electoral Registration Officer and Returning Officer which he/she undertakes independently of the Council
  - h leadership and effective management of all Council staff.
- 3.8.3 The Monitoring Officer and Chief Finance Officer will fulfil their respective statutory functions.
- 3.8.4 The Chief Executive (as Head of Paid Service), the Monitoring Officer and the Chief Finance Officer will work together constructively but will maintain their discrete roles as necessary to enable them to fulfil their statutory functions.
- 3.8.5 The Chief Executive may arrange for another officer of the Council to carry out any of the officer functions delegated to the Chief Executive.

- 3.8.6 For the purpose of carrying out any of these functions on behalf of the Chief Executive, the members of the Joint Management Team and other senior officers who are employed by NHS Herefordshire (the Primary Care Trust) are hereby appointed by the Council as officers of the Council to enable them to fulfil functions delegated to them by the Chief Executive.
- 3.8.7 Any officer of the Council who has been authorised by the Chief Executive to carry out any of the Chief Executive's functions of the Council may delegate those functions to other officers. In most cases, it is not appropriate for those delegations to be given to any officer below the level of Head of Service or Service Manager in the organisation structure.
- 3.8.8 The Chief Executive will maintain a Chief Executive's Scheme of Delegation detailing all relevant delegations, including the delegation of any proper officer functions (see Section 9 of the Functions Scheme).
- 3.8.9 The Chief Executive's Scheme of Delegation will be regularly reviewed and updated to ensure that it contains all relevant delegations.
- 3.8.10 The Chief Executive's Scheme of Delegation will be published as part of the Council's Freedom of Information Publication Scheme and will be presented to the Council, the Cabinet and the Overview and Scrutiny Committee annually for information.







<b>MEETING:</b>	<b>COUNCIL</b>
<b>DATE:</b>	<b>19 NOVEMBER 2010</b>
<b>TITLE OF REPORT:</b>	<b>NEW EXECUTIVE ARRANGEMENTS</b>
<b>REPORT BY:</b>	<b>CORPORATE STRATEGY AND FINANCE</b>

**CLASSIFICATION:** Open

### **Wards Affected**

County-wide

### **Purpose**

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.

### **Recommendations**

#### **THAT Council**

- (a) notes the two available “strong leader” governance models and the results of the public consultation;
- (b) agrees to adopt either a Mayor and Cabinet, or Leader and Cabinet, executive governance model with effect from the 3<sup>rd</sup> day after its elections on 5 May 2011;
- (c) should it adopt a Leader and Cabinet model, agrees whether to provide that the Council may remove and replace the appointed Leader during his or her term of office or not;
- (d) Approves the proposals set out in the Appendix to reflect Council’s determination of b) and c) above; and
- (e) Authorises the Monitoring Officer to make all necessary amendments to the Council’s constitution.

### **Key Points Summary**

- The council needs to select a new form of governance for its executive arrangements, to be implemented after its next elections on 5 May 2011.
- New legislation means that the current Leader and Cabinet model cannot continue in

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

its present form.

- In compliance with the legislation, the Council has undertaken a consultation and must consider and approve proposals for a change in governance. The Council currently operates a Leader and Cabinet model which is similar to but not the same as the new Leader and Cabinet model.
- There are two options which must be reconsidered now so if any changes are to be made they can be put into effect in May 2011 – either a Mayor (directly elected by popular vote) or Leader (elected by Council) both of whom are required to appoint a Cabinet.
- The term of office for either Mayor or Leader is 4 years (the life of the Council).
- If it adopts a Leader model, Council can choose whether to allow for the removal and replacement of the Leader by Council during that 4 year term. This is not an option in respect of a Mayor.

## Alternative Options

- 1 It is a legislative requirement under the Local Government and Public Involvement in Health Act 2007 to consider the two new forms of executive arrangements and adopt one of them. All Councils have had to do so on a phased basis; each council having to do so to coincide with local elections.
- 2 The current Herefordshire leader and cabinet model is no longer an option because it provides for the Leader to be elected **annually** by Council. The law no longer allows that.
- 3 There are now only two options:  
An elected Mayor and Cabinet executive  
Or  
A new style Leader and Cabinet Executive
- 4 Neighbouring county councils have all adopted the new style Leader and Cabinet executive.

## Reasons for Recommendations

- 5 The Council is required to consider and adopt a new form 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.

## Introduction and Background

6. The Local Government and Public Involvement in Health Act 2007 require councils to adopt what has been described as a 'strong leader' in governance terms for executive arrangements.
7. This "strong leader" can only be either a 'new-style' Leader of the Council appointed by the Council for a period of 4 years, or a directly elected Mayor. Responsibility for

the executive functions of the Council will vest in the Leader or Mayor, who will decide how those functions are to be discharged and the extent of delegations. He or she will appoint the Cabinet Members directly and allocate responsibility for the discharge of executive functions – whether by him or herself, the Cabinet collectively, individual members of the Cabinet, or officers, or any combination.

8. Herefordshire Council currently has a Leader who appoints his own Cabinet and allocates responsibilities and who is ultimately responsible for determining how the delegations in the Functions scheme approved by the Council as part of its Constitution should apply. The new strong Leader and Cabinet model if adopted by Herefordshire Council will in essence only involve one substantive change. That is that the Leader is adopted annually currently and under the 2007 Act that is not now possible and the Leader will be elected for a four year term.
9. Non executive functions (Planning, Regulatory, Scrutiny and Standards) would remain unaffected regardless of the model adopted.
10. The Council must decide by the end of December 2010 which governance model to adopt, and implement the new model three days after the elections on 5 May 2011.
11. A new style Leader will have a strengthened role and becomes directly responsible for the discharge of executive functions as he or she wishes to arrange it. The Leader must also appoint a deputy. Under the new style Leader model, a Council appoints the Leader who then appoints the Cabinet and who allocated responsibilities. Cabinet will consist of the Leader and between two and nine Cabinet Members.
12. The legislation provides that Leaders or Mayors will effectively have a fixed term of office of nearly 4 years. A Leader would be appointed at the first Council meeting following the next elections. His term of office would come to an end at the next elections.
13. Whether a Leader can be removed and replaced during that 4 year term once appointed is a secondary choice for those Councils adopting the new Leader and Cabinet model. Early removal is not an option in respect of a Mayor.
14. The Council will continue operating existing models until the end of the transitional period (which, for Herefordshire Council will be just after the elections in May 2011). The Council's Constitution will need to be amended in line with the legislative requirements and to reflect the decision taken by the Council on the recommendations in this report. It is proposed that responsibility for making the technical changes to the Constitution be delegated to the Monitoring Officer.

## **Key Considerations**

15. In coming to its decision, the Council must consider the extent to which the model would be likely to assist in securing continuous improvements in the exercise of its functions, having regard to economy, efficiency and effectiveness.
16. Council must come to a formal resolution on its governance structure before the end of December 2010.

### Responses to Consultations

- 17 The Council carried out a consultation on the options for new executive arrangements and took account of advice provided by the Minister for Housing and Local Government to Leaders of all non-Metropolitan District Councils in a letter of 7 July 2010 indicating how to approach reasonable consultation. Consultation was conducted via local newspaper advertisement, press release and via an online survey carried on the Council's website. The formal consultation period ran between 30 September and 4 November.
- 18 There have been 16 responses in total, 15 in response to the online consultation and one letter. 7 indicated a preference for the strong Leader and Cabinet Model, 8 indicated their preference for the elected Mayor and Cabinet Model, one person indicated no preference.

### Transitional provisions

- 19 The Council will continue to operate its current executive arrangements until the implementation of the new arrangements after the May 2011 elections.
- 20 Should the Leader model be chosen by Council, there will be a delay before a new style Leader is appointed by Council on 27 May 2011 and can establish new executive arrangements. It is therefore recommended that as far as is able to the Council authorises the continuance of the current Chief Executive scheme of delegation until after the 2011 elections until altered by the Mayor/leader/Council as appropriate. Proposals must also indicate how functions which *may* be there responsibility of the executive will be dealt with (i.e. where there is choice). It is recommended this continues as for the current Council, until altered by the Leader/Mayor or Council under the new governance arrangements.

## **Community Impact**

- 21 The Council must consider whether the strong Leader and Cabinet model (akin to the current arrangements) or a Mayoral model better reflects the needs and aspirations of the communities of Herefordshire. The Council has undertaken consultation with a view to assessing the public view of the most suitable model.

## **Financial Implications**

- 22 If the Council chooses to adopt a strong Leader and Cabinet model, there will be no adverse financial implications. The Leader will continue to receive the allowance allocated for that role in accordance with the current allowance scheme.
- 23 If the Council chooses to adopt a directly elected Mayor and Cabinet form of governance, then it is required in law to hold the elections for the Mayor at the same time as the next Council elections in May 2011. It can choose to hold a referendum to establish whether the electors of Herefordshire support their choice. Either of these choices will involve additional costs in respect of a separate election for a directly elected Mayor (albeit alongside the local elections) including the production and distribution of the voting material in respect of that election. There would be an additional cost attached to the conduct of a Mayoral referendum. The mayor would receive an allowance (albeit offset by a saving in respect of the allowance currently paid to the Leader).

## **Legal Implications**

24 There are no legal implications other than those set out in this report.

## **Risk Management**

25 If the Council does not make a governance decision by the end of December 2010, it will by default have to draw up and adopt the new style Leader and Cabinet model to take effect after the 2011 elections. In those circumstances the Council would be unable to adopt arrangements to enable it to remove the Leader within the four year term of office.

## **Consultees**

26 The Council carried out a consultation on the options for new executive arrangements as detailed in this report

## **Appendices**

26 Proposals for Change in Governance and Transitional Arrangements (with Timetable)

## **Background Papers**

There are none



### Proposals for change in Governance

- i. Herefordshire Council adopts the Leader and Cabinet Executive (England) [*Mayor and Cabinet*] model with effect from the 3<sup>rd</sup> day after the 5 May 2011 elections, as set out in the provisions of the Local Government Act 2000 (as amended):
- ii. [*If Leader and Cabinet Executive (England) model*] The Leader of the Council ('the Leader') is elected by full Council at its post election annual meeting (or if the Council fails to elect a leader at that meeting, at a subsequent meeting of the Council). The term of office of the Leader starts on the day of his or her election as Leader and ends on the day of the next post-election annual meeting, unless he or she is removed from office or resigns, ceases to be a member, or is disqualified from being a councillor before that day;
- iii. The Leader [*Mayor*] determines the scheme of delegation for the discharge of the executive functions of the Council;
- iv. [*If Leader and Cabinet Executive (England) model*] the Council's executive arrangements are to provide for the Council to remove the Leader by ordinary resolution on notice during his or her term of office. If the Council passes such a resolution to remove the Leader, it will elect a new Leader at that or a subsequent meeting;
- v. The Leader [*Mayor*] appoints one of the members of the Cabinet to be his or her deputy, to hold office until the end of the term of office as Leader (unless that person resigns as a deputy leader, ceases to be a member of the Council or is disqualified, or is removed from office by the Leader);
- vi. The Leader [*Mayor*] may, if he or she thinks fit, remove the deputy leader from office, but must then appoint another person in his or her place; and
- vii. If for any reason the Leader [*Mayor*] is unable to act or the office of Leader is vacant, the deputy leader must act in his or her place. If the deputy leader is unable to act or the office is vacant, the Cabinet must act in the Leader's place or arrange for a member of the Cabinet to do so.

### Transitional Provisions

The Chief Executive's scheme of delegation will continue after the 2011 elections until altered or confirmed by the Leader [*Mayor*].

The allocation of functions under Section 13 (3) (b) of the Local Government Act 2000 (those which *may* be the responsibility of the executive but do not have to be i.e. where there is a choice) will continue as for the current Council, until altered by the Leader [*Mayor*] or Council under the new governance arrangements.

## Timetable

19 November 2010	Meeting of Full Council to pass the resolution to adopt proposals to changes to executive arrangements
5 May 2011	Local Government elections
On the third day after the local government elections 2011	Implementation of the amended executive arrangements
27 May 2011	<i>[If Leader model]</i> Post – election annual meeting at which the Leader of the Council will be elected and term of office commences



<b>MEETING:</b>	<b>COUNCIL</b>
<b>DATE:</b>	<b>19 NOVEMBER 2010</b>
<b>TITLE OF REPORT:</b>	<b>SHARED SERVICES REPORT</b>
<b>REPORT BY:</b>	<b>CABINET MEMBER (CORPORATE AND CUSTOMER SERVICES AND HUMAN RESOURCES)</b>

**CLASSIFICATION:** Open

### **Wards Affected**

County-wide

### **Purpose**

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).

### **Recommendation(s)**

**THAT Council:**

- (a) **Agrees that a Joint Venture Company be established by the Council and its partner(s) to provide shared support services;**
- (b) **Notes that the Cabinet agreed that a Joint Venture Company be established and that the negotiation of the terms of the Joint Venture be delegated to the Chief Executive.**

### **Key Points Summary**

- Following the Cabinet's decisions in February and March 2010 to develop a shared services partnership with the PCT and HHT, a comprehensive appraisal of the business case and different delivery options for the project has been undertaken. Having accepted the findings of the business case review and considered the evaluation of delivery options, Cabinet have agreed to pursue a "multi-sourcing" approach with service clusters being grouped and transferred into a shared provision in different models.
- A multi-sourced model includes the provision of a number of support services by a new Joint Venture Company. The establishment of such a company and the Council's membership of it requires approval by Council. This report asks the Council to agree that a Shared Service Joint Venture Company be established as recommended by Cabinet. The proposal is that the new Company be established and starts delivering services by 1 April 2011.

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Further information on the subject of this report is available from  
Dean Taylor, Deputy Chief Executive on (01432) 260037

## Alternative Options

The Cabinet has considered the available options for the delivery of shared services and has agreed a multi-sourced approach which requires the establishment of a joint venture company.

## Reasons for Recommendations

1. To obtain the formal agreement of Council to the establishment of a Joint Venture Company to deliver shared support services.

## Introduction and Background

2. Cabinet approved the following recommendation on 21 October 2010; [Cabinet]

*i. Endorses the establishment of a Joint Venture Company and recommends to Council that such a Company be established;*

The Primary Care Trust and HHT have also agreed to proceed with the Shared Services Programme and to enter into a Joint Venture Company.

3. The Council are asked to note that the Cabinet agreed that a Joint Venture Company be established and that the negotiation of the terms of the Joint Venture be delegated to the Chief Executive.
4. The establishment of a Joint Venture Company is integral to the shared services proposals agreed by all three partners, and requires agreement of Council. This report seeks that agreement.

## Key Considerations

5. The scope of services included in the overall Shared Services programme to be delivered through the multi-sourced model are:
  - Finance
  - Procurement
  - ICT Services
  - Human Resources
  - Payroll and Expenses
  - Revenues and Benefits
  - Asset Management and Property
  - Transport
  - Internal Audit
  - Legal
  - Communications and PR
  - Emergency Planning

Those services highlighted are likely to be delivered by the Joint Venture Company.

## Models for delivering Shared Services

6. In March 2010, the Cabinet envisaged that the shared services programme would follow a two stage process:

- (1) Establishment of JVCo to deliver short to medium term (one to two years) benefits
  - (2) Further consideration of the strategic private sector partner option for the longer term (after two to three years);
7. During the process of establishing the detailed shared services proposals, it was prudent to assess the viability of some alternative models, including mutual or other forms of social enterprise, for delivering shared services in Herefordshire, using updated evaluation criteria that reflect the latest developments and the new financial environment. Each viable option has been assessed against the new criteria and their ability to achieve savings.
  8. The outcomes have been re-affirmed by Cabinet as follows:
    1. Modern streamlined support services
    2. Reduced cost of support services
    3. Platform for Integrated Herefordshire Public Services
    4. Best for Herefordshire's economy.
  9. The evaluation concluded that the four models were most likely to achieve the outcomes that we have set and, in particular, to deliver savings. These are:
    - Joint procurement
    - Joint venture
    - Lead provider/commissioner
    - Strategic private sector partner
  10. Cabinet has agreed that a combination of models may be needed to deliver savings in a mixed multi-sourced approach. This will ensure that the overall arrangements best meet the objectives set out in the evaluation criteria and that delivery models are best suited to the particular nature of each support service, rather than a "one size fits all" approach.
  11. This requires the establishment of a joint venture company which requires Council approval. For that reason, the Cabinet are recommending that the Council agrees the recommendations in this report.

### **Principles for the Joint Venture Company**

12. Cabinet and its partners have concluded that it is essential that a Joint Venture Company be established and that it is both governed and run with low management overheads and operational costs, so as to optimise the efficiency gains for each of the partners. In short, the focus must be on delivering low cost, modern and responsive support services, not on running a company. The principles for doing so have been agreed between the partners.
13. A key consideration will be the need for a robust set of Service Level Agreements and challenging Key Performance Indicators being put in place between the Joint Venture Company and the Client organisations. It is also vital that a vigorous and disciplined business-like approach is adopted to ensure that service levels are maintained whilst costs are kept down. The client commissioning organisations (the three partners) will need to do more themselves and this 'self-service' will be fundamental in driving out the savings.
14. In order to ensure that focus and momentum are maintained, it is proposed that a Shadow Board be established for the Joint Venture, consisting of senior representatives of the three organisations. That Board will oversee the development of the new Joint Venture Company and steer negotiations with the three partners.

## Community Impact

15. The delivery of Shared Services will improve the quality and efficiency and effectiveness of back office support to front line services; will release savings to deal with future financial constraints and/or for reinvestment in front line services; and will protect jobs and investment in the county in future. It will also, provide an opportunity for services to be provided to other public services providers in Herefordshire in line with the 'localities' agenda, maintaining and building on the strong sense of place that is characteristic of the county. The establishment of the joint venture Company is integral to the delivery of shared services in this way.

## Financial Implications

16. Following a detailed review and assessment of the business case, it is projected that shared services will deliver a net return of £1.7m in 2011-12 rising to £4.3m in 2016/17. This amounts to savings of £33.3m over 10 years.
17. The £4.3m in recurring savings are projected to commence from 2016/17. The investment being made in Shared Services is expected to break-even in 2011/12.
18. The Council's share of future savings is expected to be in the region of £3.01m per annum.
19. The establishment of the Joint Venture Company as recommended to Council is integral to achieving these savings.

## Legal Considerations

20. The evaluation of the multi sourced model has included an appraisal of the legal issues in relation to each available option for delivery. It is within the vires and powers of each partner to adopt any of the four models that will form the basis of the multi-sourced approach. Other options considered by Cabinet presented legal difficulties. The establishment of any of the four models will involve significant legal issues which will need to be considered, resolved and reflected in the formal legal arrangements between the partners. These issues will all be addressed during negotiation and put in place in the implementation phase.
21. Cabinet has agreed that it should develop integrated shared support services with its partners. This is reflected in past Council decisions. Cabinet is now progressing with a multi-sourced approach. It is essential to establish a Joint Venture Company as part of those proposals and it is necessary to seek Council agreement to do so. This report provides the information needed to enable Council to take the decision as recommended. There are no other legal implications.

## Risk Management

22. The Cabinet has risk management arrangements in place in relation to the shared services programme. The following risks are relevant to the recommendation in this report:

*Risk of not achieving the target savings* – If the Joint Venture Company is not set up, it will not be possible to implement Shared Services across the three partners, given that both PCT Board and HHT Board have agreed to the setting up of that Joint Venture Company. Therefore the target savings will not be made.

*Risk that the costs of setting up and managing the Joint Venture Company may significantly erode the savings made* – The Joint Venture Company will be established

and governed with low management overheads and operational costs, so as to optimise the efficiency gains for each of the partners.

## **Consultees**

23. Consultations have commenced and will continue to take place during the Shared Service implementation with Members, Directors, and Heads of Service, Service Managers, staff, Unions, non-executive directors (NHSH) and partners. A comprehensive communications strategy has been developed to support this work going forward.

## **Background Papers**

None



<b>MEETING:</b>	<b>COUNCIL</b>
<b>DATE:</b>	<b>19 NOVEMBER 2010</b>
<b>TITLE OF REPORT:</b>	<b>YOUTH JUSTICE PLAN</b>
<b>REPORT BY:</b>	<b>DIRECTOR OF CHILDREN'S SERVICE</b>

**CLASSIFICATION:** Open

### **Wards Affected**

County-wide

### **Purpose**

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).

### **Recommendation(s)**

**THAT the Youth Justice Plan as prepared be approved within the Policy Framework.**

### **Key Points Summary**

The Youth Justice Plan sets out how youth justice services across Herefordshire and Worcestershire are structured and identifies key actions to address identified risks to service delivery and improvement.

### **Alternative Options**

1. There are no alternative options.

### **Reasons for Recommendations**

2. The Youth Justice Plan is a policy framework item.

### **Introduction and Background**

3. Under section 40 of the Crime and Disorder Act 1998 each Local Authority has a duty to produce a Youth Justice Plan setting out how Youth Justice Services in their area are provided and funded and how the Youth Offending Service for the area is funded and composed, the plan is submitted to the Youth Justice Board for England and Wales
4. The Youth Justice Plan for 2010/11 was prepared in March 2010 in line with the guidance

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Further information on the subject of this report is available from  
David Sanders, Interim Director of Children's Services on (01432) 260039

issued by the YJB, agreed at the Youth Offending Management Board on 24 April 2010 and submitted to the YJB at the end of April 2010. Membership of the Board is detailed on page 16 of Youth Justice Plan and includes Worcestershire County Council's Director of Children's Services.

5. Herefordshire Council acts as the Responsible Body for the signing off the Youth Justice Plan on behalf of Herefordshire and Worcestershire.

## **Key Considerations**

6. The Youth Offending Service has six indicators in the set of national indicators for local areas. One of these indicators, NI 19, is included in the Local Area Agreement. Performance against the indicators is outlined in the plan and actions identified to address risks to performance improvement.

## **Community Impact**

7. The principal aim of the Youth Justice System is the prevention of offending and re-offending by children and young people. The Youth Justice Plan set out an action plan to address the significant risks identified to future service delivery and improvement.
8. The contribution of the Youth Offending Service in addressing the priorities in the Herefordshire Children and Young People's Plan is outlined in the Youth Justice Plan.

## **Financial Implications**

9. These are covered by the existing budgetary contribution.

## **Legal Implications**

10. There are no legal implications

## **Risk Management**

11. The risks are identified in Section 6 of the Plan, together with the actions to mitigate them.

## **Consultees**

12. As detailed in the Youth Justice Plan

## **Appendices**

Appendix 1 – Youth Justice Plan

## **Background Papers**

- None identified.



# WORCESTERSHIRE AND HEREFORDSHIRE YOUTH OFFENDING SERVICE



## ANNUAL YOUTH JUSTICE PLAN

2010/11

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## 1 Introduction

Worcestershire and Herefordshire Youth Offending Service (YOS) is a multi-agency partnership between Worcestershire County Council, Herefordshire Council, West Mercia Police, West Mercia Probation Trust, NHS Worcestershire and NHS Herefordshire. Other agencies contribute to the work of the YOS, in particular the third sector organisations YSS, Redditch YMCA and Worcester YMCA who second staff into the YOS. Established by the Crime and Disorder Act 1998, the Youth Offending Service is responsible for the delivery or commissioning of statutory youth justice services.

The YOS is committed to the provision of high quality youth justice services, in partnership with other services and organisations, with the aim of preventing offending and re-offending by children and young people. In addition to the services provided to young people in or at risk of entering the Youth Justice System the service recognises the role it has in increasing public confidence in the youth justice system and increasing victim satisfaction through their involvement in restorative and reparative processes. This is reflected in the service's five strategic objectives;

- The prevention of offending by children and young people
- Developing and maintaining an empowered and motivated workforce
- Improvement of outcomes for victims
- Contributing to the achievement of the five "Every Child Matters" outcomes for young people and their families
- Increasing awareness of and confidence in the youth justice system

The YOS is subject to six key performance indicators which are included in the CLG set of National Indicators for Local Areas. These indicators are:

- NI19 Rate of proven re-offending for young offenders
- NI43 Young people within the Youth Justice System receiving a conviction in court who are sentenced to custody
- NI44 Ethnic composition of offenders on youth justice disposals
- NI45 Young offenders' engagement in suitable education, training and employment
- NI46 Young offenders' access to suitable accommodation
- NI111 First time entrants to the youth justice system

Following the annual Capacity and Capability Audit undertaken in February 2010 the YOS has identified the following service priorities for 2010/11:

- (i) **Quality Assurance:** The development of robust quality assurance processes for risk management and interventions
- (ii) **Partnership Working:** Review of protocols and formalisation of exit strategies
- (iii) **Management of Risk:** Revision of current risk and safeguarding policies and risk assessment training
- (iv) **Efficient Service Delivery:** Service delivery review and re-configuration
- (v) **Service User Involvement:** Development of a participation strategy and processes to involve service users

Detailed actions to meet these priorities are included in section 6 of this Annual Plan, Risks to Future Delivery and Action Plan

## 2 Performance

Indicator	Performance			Commentary
<b>NI19</b> Proven rate of reoffending for young offenders	2005 12 month rate	1.30		The change in the rate of proven re-offending between 2005 and 2008 of -34.8% is twice that of the family group average of -15.8%.  During 2009/10 Yos Staff have received assessment training and there has been demonstrable improvement in Asset quality. In 2010/11 risk of harm and vulnerability assessment and planning training has been commissioned and the Management of Risk policy and procedures are being reviewed.
<b>NI 43</b> Young people within the youth justice system receiving a conviction in court who are sentenced to custody	2006/07	3.7%		The custody rate between the 2006/07 baseline and the April to December 2009 shows a slight increase in performance with a reduction in the proportion of custodial sentences of -2.2%. The Yos has consistently performed well against this indicator over the past four years, exceeding the previous national target of less than 6%.  Following the changes in the Referral Legislation (April 2009) the Yos has been promoting the use of and and been successful in gaining intensive Referral Orders for first conviction custody threshold cases. In 2010 the Yos has re-introduced a centralised custody review process.
<b>NI44</b> Ethnic composition of offenders on youth justice system disposals.		% of youth justice pop. in 2008/09	% of general pop. in 2008/09	There is a slight over representation in the BME groups of Mixed and Black. Disaggregated data shows that this over representation is found in Worcestershire rather than Herefordshire.  Analysis regarding this disproportionality has been undertaken by the YOS Diversity Group but the findings remain inconclusive. Due to the low numbers of young people involved the disproportionality may be statistically insignificant, and the comparator (based on projections from the 2001 Census) may also be inaccurate. Disproportionality is constantly under review by the Yos Diveristy Group and more detailed analysis is planned
	White	94.6%	95.3%	
	Mixed	2.6%	1.9%	
	Asian	1.9%	1.8%	
	Black	0.8%	0.5%	
	Chinese	0.1%	0.5%	

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Indicator	Performance		Commentary
<b>NI45</b> Young Offenders engagement in education, training or employment.	2006/07 baseline April to December 2009	64.6% 73.6%	<p>Compared to the position in 2006/07 when the rate was 64.6 the performance is showing an increase of 13.7%. The performance is good compared to the family group, where the 2009 performance is slightly lower, but the baseline much higher representing an increase in performance of 4.2%.</p> <p>The YOS has two Ngage Workers, support workers who assist young people in finding and maintaining ETE placements. In Worcestershire there is a standing Education and YOS meeting where issues relating to school age offenders are resolved on a case by case basis. In Herefordshire the YOS has secured funding to maintain placements on a Care Farm initiative.</p> <p>SLAs have been put in place with training agencies as part of the IRS initiative.</p>
<b>NI46</b> Young offenders access to suitable accommodation	2006/07 baseline April to December 2009	96.8% 96.7%	<p>The performance against this indicator is in line with the family group average which is also at 96.7%. Although there is a very slight decrease in performance between 2009 and the baseline year it is not statistically significant.</p> <p>Each team has a named member for accommodation issues (Accommodation Lead Officer). Protocols are being negotiated with accommodation providers as part of the IRS scheme.</p> <p>Following the Southwark judgement agreements have been reached with both Social Care services regarding accommodation for young people leaving custody.</p>
<b>NI111</b> First time entrants to the youth justice system	2007/08 rate per 100 000 of 10 – 17 population  2008/09 rate per 100 000 of 10 – 17 population  % change	1757  1422  - 19%	<p>The reduction of first time entrants in Worcestershire and Herefordshire between 07/08 and 08/09, is -19.9%. There has been a sustained reduction in first time entrants since 2005.</p> <p>The Youth Inclusion and Support Panel (YISP) continues to work with those assessed as at risk of entering the system in Worcestershire. In Herefordshire the YISP activity has been commissioned to Herefordshire Families Matter for 2010/11.</p> <p>West Mercia Police introduced a Community Resolution scheme in 2009/10, which diverts some young offenders from the formal justice system where a restorative approach to resolving low level offences is possible.</p>

### 3. Resources and Value for Money

The YOS has a complex budget structure comprising of partner agency cash and in kind contributions, the effective practice grant funding from the YJB and a range of time limited ring fenced funding for specific purposes. The ring fenced grants include the ISS Grant, Prevention Grant and Substance Misuse Worker Grant channelled via the YJB, an allocation from Worcestershire DAAT, KYPE funding for the Ngage project and an allocation from Worcestershire's Area Based Grant to part fund the Worcestershire YISP. The expected contributions for 2010/11 are outlined in the table below.

	Staffing	Revenue	Delegated Funds	Total
West Mercia Police	152,848	151,681		304,529
West Mercia Probation Service	114,280	73,710	29,000	216,990
Worcestershire Children's Services	364,997	525,465	38,000	928,462
Herefordshire Children's Services	172,006	168,998		341,004
Worcestershire PCT	43,648	67,118		110,766
Herefordshire PCT	43,549			43,549
Additional Funding		1,824,003		1,824,003
<b>Total</b>	<b>891,328</b>	<b>2,810,975</b>	<b>67,000</b>	<b>3,769,303</b>

There have been no significant reductions in partner agency contributions between 2009/10 and 2010/11 with most contributions and grants remaining static. This represents, however, a reduction in real terms in the overall budget as a result of inflation, increasing staffing costs due to salary scale progressions and increased employer pension contributions and additional IT support costs for implementing the requirements of the Wiring Up Youth Justice Programme. The YOS Management Board recognises that in the current financial climate the YOS is likely to be facing a reducing resource base over the next three years and has commissioned the YOS to undertake a service review in early 2010/11 with the intention of re-configuring service delivery in order to meet a medium term financial plan, whilst maintaining performance, service quality and meeting National Standards for Youth Justice.

A comparative analysis of resources with other Youth Offending Services within the family group (statistical neighbour group) undertaken in 2008, demonstrated that in terms of delivering performance, meeting National Standards and cost per youth justice disposal Worcestershire and Herefordshire YOS represented good value for money. Within the family group of 10 youth offending services Worcestershire and Herefordshire had the lowest overall cost per disposal at £2350 (range £2350 to £4394), had a higher than average case load per worker but was the fourth highest performing YOS in the family group, in terms of the overall performance, and the highest performing in terms of meeting the key performance indicators.

Previous National Standard audits demonstrate continuous improvement in the services compliance with the frequency of contact requirements for community orders and custodial sentences with National Standards being met in 92% to 100% of cases depending on type and stage of order. Forecasting for the Scaled Approach, which matches frequency of contact to assessed risk and was implemented in December 2009, suggested that there would be an overall increase in the number of contacts required to meet National Standards. There is insufficient information to date to assess whether this is the case in practice.



#### 4. Structure and Governance

The YOS has a total salaried staff compliment of 90 staff, supported by 43 sessional workers and 34 volunteers. The service is split into 6 teams, three area based Youth Offending Teams (Yots), a Prevention Team, the ISS Team and the Central Office (Business Support) Team.

The Yots comprise YOS Officers (qualified officers), Assistant YOS Officers and a number of either seconded or specialist staff including Police Officers, Probation Officers, Health Officers (CPN and Health Visitor), Victim Liaison Officers, Education Officers, Bail Support Officers, Ngage Workers (providing support to engage and maintain young people in ETE), IRS Support Workers, ISS Case Officers and Specified Activity Programme Workers. Within the Prevention Team there are YISP Key Workers, a Restorative Justice Worker and the Parenting and Mentoring Workers. The Parenting Workers, Restorative Justice Worker and Reparation Co-ordinator work across the whole service. Staff are employed by nine different employing bodies including three third sector organisations.

The YOS is hosted by Worcestershire County Council and line management for the Head of Service is provided by the Head of Safeguarding and Services to Children and Young People in the Children Services Directorate. It is clear, however, that this relationship is structural and the YOS remains a partnership service with a distinct clear identity operating across and within both Local Authority Children Services. The YOS recognises the importance of reducing the distance between services in order to improve outcomes for children and their families and is increasingly working more closely and in partnership with other parts of Children Services and, in particular, the developing arrangements for Targeted Youth Support and the integrated working agendas in both Worcestershire and in Herefordshire.

The YOS has a strong Management Board jointly chaired by the Director for Children Services for Herefordshire and the Director for Children Services in Worcestershire. Other Board members are senior strategic managers from each of the agencies with a statutory duty to co-operate with the Local Authorities in establishing and resourcing youth justice services. The current membership of the YOS Management Board is outlined in the table below.

Name	Agency	Role
Gail Quinton (Joint Chair)	Worcestershire County Council	Director for Children Services
David Sanders (Joint Chair)	Herefordshire Council	Interim Director for Children Services
David Chantler	West Mercia Probation Trust	Chief Executive
Jim Baker	West Mercia Police	Chief Inspector
Jade Brooks	NHS Herefordshire	Service Improvement Manager
Francis Howie	NHS Worcestershire	Assistant Director for Public Health
Siobhan Williams	Worcestershire County Council	Designate Head of Safeguarding and Services to Children and Young People

The Board has three clear functions;

**Support** - including ensuring adequate finance and human resources, infrastructure and provision of professional support

**Scrutiny** – Including performance management, approval and monitoring of service plans, budget approval and monitoring quality assurance

**Services** - including enabling access to mainstream services within organisations represented on the Board and support in accessing other mainstream provision and ensuring that services offered are value for money.

During 2009/10 the Board agreed a new Terms of Reference and a Memorandum of Agreement (governance document). Under the agreement the Board is responsible for ensuring robust links to Children’s Trust arrangements in Worcestershire and Herefordshire, currently achieved through representation on the Children’s Trust Board (Worcestershire) and the Children’s Trust Management Group (Herefordshire).

A wider range of stakeholders, including Her Majesty’s Court Service and the third sector are engaged through representation in the Youth Justice Forum. The Forum meets quarterly and focuses on operational, performance and effective practice issues. The Forum is chaired by a nominated member of the Management Board to ensure a direct link between the Forum and the Board.

The Youth Justice Board for England and Wales is currently reviewing the 2005 “Sustaining the Success” document (guidance in relation to Yos structures, governance and Yos management boards) and is intending to publish a revised “Sustaining the Success” in the autumn of 2010. It will be timely for the Management Board to review its membership, its relationship with other partnership arrangements and the governance of youth justice services once the revised YJB guidance has been published.

## 5 Partnership Arrangements

Worcestershire and Herefordshire Youth Offending Service operates within a complex local planning environment comprising of two top tier Local Authority areas, six district level Local Authorities, five Community Safety Partnerships (with differing levels of strategic integration at district level and across partnerships), two Drug and Alcohol Action Teams (or equivalent) and two Primary Care Trusts. From a criminal justice perspective the YOS links with West Mercia Court Service, West Mercia CPS, West Mercia Criminal Justice Board, West Mercia Probation Trust and West Mercia Police.

Despite the demands of this complex local planning environment the YOS has prioritised involvement and engagement with partner agencies and is represented on numerous key strategic forums including;

- Two Local Safeguarding Children's Boards and relevant sub-groups
- West Mercia Criminal Justice Board and two sub groups
- Two DATs and Joint Commissioning Groups
- Worcestershire Children's Trust Board
- Herefordshire Children's Trust Management Group, Positive Contribution and Be Healthy Outcome Groups
- The TYS and IYSS Steering Groups
- The Community Safety Partnerships (x 5)
- MAPPA Strategic Management Board
- West Mercia Youth Panel Chairs Meetings, Youth Panel Meetings, Youth and Crown Court User Groups.

The Prolific and Other Priority Offender Strategy (Prevent & Deter) has provided an opportunity for the Police, Community Safety Partnerships, Probation and the YOS to work cooperatively on the management of PPOs and particularly around the need to prevent young people from becoming involved in the criminal justice system. This is an expanding area of work and will be further built upon by the developing YOS preventative agenda. The development of the DYO element of the prevent and deter process has further emphasised the lead role of YOS in ensuring that the young people that pose the highest risk are managed within a multi agency process.

Representation within the Children's Trust ensures that work of the YOS supports the achievement of priorities in the Children and Young Peoples Plans (CYPP) and that the Plans effectively address the needs of young people who offend as well as those at risk of offending. The work of the YOS directly supports 8 of the 10 priorities in the Worcestershire CYPP and 9 of the 18 priorities in the Herefordshire Plan (see Appendix 1).

Herefordshire have included NI19 (proven rate of re-offending of young offenders) in their Local Area Agreement.

The service has number of protocols or service level agreements with a range of partners and service providers. These will be reviewed throughout 2010/11.

## 6 Risks to Future Delivery and Action Plan

Each year the YOS is required to submit a Capacity and Capability Audit in line with guidance issued by the Youth Justice Board for England and Wales. The following risks to future delivery and service improvement were identified during the 2010/11 audit.

Risk identified via C&C Self-Assessment	Action to overcome this risk	Success criteria	Owner	Deadline
It has been identified that the data analysis to inform service development has been limited.	To devise a data analysis specification covering content and frequency of data reports for key areas of work	Specification in place  Reports produced	Information and Performance Manager (IPM)	September 2010
The management information provided to the YOS Management Board is insufficient to inform service development decisions and to provide management oversight of key aspects of the work of the YOS Partnership.	To produce a specification of the data required for the YOS Management Board  Reporting implemented	Specification in place  Reports produced	Management Board/HOS  IPM	July 2010  Ongoing for subsequent Management Boards
Although a robust quality assurance system is in place for Asset and PSRs, quality assurance processes are less well defined in other areas of work.	To develop QA processes for key processes where they do exist currently	QA Process in place	DHOS	December 2010
The likely reducing levels of resourcing for the service in future years	Undertake a full service review, to re-configure service delivery to meet a medium term financial plan.	Review Completed  Recommendations implemented	HOS  Management Board/HOS	July 2010  April 2011

Some of protocols and agreements with other agencies need to be reviewed to take account of the changing structures in Children Services and other agencies	All protocols to be reviewed on a rolling programme throughout 2010/11	Revised protocols in place	HOS	April 2011
The YJB Valuator's notes for the Capacity and Capability Assessment suggest certain agencies should be represented on the Management Board who are not currently members	Membership of the Board should be reviewed as part of a wider review based on the updated "Sustaining the Success" Guidance	Review completed.  Membership revised if a recommendation of the review.	Management Board	Management Board meeting following publication of update "Sustaining the Success" due in Autumn 2010
Currently there are no formal agreements regarding exit strategies for young people on YOS orders, although arrangements are being negotiated through the CAF and TYS arrangements	To formalise exit strategy arrangements	Written agreements in place	DHOS	April 2011
The Management of Risk Policy does not take account of the recommendations of recent SIRs, learning from other reviews e.g. Sonnex and changing processes and structures in the Children Services Directorates.	MOR Policy to be re-written including a QA process	MOR Policy in Place  All staff briefed on new policy	HOS  HOS	May 2010  May 2010
Safeguarding Policies are two years old and do not take account of revised Working Together and Vetting and Barring	Policies to be reviewed and revised	New Policies in Place	DHOS	December 2010

It has been two years since an audit of safeguarding has been undertaken in the service.	Audit commissioned	Audit undertaken	DHOS	September 2010
		Action plan implemented	DHOS	From September 2010
Feedback from service users is not used in a routine and consistent manner.	A service user engagement and involvement strategy and action plan to be put in place	Strategy in place	DHOS	December 2010
		Action Plan implemented.	DHOS	From January 2011
Current venues to see young people in North Worcestershire provide risks to performance improvement and meeting Scaled Approach in that area.	Continued work with WCC corporate property and partner agencies in identifying/renovating suitable premises	Venues in place	Management Board/HOS	Throughout 2010/11

## 7 Management Board Approval

This Annual Youth Justice Plan was approved at the Management Board meeting held on 21<sup>st</sup> April 2010.

Name	Position	Representing	Signature
Ms Gail Quinton	DCS	Worcestershire County Council	
David Sanders	Interim DCS	Herefordshire Council	
Mr David Chantler	Chief Executive	West Mercia Probation Trust	
Mr Jim Baker	Chief Inspector	West Mercia Police	
Dr Francis Howie	Deputy Director for Public Health	NHS Worcestershire	
Ms Jade Brooks	Service Improvement Manager	NHS Herefordshire	
Ms Siobhan Williams	Designate Head of Safeguarding and Services to Children and Young People	Worcestershire County Council	

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## Children and Young Peoples Plans

### How the Work of the YOS Supports the Priorities in the Children and Young Peoples Plans

The work of the YOS directly supports 8 of the 10 priorities in the Worcestershire CYPP and 9 of the 18 priorities in the Herefordshire Plan.

#### (i) Worcestershire

Priority	YOS Contribution
Support all children, young people and their families to choose healthy lifestyles	Asset assessment, specialist substance misuse assessment and provision of substance misuse intervention Asset assessment, specialist MH assessment, referral for and provision of interventions.
Identify and deal effectively with bullying and support all children, young people and families who have been affected by it	YOS is the only service with a dedicated restorative practices practitioner. Could act as consultant, provide training and lead on implementing restorative approaches to dealing with bullying.
Ensure that all children and young people are safe and protected and support those who are at risk of harm and neglect.	Vulnerability risk assessment and risk management planning. Relates to a C&CA key question. Safeguarding audit on YOS recently completed, action planning to address recommendations.
Raise achievement of all children and young people	Work to engage, re-engage young offenders in education, training or employment.
Ensure that all children, young people and families have access to positive things to do and enjoy in their communities.	Ensure referral to and engagement in positive activities for those at risk of offending through YISP and Prevent and Deter.
Enable all children and young people to be responsible citizens and recognise the contribution they can make	Reducing re-offending and first time entrants to the YJS. Development and implementation of an engagement strategy.
Ensure that all young people are able to access appropriate education employment and training opportunities and make progress	Work to engage, re-engage young offenders in education, training or employment. Work of the Ngage Project and the multi-agency group.
Ensure all young people are equipped with essential life skills and have support to move successfully into adulthood	Ensuring young offenders have suitable accommodation (previous KPI). Skills work on intervention plans. Work to engage or re-engage young offenders in training or employment

**(ii) Herefordshire**

Priority	YOS Contribution
To promote emotional and well being and improve access to universal and targeted mental health services	Asset assessment, specialist MH assessment, referral for and provision of interventions.
To provide quality information and services to reduce substance misuse, including alcohol abuse.	Asset assessment, specialist substance misuse assessment and provision of substance misuse intervention
To raise awareness of bullying in order to reduce the impact and incidence of bullying (in and out of school)	YOS is the only service with a dedicated restorative practices practitioner. Could act as consultant, provide training and lead on implementing restorative approaches to dealing with bullying.
To ensure safer recruitment practices across all agencies working with children	Safeguarding audit on YOS recently completed, action planning to address recommendations.
Improve prospects of children and young people, particularly those in vulnerable groups, in terms of addressing social inclusion.	Work to engage, re-engage young offenders in education, training or employment.
To increase the participation of children and young people in shaping strategies and service that affect their lines	Development and implementation of an engagement strategy.
To increase access to positive activities for all children and young people, including targeted activities for vulnerable groups	Ensure referral to and engagement in positive activities for those at risk of offending through Prevent and Deter.
Reduce offending, anti-social behaviour and bullying by children and young people	Reducing re-offending and first time entrants to the YJS.
To implement a strategic approach to support young people into employment, education and training.	To contribute to the strategy through work to engage, re-engage young offenders in education, training or employment and the Ngage Project.



<b>MEETING:</b>	<b>COUNCIL</b>
<b>DATE:</b>	<b>19 NOVEMBER 2010</b>
<b>TITLE OF REPORT:</b>	<b>REPORT OF THE STANDARDS COMMITTEE MEETING HELD ON 22 OCTOBER 2010</b>
<b>REPORT BY:</b>	<b>STANDARDS COMMITTEE</b>

**CLASSIFICATION:** This is an open report.

**MEMBERSHIP:** Robert Rogers (Independent Member) (Chairman); Jake Bharier (Independent Member); Isabel Fox (Independent Member); Richard Gething (Town and Parish Council Representative); John Hardwick (Town and Parish Council Representative); David Stevens (Independent Member) (Vice-Chairman); John Stone (Local Authority Representative); Beris Williams (Local Authority Representative).

## Wards Affected

County-wide

## Purpose

To inform Council about the activities of the Committee and its Sub-Committees and the future of the standards framework.

## Recommendation

**THAT the report be noted**

## Dispensations

1. We have not received any applications for dispensations from parish or town councillors since our last meeting.

## Annual Governance Report 2009/10

2. We have noted the external auditors' Annual Governance Report for 2009/2010.

## The Future of the Local Government Standards Framework

3. Some further information has emerged about how the local Standards framework will be dealt with through the Decentralisation and Localism Bill, which was due to be published on 18 November. The Bill includes proposals to 'abolish the Standards Board regime'. The budget for Standards for England (SFE) has also been reduced

for this year by £1.45m (18%). Until legislation is passed however, the statutory framework remains and we will continue to deal with complaints in the same way. The SFE is of the view that the process is likely to lead to its final closure sometime between 31 December 2011 and 31 March 2012 but as yet there is no indication of any transitional arrangements.

4. On 20th September, Communities Minister Andrew Stunell announced that serious misconduct for personal gain would become a criminal act and that the SFE regime would cease. Mr. Stunell's view is that the standards regime had become a vehicle for malicious and frivolous complaints and resulted in considerable costs having to be met by Councils to deal with them. He said that Local Standards Committees had investigated some 6,000 complaints in the first two years of the regime and that over half of these had been judged not to be worthy of any further action. His aim is to introduce legislation so that all serious misconduct by Members will become a criminal offence and dealt with by the courts instead of the current arrangements where some matters are dealt with by the Monitoring Officer and the Standards Committee.
5. Greater importance will be attached to Councillors registering certain personal interests in a public register and there will be sanctions against those who fail to register or declare an interest, or deliberately mislead the public. The Minister believes that the changes will give voters the confidence that any Councillors who misuse their office will be effectively dealt with, and at the same time give greater assurance to Councillors that they will no longer be the subject of investigation over petty allegations. He also feels that the public should address unsatisfactory performance of Councillors via the ballot box. Greater powers will be given to the Local Government Ombudsman in that local authorities will be legally compelled to implement any findings. Further details are awaited on how this will fit into the new process. The Government also intends introducing legislation to make it clear that Councillors will be able to campaign and vote freely on local ward issues. Councillors who have previously been prevented from speaking about the issues they had been elected on, such as planning matters, will have greater freedom to express their views.
6. We recognise the shortcomings of the present system and we have sought by our methods of operation to minimise them – we think to some good effect. But if the present proposals are carried through we think that there is unlikely to be an effective local government ethical code, which may be a matter of concern to the public. A number of questions remain to be addressed. These include:
  - how will complaints that fall between being trivial and being serious but which do not warrant criminal investigation be dealt with? – these may be picked up by the Local Government Ombudsman as maladministration complaints, but does the LGO have the resources to deal with them?;
  - how will complaints about parish and town councillors be dealt with?
  - most of the complaints dealt with by the Council relate to allegations of misuse of office or bullying – how will these be dealt with when the present system is abolished?
  - what about the principles of public life – there presumably still needs to be a framework within which councillors are required to operate?
  - the pre 2001 pecuniary and non pecuniary interests regime was helpful – albeit without real teeth – is this really going to be replicated or replaced by statutory offences regime?

8. Since our meeting the Communities Secretary, Eric Pickles, has said that discussions have been held with the Local Government Association (LGA) about some of the concerns which have been raised. At the moment it seems likely that there will be a voluntary code and the LGA will assume a leadership role for standards in local government. We are raising with the LGA the practical issues listed above.

### **Local Filter Cases and Determinations**

9. We have reviewed progress made with complaints about local authority, town and parish councillors since the introduction of the local filter on 08 May 2008. In 2008, 18 complaints were considered, 50 in 2009, and during 2010 27 have been dealt with. We have expressed our gratitude to the Legal and Democratic services team for the good progress that has been made in dealing with complaints more quickly and the work they have carried out on mediation, conciliation between complainants, governance reviews and training and support for councils.

### **Background Papers**

- Agenda for the Standards Committee Meeting held on 22 October 2010.

**ROBERT ROGERS  
CHAIRMAN  
STANDARDS COMMITTEE**



## REPORT OF THE ANNUAL MEETING OF WEST MERCIA POLICE AUTHORITY HELD ON 15 JUNE 2010

### *Chair and Vice Chair*

1. Mrs Sheila Blagg (Bromsgrove, Worcestershire) has been appointed Chairman of the Police Authority for the ensuing year.
2. Mr Robin Durham (Shrewsbury, Shropshire) and Mr Zad Padda (Evesham, Worcestershire) have been appointed as Vice Chairs.

### ***Annual Report 2009/2010***

3. The Police Authority has a statutory duty to ensure the provision of an efficient and effective police force in its area. It does so by appointing senior police officers including the Chief Constable, by setting policing priorities annually, by reviewing and approving the overall policing budget and by setting the element of Council Tax. It has a responsibility to keep informed of public opinion on policing issues and to monitor the delivery of services to the public. The Authority has agreed the Joint Annual Report for 2009/2010, a copy of which is available on the Internet at [www.westmerciapoliceauthority.gov.uk](http://www.westmerciapoliceauthority.gov.uk).
4. During the last year, police officers, police staff and volunteers throughout West Mercia provided a high quality service to local communities in Herefordshire, Worcestershire, Shropshire and Telford and the Wrekin.
5. West Mercia Police continues to perform very strongly on the national stage and was one of the most highly rated forces in England and Wales in the recently published Her Majesty's Inspectorate of Constabulary's Police Report Card. It is also very pleasing that the Force continues to have a strong record of delivering value for money and consistently features in the highest scoring group in the Audit Commission's evaluation of Police Use of Resources. However, there is no room for complacency and the Police Authority's shared aim with the Chief Constable is to provide continuously improving police services for all of our communities whilst maintaining a solid financial position within an increasingly challenging national and global economic climate.
6. The strong reputation that West Mercia Police enjoys has resulted from the dedication and commitment of all its police officers, police staff and volunteers. The challenge for the Force, and into the future, is to build upon that reputation and become an even stronger, more accountable and more responsive organisation committed to serving, protecting and making the difference in our communities.

### ***Missing People Management***

7. The Police Authority has received a presentation on Missing People Management which showed the numbers of missing people in the Force area and highlighted the level of police resources used to investigate and manage such cases. Success stories, hot spots and lessons learned were highlighted. The large number

of care homes in parts of the force area has a direct impact on police resources and the Authority is concerned at the lack of information regarding placements at care homes and further work will be done in this area.

### ***Regional Collaboration for Air Support Units***

8. West Mercia and Staffordshire Police currently share the Central Counties Air Support Unit, which is based at Halfpenny Green. The Police Authority has supported a proposal to develop a business case for merging the Air Support Unit with West Midlands Police. The approach will deliver enhanced coverage for all three forces and although initial revenue savings will be minimal, there are a number of clear operational benefits that will accrue. The merger will also underpin and support the National Air Operations Strategy.

### ***Performance Overview***

9. The Performance Report showed that in general this was improving. However, the level of confidence in the Police and Local Councils in tackling anti-social behaviour and crime has shown a small dip. This will be a matter of concern if it marks the beginning of a trend. The Authority discussed issues relating to e-mail messages and voice-mail box messages when officers were on leave, and agreed that there should be a review of procedures.

### ***Improving Satisfaction and Confidence***

10. Satisfaction levels were showing slight improvements or remaining stable compared to last year. The increase to 72% in satisfaction with follow up work by the Police was welcomed as this has been a particular area of focus over the past two years. More work is needed to make local policing officers and community support officers better known in their areas.

### ***Anti Social Behaviour***

11. West Mercia Police receive about 86,500 calls regarding Anti Social Behaviour (ASB) each year, with partner agencies taking about a further 20,000. Where possible early intervention is used in many cases, starting at the low level with letters to parents, visits from local policing teams, through to acceptable behaviour contracts and ASBOs as a last resort. Good practice was being noted and rolled out, such as Telford's Joint Anti Social Behaviour Unit, with local agencies; and the ASB car in Telford which enabled local Community Support Officers (CSO) to go to incidents, speak to victims and develop action plans. This did not impact on the CSOs' prime role of visibility but built upon their local knowledge

12. An Anti-Social Behaviour Strategy has been agreed for 2010-2011, part of which includes the approach officers should follow when attending incidents:

- Attend and assess the situation paying particular attention as to whether the victim or caller is vulnerable;
- Engage with all parties including the caller, victim, offenders and witnesses;



- Investigate as if it were a crime;
- Organisational memory of any previous attendance at the address or location;
- Update systems by recording the victim, location and any offender or suspects.

### ***Professional Standards***

13. The Police Authority continues to monitor the number and type of complaints made against the Police and has met with the Independent Police Complaints Commissioner, Mr. Len Jackson, to discuss West Mercia's performance in this area. He assured the Police Authority that he was satisfied with West Mercia's recording and complaint handling processes and considered that standardized reporting would lead to other forces recording more complaints as the revised process was embedded. For the period 1 April 2007 to 31 January 2010, 2357 complaints were recorded, an average of 69 cases per month.

14. 1% of complainants can take up about 30% of the work of the Professional Standards Department and the force would be leading on a national conference in autumn 2010 on repeat complainants.

### ***Strategic Resource Leverage***

15. Reductions in police officer and staff posts worth £2m, equivalent to 1.28% of the pay bill, have been made and have resulted in 42 fewer police posts and 24.5 fewer police staff posts. In addition, 22 new staff posts had been created to undertake the duties of some of the deleted police posts as part of both the Workforce Modernisation agenda and the efficiency plan. In total this process has resulted in 44.5 fewer full time equivalent employees whilst protecting front line delivery of policing services. Members were advised of the process used to identify posts and discussed prospects for career progression and motivation.

### ***Role and Function of Independent Advisory Groups***

16. A review on the Role and Function of Independent Advisory Groups (IAGs) is in progress and as part of that consideration will be given to the introduction of an IAG for children and young people.

### ***Summary of Force Communication Campaigns***

17. Recent campaigns organised by or involving West Mercia Police have included:

- Safe and Secure (Garden and Home Security)
- Cop Cards (aimed at informing children on the role of the police)
- Pedestrian and Cycle Safety
- World Cup (prevention of domestic abuse)

18. Marketing materials are being developed for:

- Distraction burglary – ‘No Callers at the Door’ telephone card - elderly and vulnerable residents can write the telephone numbers of their water, electricity and gas suppliers on the card so they can phone them to check whether callers are genuine before letting them into their home.
- Positive Action – exhibition materials to support positive action recruitment events.
- Inconsiderate parking – materials will be developed to address inconsiderate and anti-social parking issues in local areas.
- Trailer / Lorry Theft Poster – advising drivers of vans, trailers and lorries that thieves are operating in an area.

19. Details of current campaigns can be found on the West Mercia Police website [www.westmercia.police.uk](http://www.westmercia.police.uk)

### ***Social Media***

20. West Mercia Police has established a presence on the Facebook social networking site and this can be viewed by simply typing ‘West Mercia Facebook’ into Google. The Force also has a presence on You Tube and is considering the best ways of using Twitter.

21. Social media provides a significant communication opportunity for the Force and is one which will increasingly be utilised alongside other more traditional forms of communication.

### ***Priority Setting – Consultation Arrangements***

22. As part of the arrangements for the 2010/11 consultation process on the Joint Policing Plan and Budget the Police Authority has agreed to the introduction of a web video and webcast. Arrangements have been made to use audio visual facilities at Worcestershire County Council premises for the live webcast on 12 January 2011.

### ***Commendations and Honours***

23. Chief Constable Commendations have recently been awarded to two North Worcestershire officers, DC Philip Christi for his involvement in a murder inquiry and PC Matthew Hunt for his selfless act of bravery when off duty. An award was also made to CSO David Rowley from the Shropshire Division for courageously tackling a man, again when off duty, and Missing Persons Investigator, Mr Alan Piggott.

## ***Questions on Police Matters at Council Meetings***

24. The Authority is required to nominate a member to answer questions on the discharge of the functions of the Police Authority at meetings of the relevant councils and the following members were appointed for 2010/2011:

Herefordshire Council	Mr B Hunt
Shropshire County Council	Mr M Kenny
Telford and Wrekin Council	Mr K Sahota
Worcestershire County Council	Mrs S Blagg

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](http://www.westmerciapoliceauthority.gov.uk).

### ***List of Background Papers***

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

Agenda papers for the Annual Meeting of the West Mercia Police Authority held on 15 June 2010.



# REPORT OF THE MEETING OF WEST MERCIA POLICE AUTHORITY HELD ON 28 SEPTEMBER 2010

## *Edward Sheldon MBE*

1. It is with great sadness that the Authority reports the death of Ted Sheldon MBE, who passed away in September 2010. Mr Sheldon, a Worcestershire Councillor, was a much respected member of the Police Authority since 2005 and during that time was Chair of the South Worcestershire Policing Board and Vice Chair of the Human Resources Management Panel.

### ***Treasurer***

2. Mr Michael Weaver retired from the position of Treasurer to the Police Authority on 31 August 2010 and has been succeeded by Mr Patrick Birch, Interim Director of Finance with Worcestershire County Council.

3. The Authority has placed on record its appreciation of the exemplary service given by Mr Weaver since his appointment in 1998, during which time the Authority was nationally commended by the Audit Commission for its early completion of its Annual Accounts.

### ***Planning for the Future Review***

4. Following the completion of the Planning for the Future Review, West Mercia Police has moved to a new structure, based on a six command unit structure:

- |                        |                      |
|------------------------|----------------------|
| - Territorial Policing | - Human Resources    |
| - Protective Services  | - Strategy and Legal |
| - Operations Support   | - Corporate Services |

5. The five Territorial Policing Areas Commanders are:

Herefordshire	Superintendent Charles Hill
North Worcestershire	Superintendent Adrian Pass
Shropshire	Superintendent Peter Lightwood
Telford and Wrekin	Superintendent Gary Higgins
South Worcestershire	Superintendent Stephen Cullen

6. The force's new operating model would allow the continued delivery of a high quality policing service throughout West Mercia, but at the same time deliver savings of £9.8 million. The structure retains clearly identified senior officers responsible for local command and at the same time significantly restructures the way in which frontline officers and staff would be supported. The changes make West Mercia Police more streamlined and effective, freeing up officers to focus upon operational policing and operational command

7. The Police Authority considers that the changes should position the force to deliver policing services effectively in a difficult economic climate. West Mercia Police enjoys a national reputation as a value for money force and a high priority has been given to protecting frontline services delivered to the 1.2 million citizens of West Mercia.

## ***Police Authority Inspection***

8. West Mercia Police Authority has been given a clean bill of health following an independent Inspection by the Audit Commission acting jointly with Her Majesty's Inspectorate of Constabulary.

9. The report has given the Authority an overall grading of three which equates to 'performs well' and reflected particularly strong performance in setting strategic direction and achieving good value for money. No other police authority in the country has received a higher grading.

10. The report does contain some suggestions for further improvement and these will now be studied by the Authority. However any proposals will have to be considered carefully in the context of the current severe financial climate and the Authority's drive to reduce bureaucracy not increase it.

## ***Policing in the 21<sup>st</sup> Century***

11. The Government's consultation paper 'Policing in the 21st Century' was published in July 2010 with an unusually short consultation period given its wish to see Police Commissioners introduced by May 2012.

12. The Police Authority has submitted its response and the key messages were:

- Commissioners' elections and referenda will be very costly at a time of constraints upon police funding.
- Commissioners as proposed will simply be ineffectual unless the boundaries around operational independence are revisited.
- Public expectations around Commissioners are likely to focus on 'local operational delivery' and 'complaints'. The Commissioner appears to have very limited powers in these areas.
- The changes risk the politicisation of policing.
- The proposed changes will be a distraction for Forces at a time when they need to respond to severe financial constraints.
- There is no evident public demand for this change.

## ***Government's Financial Statement***

13. The Chancellor of the Exchequer's Statement on the Comprehensive Spending Review would be announced on 20 October and the Grant allocation for West Mercia Police Authority would be set in November/December. The Government has also announced a full review of Police Officer conditions of service.

## ***Civil Emergencies, Public Order and Critical Incidents***

14. An update has been provided on the force's planning for civil emergencies, public order and critical incidents, including the Pope's visit to Birmingham in September 2010,

where a large number of officers were deployed due for traffic management, and the planning for the Olympic Games in 2012.

**Monitoring of Policing Plan Aims 2010/11**

15. The Authority keeps the performance of the force under regular review and monitors the progress made against the aims included in the Policing Plan 2010/11.

16. The performance indicates that the majority are on target and of particular note are:

<b>Strategic Aim 2009-2012</b>	<b>Target/ Baseline</b>	<b>Actual</b>
Overall victim satisfaction with service provided by the police	86%	88.5%
Total sanction detection rate for serious violent crime (against the person)	50%	54.8%
Total sanction detection rate for serious violent crime (serious sexual offences)	30%	31%
Percentage of people who perceive a high level of anti social behaviour in their local area	12.3%	10.4%
Reduction in road casualties	183	136

17. The actual number of Serious Violent Crimes (serious violence against the person) was higher than the predicted target for the end of July , however, the volume is in line with the number of offences recorded at the same point in time as in the previous two years.

18. The force performed strongly last year in relation to the Number of Robberies and Sanction Detection Rate. There had been 183 robberies against a baseline of 151 and analytical work was in progress on the type and volume of robberies in each area. The Sanctioned Detections Rates for Robberies and Burglaries were just under target and the Authority will continue to keep these under review.

19. Assault with a Less Serious Injury was below target as the weather had been better this year than in the corresponding period in 2009.

20. The Authority also noted the progress on the work being carried out with Staffordshire, Warwickshire and West Midland Police to increase the number of collaborative projects, including Firearms, Training, ICT (Information Communications Technology), Procurement, Custody, Capital Expenditure, Control Rooms/Contact Centres, Major Investigations, Human Resources Services, Estate and Fleet Management.

**Stop and Search**

21. The Authority has reviewed the statistics on Stop Search during 2009/10, where 12,122 were recorded by West Mercia Police. The numbers of arrest and positive searches confirm that when used in appropriate circumstances, it was a positive police power. The low numbers of complaints generated by the use of these powers also indicate that the powers were properly targeted and implemented with sensitivity.

22. A recent report produced by the Equality and Human Rights Commission concluded that a number of police forces in the country were using the stop and search tactic in a way that was disproportionate and possibility discriminatory. Whilst West Mercia was not one of

those forces required by the Commission to explain their performance in this area the report did indicate that there had been a disproportionate increase in stops of BME people. The force was satisfied that these values had been largely influenced by the surge in use of stop search powers in Telford and Wrekin, but the data would be re examined to obtain a greater understanding of these figures and reported back to the Police Authority. An 'Action Plan' would be compiled to aid this understanding. It would include the appointing of a Force lead at Chief Police Officer level for Stop Search, identified territorial leads for stop search, a review of stop search training, data monitoring, regular data reviews by Police Authority members and an analysis of community scrutiny methods.

### ***Local Policing Summary***

23. The Police Authority has decided that this year's Local Policing Summary will be published electronically rather than being distributed to all households, thereby saving in the region of £32,000. A media release will be issued outlining the contents of the summary and advising that paper copies will be available on request.

### ***Queen's Police Medal***

24. Chief Superintendent Jane Horwood, who recently retired from her role as Divisional Commander for the South Worcestershire Division, was awarded the Queen's Police Medal in the Queen's Birthday Honours.

### ***Police Questions at Police Authority Meetings***

25. New arrangements have been introduced to enable the public to ask questions on the duties and responsibilities of the Police Authority and these come into effect at the next meeting on 14 December 2010. Details are available on the Authority's website or can be requested (contact details shown below).

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](http://www.westmerciapoliceauthority.gov.uk).

### ***List of Background Papers***

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

Agenda papers for the meeting of the West Mercia Police Authority held on 28 September 2010.



**REPORT OF THE HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY TO  
HEREFORDSHIRE COUNCIL ON THE ANNUAL GENERAL MEETING HELD ON 25 JUNE  
2010 AND THE AUTHORITY MEETING HELD ON 28 SEPTEMBER 2010.**

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1.	<p><b>Appointments for Herefordshire Council Members of the Authority</b></p> <p>Brigadier Peter Jones, CBE, was elected as Chairman of the Authority.</p> <p>Mr. Peter Watts was appointed Risk Management Champion and Mr. John Goodwin was appointed as one of the Authority's two representatives on the Standards Committee</p>
2.	<p><b>New Fire Station at Pebworth</b></p> <p>Work on the replacement/upgrading of Pebworth Fire Station commenced on 14 June 2010 and the new station is expected to be operational early in 2011.</p>
3.	<p><b>Financial Results 2009/10</b></p> <p>The overall revenue budget for 2009/10 was £30.45m which had been under spent by £33,000, less than 1/10 of 1%.</p> <p>There had been some slippage on the Capital budget, but this could be carried forward and there had been no loss of purchasing power.</p>
4.	<p><b>Hereford &amp; Worcester Fire and Rescue draft Authority Plan 2010/11</b></p> <p>The Authority's Plan for 2010/11 was approved; this is a key document for the Authority which states the values and principles of the Service and sets out its future direction and plans.</p> <p>(The Plan can be viewed on the Authority's website: <a href="http://www.hwfire.gov.uk">www.hwfire.gov.uk</a>)</p>
5.	<p><b>Retained Duty System (RDS) Implementation Plan</b></p> <p>The Authority supported the Retained Duty System (RDS) Review and Implementation Plan, which was a significant piece of work and the outcome was the 3 year Implementation Plan, on which progress would be reported annually to the Authority.</p>
6.	<p><b>New Service Workwear</b></p> <p>The Service was rolling out new uniform (workwear) to all relevant staff which, when coupled together with the new firefighting uniform expected to arrive in the Service early next Spring, would give firefighting staff the most up-to-date protection and workwear available to UK firefighters. This was expected to "go live" during October 2010.</p>
7.	<p><b>Road Safety Campaigns</b></p> <p>Peterchurch Fire Station successfully hosted the joint emergency services Dying to Drive event in early July; this is an initiative aimed at reducing the number of young fatalities on the county's roads.</p>

**REPORT OF THE HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY TO  
HEREFORDSHIRE COUNCIL ON THE ANNUAL GENERAL MEETING HELD ON 25 JUNE  
2010 AND THE AUTHORITY MEETING HELD ON 28 SEPTEMBER 2010.**

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<p><b>8.</b></p>	<p><b>Community Safety Volunteer Programme launched in Herefordshire</b></p> <p>Following a successful launch of its Community Safety Volunteer Programme in January this year in the South Worcestershire area, H&amp;WFRS is now extending the programme into Herefordshire. A press release was issued to all Herefordshire media at the start of September urging anyone with a few hours a week to spare to consider getting involved, to support existing staff in a variety of safety initiatives, such as promoting safety awareness at local public events, accompanying crew members to carry out home safety checks and acting as victims or casualties during operational training exercises.</p> <p>An advertisement was also placed in the recruitment section of the Hereford Times and full details listed on the H&amp;WFRS website.</p> <p>Members of the Community Safety Team held a Volunteer Recruitment open event at Hereford Fire Station on Saturday 25 September, with participation from local fire crew members and existing Community Safety Volunteers.</p> <p>Any member of the Council seeking further information or assistance in this matter should contact Carol Walmsley, Volunteer Co-ordinator at 01905 368228.</p>
<p><b>9.</b></p>	<p><b>Amendment to Principal Officer Structure</b></p> <p>Although the Authority does not have knowledge of the exact Formula Spending Grant allocation for 2011/12, the Chancellor has indicated a 25% reduction of this Grant over the next four years. Taking this into consideration and with a proposed 0% Council Tax rise, it is easily foreseeable that savings will be required for the next and subsequent financial years. With this in mind, the Authority approved the proposed reduction of one of the two Assistant Chief Fire Officer posts in order to achieve financial savings to assist with potential budget reductions in coming years.</p>
<p><b>10.</b></p>	<p><b>Review of Members' Allowances</b></p> <p>Authority Members noted a review of their Allowances which indicated that a rise of 4.2% was appropriate; however, it was agreed unanimously not to raise rates, given the current financial climate.</p>
<p><b>11.</b></p>	<p><b>Future of West Midlands Regional Management Board</b></p> <p>After receiving the recent announcement from the Fire Minister which would allow the dissolution of Regional management Boards, the Board of WMRMB resolved to recommend to the 5 constituent Fire and Rescue Authorities that they agree to dissolve the West Midlands Regional Management Board at the earliest practical date, subject to the approval of the Secretary of State.</p> <p>The approval of the Secretary of State was received by the Clerk to the WMRMB on 14 September and the Authority agreed to dissolve the West Midlands Regional Management Board.</p>

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<b>12.</b>	<p><b>Fire Service holds Herefordshire Awards Ceremony</b></p> <p>Firefighters and staff from Hereford &amp; Worcester Fire and Rescue Service (H&amp;WFRS) were honoured at an Awards Ceremony held on Friday 15 October at Hereford Town Hall.</p> <p>In a break from tradition, the Fire Service held separate awards ceremonies for Herefordshire and Worcestershire for the first time this year to localise the events and help cut down the travelling time for recipients and their families.</p> <p>Station Manager Neil Piggott from H&amp;WFRS Was Master of Ceremonies and Lady Susan Darnley, the Lord Lieutenant of Herefordshire, joined Chief Fire Officer Mark Yates and Councillor Brigadier Peter Jones CBE, Chairman of Hereford &amp; Worcester Fire Authority, to present the long service awards. Councillor Anna Toon, Mayor of Hereford, Councillor John Stone, Chairman of Herefordshire Council and Elizabeth Hunter, High Sheriff of Herefordshire and Worcestershire, also attended.</p> <p>Long Service Good Conduct Medals for 20 years service were awarded to three Firefighters, two Crew Managers, one Station Manager and one Group Manager. These included Firefighter Patricia Giles and Crew Manager Phil Denton from Hereford, Firefighter David Pascoe from Fownhope, Crew Manager Neil Rhodes from Ross-on-Wye, Firefighter Jim Cochran from Malvern, Station Manager Mark Strutt from Worcester and Group Manager Mick Cadman from Service Headquarters at Worcester.</p> <p>Long Service Awards for 30 years service with H&amp;WFRS were also presented to one Firefighter and two Watch Managers. These included Firefighter Andrew Davies from Kington, Watch Manager Yvonne Eaton from Fire Control at Worcester and also Watch Manager Mick Rowlands from Kidderminster.</p> <p>Firefighter Neil Chaplain from Whitchurch, meanwhile, was presented with the Ivor Owen Award. Ivor is a longstanding and valued friend of Hereford &amp; Worcester Fire and Rescue Service who, keen to encourage the continued professional development of new recruits to the Service, awards a certificate and voucher each year to the top recruit from the last 12 months. The recipient will have demonstrated exemplary attributes throughout the duration of their Recruit Course and will have scored highly in all areas of their initial Fire and Rescue Service training.</p> <p>Jacqueline O'Mahony, HMO (Houses of Multi Occupation) and Enforcement Officer with Herefordshire Council, received the Chief Officer's Letter of Appreciation for her outstanding work with the Service and other organisations for protecting the most vulnerable members of Herefordshire communities from fire.</p> <p>Chief Fire Officer Mark Yates said: "The Awards Ceremony has been held</p>
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	<p>annually to celebrate the exceptional talents and commitment of our staff and firefighters and this is a tradition I am keen to continue.”</p>
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<b>13.</b>	<p><b>Fire in Hereford City Centre</b></p> <p>In the early hours of Thursday, 21 October 2010, fire crews from across Herefordshire and Worcestershire attended a serious fire in Hereford City Centre. The fire was particularly difficult and resource intensive to deal with due to it being fully developed on arrival and also the tightly packed and complicated building structures encountered by the initial crews attending.</p> <p>The fire, although serious, was contained within a relatively small section of the City Centre and was resolved without injury to firefighters or members of the public.</p> <p>Following the initial firefighting actions and the fire being brought under control, the focus of the incident moved towards returning the City Centre to normality and mitigating the already extensive structural and potentially economic damage. In this phase of the incident Hereford &amp; Worcester FRS crews worked extensively with partners, including Herefordshire Council Building Control Officers, to ensure public safety whilst parts of buildings were demolished and/or made safe.</p> <p>The fire is being described in the media as: 'the largest fire in Hereford in a generation' and was resolved in safety by all responding agencies having appropriate plans and training in place. The Chief Fire Officer who, at the height of the fire was in charge of the incident, believes a safe resolution was brought about because of the professionalism and skills of all concerned, both firefighting staff and partner agencies including the Police, Ambulance, Herefordshire Council and voluntary organisations. Fire and Rescue Service crews finally left the scene on the afternoon of Sunday, 24 October, some three and a half days after the Service's initial attendance.</p>
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**MARK YATES, QFSM, MA, MCGI, DMS, MIFireE,  
CHIEF FIRE OFFICER/CHIEF EXECUTIVE  
HEREFORD & WORCESTER FIRE AND RESCUE SERVICE  
25 OCTOBER 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 can also be found on the Internet at ([www.hwfire.org.uk](http://www.hwfire.org.uk)).

#### **BACKGROUND PAPERS**

Agenda and papers of the meetings of the Fire and Rescue Authority held on 25 June 2010 and 28 September 2010.

