

**DCE and Director of Corporate Services**

Dean Taylor

**TO: ALL MEMBERS OF THE COUNCIL**

Your Ref:

Our Ref: CC/SAHC

Please ask for: Mrs S Cole

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19 May 2011

Dear Councillor

**YOU ARE HEREBY SUMMONED** to attend the meeting of the Herefordshire Council to be held on **Friday 27 May 2011** 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.

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

Yours sincerely



**C CHAPMAN**  
**ASSISTANT DIRECTOR LAW, GOVERNANCE AND RESILIENCE**



# AGENDA

## Council

Date: **Friday 27 May 2011**

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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

Councillor PA Andrews	Councillor AM Atkinson
Councillor CNH Attwood	Councillor LO Barnett
Councillor CM Bartrum	Councillor PL Bettington
Councillor AJM Blackshaw	Councillor WLS Bowen
Councillor H Bramer	Councillor AN Bridges
Councillor ACR Chappell	Councillor EMK Chave
Councillor MJK Cooper	Councillor PGH Cutter
Councillor BA Durkin	Councillor PJ Edwards
Councillor DW Greenow	Councillor KS Guthrie
Councillor RB Hamilton	Councillor J Hardwick
Councillor EPJ Harvey	Councillor AJ Hempton-Smith
Councillor JW Hope MBE	Councillor MAF Hubbard
Councillor RC Hunt	Councillor JA Hyde
Councillor TM James	Councillor JG Jarvis
Councillor AW Johnson	Councillor Brig P Jones CBE
Councillor JLV Kenyon	Councillor JF Knipe
Councillor JG Lester	Councillor MD Lloyd-Hayes
Councillor G Lucas	Councillor RI Matthews
Councillor PJ McCaull	Councillor SM Michael
Councillor JW Millar	Councillor PM Morgan
Councillor NP Nenadich	Councillor C Nicholls
Councillor FM Norman	Councillor RJ Phillips
Councillor GA Powell	Councillor GJ Powell
Councillor R Preece	Councillor PD Price
Councillor SJ Robertson	Councillor P Rone
Councillor A Seldon	Councillor P Sinclair-Knipe
Councillor J Stone	Councillor GR Swinford
Councillor DC Taylor	Councillor PJ Watts
Councillor DB Wilcox	Councillor JD Woodward

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

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

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

Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.



## AGENDA

Pages

Please note that under the provisions of the Local Government Act 1972, the outgoing Chairman, Councillor J Stone, and the Vice-Chairman, continue in office until the election of the Chairman and the appointment of Vice-Chairman at the Annual Meeting of the Council.

**1. CHAIRMAN**

To elect the Chairman of the Council.

**2. PRAYERS**

**3. APOLOGIES FOR ABSENCE**

To receive apologies for absence.

**4. DECLARATIONS OF INTEREST**

To receive any declarations of interest by Members in respect of items on the Agenda.

**5. VICE-CHAIRMAN**

To elect the Vice-Chairman of the Council.

**6. MINUTES**

To approve and sign the Minutes of the meeting held on 4 March 2011.

1 - 34

**7. CHAIRMAN'S ANNOUNCEMENTS**

To receive the Chairman's and/or Chief Executive's announcements and petitions from members of the public.

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

To appoint the Leader for the term of the Council.

**9. NOTIFICATION OF CABINET APPOINTMENTS**

To receive the announcement by the Leader of the allocation of portfolios and the appointment of a Deputy Leader of the Council. (To be received without debate.)

**10. COMMITTEES AND OUTSIDE BODIES 2011/12**

To constitute committees and allocate membership of these and other bodies in accordance with political proportionality rules.:

35 - 46

**Please note that the Council may be asked under this item to approve alternative arrangements to strict political proportionality for appointments to Committees and other bodies in accordance with Regulation 20 of the Local Government (Committees and Political Groups) Regulations 1990.**

**11. REPORT OF THE INDEPENDENT REMUNERATION PANEL**

To vary Procedure Rule 4.1.5.2 to receive the report of the Independent Remuneration Panel on proposed changes to the Councillors' allowances scheme.

47 - 80

## **12. DATES OF FUTURE MEETINGS**

Dates for Council meetings in the year 2011/12 are as follows:

Friday 15 July 2011  
Friday 18 November 2011  
Friday 03 February 2012  
Friday 02 March 2012  
Friday 25 May 2012 (Annual Council)

All meetings will commence at 10.30 am and will be held in the Assembly Hall at the Shirehall, Hereford unless otherwise advised.

## **13. ANNUAL REPORTS**

To vary Procedure Rule 4.1.5.2 to dispense with the annual reports of committees and the Leader on the grounds that these reports were given at the final meeting of the preceding municipal year.

# 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.

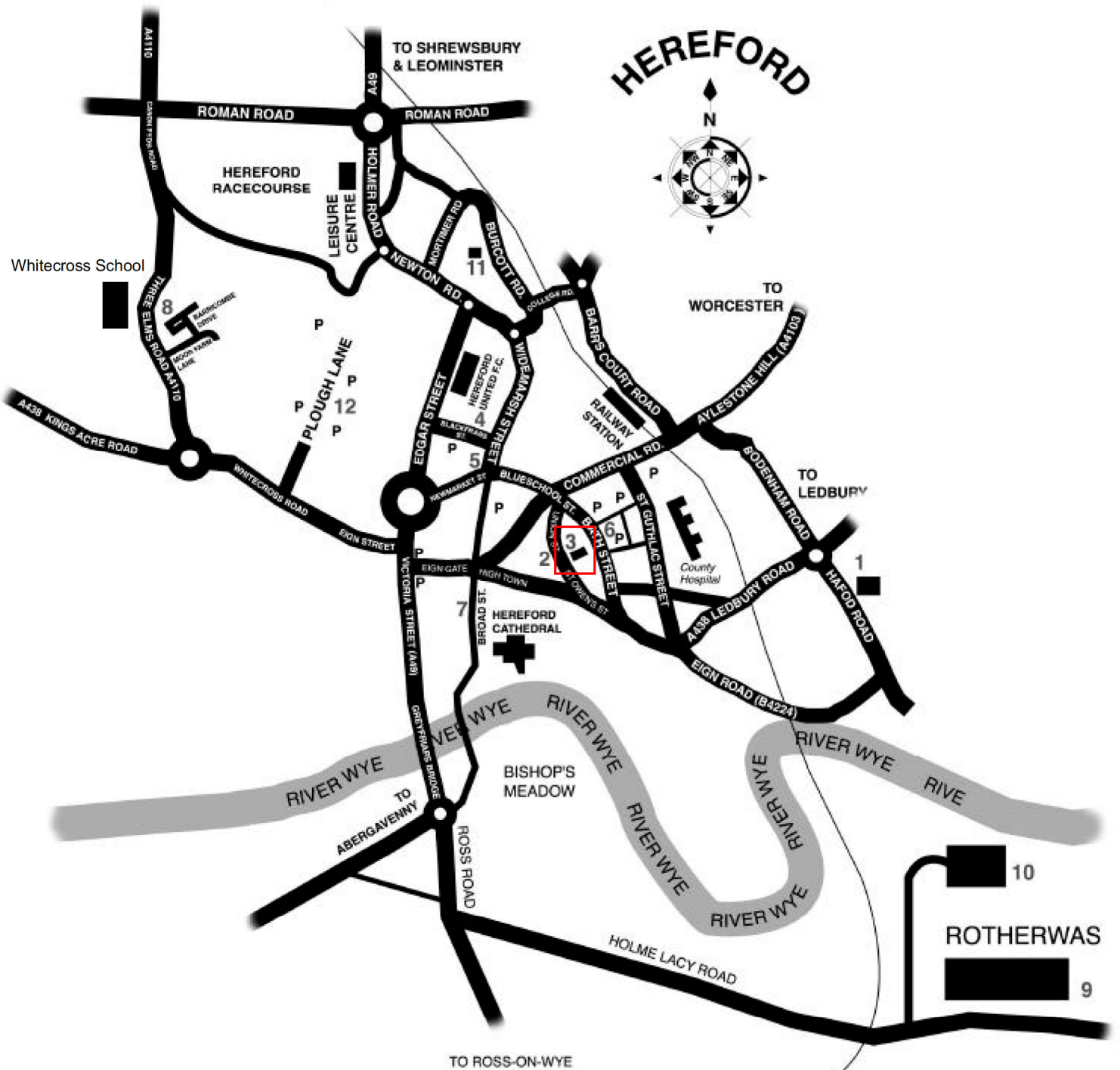
## Public Transport Links

- 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.





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|---|------------------|----|-----------------------------------|
| 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 4 March 2011 at 10.30 am**

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

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

**61. PRAYERS**

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

**62. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors SPA Daniels, H Davies, GA Powell, AP Taylor and NL Vaughan.

**63. DECLARATIONS OF INTEREST**

There were none.

**64. MINUTES**

The minutes of the Council meeting held on 4 February 2011 were approved as a correct record.

**65. CHAIRMAN'S ANNOUNCEMENTS**

**RESOLVED that Council**

**Confirm the cancellation of the Council meeting scheduled for Friday 15 April 2011.**

The Chairman in his announcements

- Thanked all Members for their support during his term of office as Chairman, and to particularly thank those Members who would be retiring as Councillors following the elections in May.
- Advised Members that at the 2010 Midlands Excellence Awards ceremony, Advantage West Midlands was awarded the top award for Outstanding Achievement in Business. This is the largest business event of its type in the West Midlands and was a great credit to the staff and partners of the regional development agency.

- Stated that the Council's waste disposal contractor's, Mercia Waste Management, planning application for an Energy from Waste facility at Hartlebury was considered by Worcestershire County Council's Planning and Regulatory Committee on 1 March 2011. The Committee were unanimous in their decision to advise the Secretary of State that they were minded to approve the proposal. The facility would be capable of recovering energy from 200,000 tonnes of residual municipal waste per annum from Herefordshire and Worcestershire. It would have the capacity to generate up to 15.5 MW of electricity to be exported to the grid and also have the potential to supply renewable heat. It would also recycle scrap metal and bottom ash. Part of its design would include a dedicated visitor and education centre for residents, community groups, schools and individuals to visit and use.
- Informed Council that schools across the county entered a competition to design a poster on the theme of 'reduce, re-use and recycle' which would be displayed on the council's fleet of refuse and recycling trucks. Over 400 entries were received from 37 schools and the successful designers were Sarah Bedford from Lady Hawkins Secondary School and Harry Davies from Walford Primary School. Both posters would be displayed on either side of the vehicles and all the posters received were to be displayed at libraries across the county.
- Reminded Members that the Civic Service, to which all Members were invited, was to be held on Sunday, 6 March at 3.30pm at the Cathedral, followed by tea at the Town Hall.

Council was advised that two petitions had been received by the Chairman, as follows:

- Petition regarding the use of falconry to remove seagulls from the City Centre was submitted by Councillor MAF Hubbard and presented to the Cabinet Member Environment and Strategic Housing.
- Petition regarding a pedestrian crossing at Bargates, Leominster was submitted by the Mayor of Leominster, Councillor RC Hunt and presented to the Cabinet Member Highways and Transportation.

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

Copies of all public questions accepted and received by the deadline, with written answers, were distributed prior to the commencement of the meeting. A copy of the public questions accepted and written answers, together with the supplementary questions at the meeting and answers given are attached to the minutes as Appendix 1.

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

Copies of questions from Councillors to Cabinet Members and Chairmen of Committees accepted and received by the deadline, with written answers, were distributed prior to the commencement of the meeting. A copy of these questions and written answers together with supplementary questions asked at the meeting and answers provided at the meeting, or a subsequent formal letter to a Member, are attached to the minutes as Appendix 2.

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

There were no notices of motion.

## **69. COUNCIL TAX RESOLUTION 2011/12**

The Council was requested to set the council tax amounts for each category of dwelling in Herefordshire for 2011/12 and to calculate the Council's budget requirements.

A vote was taken and the recommendations carried.

**RESOLVED that :**

- (1) **In respect of the Council's 2011/12 Budget a council tax of £1,205.09 be levied (at Band D);**  
**and**
- (2) **in respect of council tax for 2011/12 that the following amounts be approved by the Council for the year 2011/12 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992:**

  - (a) **£368,676,300** being the estimated aggregate expenditure of the Council in accordance with Section 32(2)(a) to (e) of the Act;
  - (b) **£219,804,477** being the estimated aggregate income of the Council for the items set out in Section 32(3)(a) to (c) of the Act;
  - (c) **£148,871,823** being the amount by which the aggregate at (a) above exceeds the aggregate at (b) calculated by the Council in accordance with Section 32(4) of the Act, as its total net budget requirement for the year;
  - (d) **£60,190,623** being the aggregate of the sums which the Council estimated will be payable for the year into its general fund in respect of redistributed non-domestic rates, revenue support grant, additional grant or relevant special grant, increased by the transfer from the Collection Fund;
  - (e) **£1,240.89** being the amount at (c) above less the amount at (d) above all divided by the amount of the Council Tax base calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its Council Tax for the year;
  - (f) **£2,558,423** being the aggregate amount of all special items referred to in Section 34(1) of the Act;
  - (g) **£1,205.09** being the amount at (e) above less the result given by dividing the

amount at (f) above by the amount of the Council Tax base calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates;

(h) that the precepting authority details incorporated in Annex 1 (i-v), relating to Special Items, West Mercia Police and Hereford and Worcester Fire and Rescue Authority be approved in accordance with Sections 30(2), 34(3), 36(1) and Section 40 of the Local Government Finance Act 1992.

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

## **70. LOCAL DEVELOPMENT FRAMEWORK AND LOCAL TRANSPORT PLAN**

Council considered a report which sought agreement to revisions to the timetable for preparation of the Local Development Framework (LDF) and to interim arrangements in respect of the Local Transport Plan (LTP). Members were advised that significant reforms to the planning system had been published within the Localism Bill and that there was a need to consider fully the implications of the changing legislative context. A revised timetable also provided opportunities for further consultation, including a community poll.

In discussion the following points were raised:

- It was queried why new issues concerning water quality and infrastructure were being revealed as it was stated that with the extensive evidence base such issues should have been addressed. It was additionally stated that through the Growth Point initiative, £200,000 had been received to pay for water supply surveys to be carried out in the county; as these monies had been received several years ago it had been surprising that the issues remained.
- Given that £479,000 had been spent on studies relating to the Outer Distributor Road (ODR) and a further £822,000 on the LDF consultation the view was expressed that this spend had been wasted especially given that 80-90% of those responding to the Hereford consultation had rejected plans for expansion of houses and the ODR; similarly Ledbury had rejected options for expansion. It was asked what procedures were in place for options other than the urbanisation of Hereford City and of the market towns.
- The opportunity to consider further the LDF and LTP in line with the new timetable was welcomed; however it was urged that future questionnaires were written in plain English and were user friendly.
- Officers and Members were complimented for the previous consultation process which solicited a tremendously positive response from the public.
- The results of the consultation carried out in relation to LTP3 were requested; it was additionally stated that the LTP3 process had not been timetabled.
- Frustration was expressed due to the limitations of the water infrastructure in parts of the county. An update was requested on progress to date on the high

level negotiations which had been taking place with Welsh Water on this and other issues.

- Consideration would need to be given in advance of the community poll as to the weighting to be given to the outcome of the public vote.

The following amendment was proposed and seconded; *'that there be an open debate on the LDF at the Council meeting in November 2011'* – following discussion, this amendment was withdrawn.

The Cabinet Member for Environment and Strategic Housing stated that:

- Much work had been undertaken by Council officers and that the existing evidence base was extensive; the revised timetable would enable the Council to fully take into account the new legislation and outcomes of the further consultation.
- The weight given to the outcome of the poll would be a matter for the next administration, however it was stated that the poll was advisory and that no decision would be bound by its outcome.
- The rate of development was just sufficient to cope with organic growth – large urbanisation was not planned.

The Cabinet Member Economic Development and Community Services offered to meet with individual Members to discuss the outcomes of the independent research projects.

In responding to some points raised in debate the Leader:

- Suggested that Member workshops on the LDF be held in public.
- That a government grant had been received to support the consultation process.
- Hereford Futures had been tasked with addressing the infrastructure issues. The utilities companies were a continued source of frustration and needed to be accountable for their lack of progress such as the significant development needs of parts of the county's sewerage system.
- If the growth agenda was not addressed, the city and county would not meet the needs of the future. House building rates had dropped to those last seen in 1924 and concern was expressed that a housing crisis was looming, especially in relation to housing provision for local residents and families.

**Resolved that:**

- (a) the Local Development Framework timetable be revised as set out in the table at paragraph 11 of the report;**
- (b) the linkage between the Local Development Framework and Local Transport Plan, and the consequent impact on the Local Transport Plan timetable be noted; and**
- (c) the existing Local Transport Plan 2 be adopted as the Council's interim Local Transport Plan 3 pending finalisation of the Local Development Framework submission;**

## **71. CONSTITUTIONAL AMENDMENTS**

### **11A. SHADOW HEALTH AND WELLBEING BOARD**

The Cabinet Member Adult Social Care, Health and Wellbeing advised Council of the proposed requirements to establish a Health and Wellbeing Board (HWBB) and to

progress the Council's status as an Early Implementer for the Department of Health (DoH) by creating a shadow board.

In debate the following points were raised:

- The bringing back of democracy in the health service was welcomed. Previous structure lacked legitimacy of representation.
- The development of Herefordshire's partnership arrangements between health and the local authority had been challenging but were now paying dividends; Herefordshire was in a good place to take forward such changes.
- In welcoming the initiative, concern was expressed as to the potential extra cost burden and assurance sought that any additional costs would not be transferred to the council tax payer.
- Noting that the HWBB would include Executive Members within its composition, what arrangements would be in place for input from non-executive members?

The Cabinet Member Adult Social Care, Health and Wellbeing advised Members that a health scrutiny committee would remain.

**RESOLVED THAT:**

- (d) a Shadow Health and Wellbeing Board be created and chaired by a Cabinet Member;**
- (e) the powers and duties of the Shadow Board shall be:**
  - (i) for the purpose of advancing the health and wellbeing of the people in Herefordshire, to encourage persons who arrange for the provision of any health or social care services in that area to work in an integrated manner; and**
  - (ii) to provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 in connection with the provision of such services; and**
  - (iii) to encourage persons who arrange for the provision of health-related services in Herefordshire to work closely with the Health and Wellbeing Board; and**
  - (iv) to encourage persons who arrange for the provision of any health or social care services in Herefordshire and persons who arrange for the provision of any health-related services in Herefordshire to work closely together; and**
  - (v) to advise on how the functions of the Council and its partner commissioning consortia under sections 116 and 116A of the Local Government and Public Involvement in Health Act 2007 ("the 2007 Act") are to be exercised; and**
  - (vi) to give to the Council its opinion on whether the Council is discharging its duty under section 116B of the 2007 Act;**
- (f) the membership of the Shadow Board shall include:**

- those executive members of the Cabinet whose current areas of responsibility are encompassed by the powers and duties of the Shadow Board
- the Chief Executive
- those officers whose jobs include the roles of Director of Adult Social Services, Director of Children's Services and Director of Public Health (as defined in clause 26 of the Health and Social Care Bill of 2011).
- a representative of LINK (Local Improvement Network)
- a representative of the Herefordshire Primary Care Trust
- a representative of Hereford Hospitals Trust or (from 1st April 2011) the new Integrated Care Organisation for Herefordshire
- a representative of the Herefordshire GP Consortium
- a representative of the voluntary and community sector in Herefordshire
- a representative of the business community in Herefordshire

**PROVIDED THAT the Shadow Board may at its discretion include such further representatives as it shall determine;**

- (g) **the Shadow Board shall comply with the Standing Orders of Herefordshire Council in so far as executive members may make decisions at its meetings; and**
- (h) **the Monitoring Officer report further on appropriate delegations and other constitutional requirements for a formal Health and Wellbeing Board once the Health and Social Care Bill has been enacted and the relevant implementation date is known.**

## **11B. CONSTITUTIONAL AMENDMENTS : SUBSTITUTE MEMBERS**

The Cabinet Member Corporate and Customer Services and Human Resources presented the report which sought approval for changes to the constitution, as required in law, in relation to the wording within the procedure rules dealing with substitute members.

In discussion the following points were raised:

- The requirement for a substitute member was often not known until the day of the meeting, therefore meeting the 3.00p.m deadline would be difficult.
- Concern was expressed that ungrouped members were at a disadvantage in terms of giving notice this may be open to legal challenge.

- The opportunity to substitute at working groups was suggested.

In response, the Cabinet Member Corporate and Customer Service and Human Resources;

- Emphasised that, for groups, the giving of notice in writing no later than 3.00p.m on the last working day prior to the date of the meeting was encouraged.
- It was not usual for there to be substitutes at working groups due to potential for disruption of the business.
- Named deputies existed for all Chairmen and the Leader, therefore no additional processes were needed other than those already in the constitution to cover the Chairing of Cabinet and other committees.
- Non aligned members would need to liaise with the Monitoring Officer, therefore the deadline for such contact would need to be definitive.

**RESOLVED that Council :**

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

- i. **That wording within the Procedure Rules which deals with substitute members be revised and replaced with the following wording to comply with the law contained in the relevant Act and Regulations.**

**4.1.23 Substitution**

**4.1.23.1 The Monitoring Officer on behalf of the Chief Executive may receive notice from a group leader or authorised nominee on behalf of that group that a different member of their group shall be substituted for the member previously allocated to a place on a committee, sub-committee or other body to which the proportionality rules apply. The giving of notice in writing no later than 3.00p.m. on the last working day prior to the date of the meeting is encouraged.**

4.1.23.2 The Monitoring Officer (in consultation with the ungrouped members concerned) may substitute another ungrouped member for an ungrouped member who has notified him in writing that he is unable to attend a meeting. Such notification must be given no later than 3.00p.m. on the last working day prior to the date of the meeting.

## **72. LEADER'S REPORT**

The Leader of the Council, Councillor RJ Phillips, presented the Leader's report which provided an overview of the Executive's activity since the last meeting of Council and over the period of the administration.

In highlighting aspects of the report, the Leader;

- Advised Council that he had further corresponded with Government about the rise in fuel prices and the impact this was having on families, communities, businesses and the public sector.



- Outlined that whilst £10.3million of cuts needed to be made in the 2011/12 budget, £15m cashable efficiency savings had been delivered over the course of the administration.
- A number of reforms had been undertaken in the county as a result of the close partnership with NHS Herefordshire. These included; the single integrated care organisation which would bring together the hospital, community health and adult social care services; the selection of 2gether as the new mental health and learning disability provider; a joint venture company to deliver shared back office support services; the development of locality working.
- Outlined the significant changes ahead for education and in particular a potential increase in the number of academy schools.
- Commented on the need to continue to prepare for new reforms as a result of the Health Bill and the Localism Bill. Caution would be needed in ensuring that any changes to responsibilities to parish councils were clearly articulated and understood as those taking on e.g. planning responsibilities would also be taking on the legal responsibilities. A new charter between Herefordshire Council and the town and parish councils was being developed and would provide the framework for future discussions about devolution of local services.
- Stated that the establishment of a Police and Crime Panel would enable elected members to monitor the police commissioner and also be able to veto and control the appointment of the Chief Constable.
- Advised Members that European funding, previously administered by Advantage West Midlands, would move to CLG and DEFRA. A close eye would be needed to ensure that funding was appropriately drawn down.
- Expressed frustration that a meeting was yet to be held between the Leaders of Herefordshire and Shropshire with the Leader of the Welsh Assembly. There were clear cross border issues which impacted on the public sector which needed to be understood.
- Thanks were expressed to staff, volunteers and the wider communities in relation to the examples of how local services or assets could be managed effectively by the community e.g. Tudorville and District Community Centre.
- Reported that Herefordshire was expecting around £1million from Government towards the road infrastructure following the severe winter weather, this money would be in addition to that already accounted for in the budget. It was stated that priority should be given to the 'c' and unclassified roads. Amey and FOCSA were congratulated on a job well done during the severe winter weather.
- Drew attention to work being carried out within the Local Enterprise Partnership. Council was also advised that work would continue to ensure that AWM's assets remained in the public domain where relevant.
- Acknowledged that the meeting was to be the last under the present administration and would be the last for him as Leader as he had chosen, after eight years, to stand down from this position. Council was advised that the he would stand as a candidate within his ward and hoped to provide an active support role in the future. Thanks were expressed to all Members and staff for their support during his time as Leader.

In discussion the following points were raised:

- In recognising the valuable work of the gritters during the severe winter weather, it was suggested that animal welfare (on a large scale) should be a consideration when prioritising gritting of roads or when distributing salt.
- Whilst the repair of 'c' and unclassified roads was to be welcomed some potholes remained on principal roads.
- Concerns were raised regarding the reduction in the provision of the county music service.
- Clarification was sought as to the types of goods which would be sold in the Department Store provisionally proposed for Hereford.

Responding to the point made specifically in relation to the county music service, the Cabinet Member ICT Education and Achievement assured Council that everything was being done to retain some elements of the county music service. A debate had been held at a recent Schools Forum which agreed to support an option to change to an accredited teacher scheme; however it was emphasised that retaining the status quo would not be an option.

Responding to comments from Members of the Council, the Leader stated that:

- In relation to severe winter weather, it would be incumbent on communities and the county to prepare for harsher, longer winters with possibly 5-6 weeks of snow.
- Whilst the development of a department store would be dependent on other processes, should such a development be granted, he was confident that a department store would sell a variety of goods (not solely household goods).

The Chairman, on behalf of the Council, thanked the Leader for his service over the past eight years and stated that he had been a powerful and articulate advocate for the county and had raised the profile of Herefordshire on both a regional and national basis.

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

### **73. ANNUAL REPORT OF THE STANDARDS COMMITTEE**

Mr Robert Rogers, the Chairman of the Standards Committee, presented the annual report of Standards Committee. Three areas were highlighted to Members as follows:

- Major changes in the standards regime would include arrangements being voluntary without statutory backing. The Committee had asked what in the new circumstances would be the best way of demonstrating and maintaining high standards of conduct, and most importantly, what were the expectations of the people of Herefordshire. These would be questions for the new Council.
- With the Council elections approaching, Members were reminded that whilst it was right that it would be a time of robust even fierce debate, Members were not to be tempted to use the formal code of conduct mechanism to settle purely political differences.
- Whilst recognising that the relationship between an authority and its standards committee would quite rightly never be a cosy one, the Council's strong support for the standards process had reflected very well on the Council. The Chairman expressed his thanks, and that of his committee for the support, courtesy and the assistance of council officers.

Responding to comments raised in discussion, Mr Rogers stated that:

- In recognising that the standards process was bureaucratic, the process followed statutory procedures.
- Whilst there was no formal bureaucratic programme of training, the standards committee was kept abreast of appropriate legal judgements and other matters of interest or note in relation to their role as a Standards Committee Member.
- The current code of conduct would remain until otherwise notified. Members were advised that it was intended that the non declaration of interests would become a serious criminal offence.
- Balancing enforceability with credibility was key to any future standards arrangements.

**RESOLVED: That the annual report to Council of the Standards Committee be received.**

**74. ANNUAL REPORT OF THE PLANNING COMMITTEE 2010-2011**

Councillor TW Hunt presented the annual report of the Planning Committee.

**RESOLVED: That the annual report of the Planning Committee be received.**

**75. ANNUAL REPORT OF THE REGULATORY COMMITTEE 2010-2011**

Councillor JW Hope MBE presented the annual report of the Regulatory Committee and Council was requested to consider the adoption of the Licensing Policy and Cumulative Impact Policy and the adoption of schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

**RESOLVED that**

- (a) **The Licensing Policy and the Cumulative Impact Policy, Licensing Act 2003, as submitted to the Regulatory Committee at its meeting on 1 February 2011, be adopted, subject to any subsequent review which may be required;**
- (b) **Schedule 3 and the amendment to Section 27 to the Local Government (miscellaneous Provisions Act 1982) which gives power to regulate lap dancing clubs and similar venues be adopted; and**
- (c) **The annual report of the Regulatory Committee be received.**

**76. ANNUAL REPORT OF THE AUDIT AND GOVERNANCE COMMITTEE 2010-2011**

Councillor ACR Chappell presented the annual report to Council of the Audit and Governance Committee.

**RESOLVED: That the annual report of the Audit and Governance Committee be received.**

**77. ANNUAL REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE 2010-2011**

Councillor PJ Edwards presented the annual report to Council of the Overview and Scrutiny Committee which outlined work undertaken by the scrutiny function between May 2010 and February 2011. All Members were thanked for their enthusiasm, professionalism and contributions to the scrutiny process. It had been pleasing to note that the Executive had taken on board 93% of the Committees' recommendations.

**RESOLVED: That the annual report of the Overview and Scrutiny Committee be received.**

**78. WEST MERCIA POLICE AUTHORITY**

Councillor B Hunt presented the report of the West Mercia Police Authority held on 14 December 2010.

Responding to an operational issue raised by a Member regarding the reduction in beat officers within the county, Councillor Hunt stated that whilst the Police Authority did not have responsibility for operational matters he would investigate the situation and respond.

**RESOLVED: That the report of the meeting of the West Mercia Police Authority held on 14 December 2010 be received.**

**79. HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY**

Councillor Brig P Jones presented the reports of the meetings of the Hereford & Worcester Fire and Rescue Authority which were held on 17 December 2010 and 16 February 2011.

**RESOLVED: That the report of the meetings of the Hereford & Worcester Fire and Rescue Authority which were held on 17 December 2010 and 16 February 2011 be received.**

The meeting ended at 1.05 pm

**CHAIRMAN**

## PUBLIC QUESTIONS TO COUNCIL – 4 MARCH 2011

### **Question from Mr P McKay, Hereford, to the Councillor DB Wilcox, Cabinet Member Highways and Transportation**

#### Question 1

My previous questions have identified shortcomings in the Council's highway records; which term includes public rights of way; and now that Amey have settled in and our highways are being managed well, may I please enquire if we can progress and take into consideration the 2026 cut-off date imposed in the Countryside and Rights of Way Act 2000, when unrecorded rights of use are extinguished and it may be costly to reinstate such rights.

*Is it the Council's objective to have complete and correct highway records by that date, if this date will be taken into consideration when determining priorities, and if the Right of Way Improvement Plan update will incorporate a section encouraging and promoting Parish Council participation with this objective?*

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

Yes it is our objective. The proposed date has not been confirmed and in any event is not relevant as we would wish to maintain and update records as necessary. We will continue to work with Parish Councils in addressing this objective.

#### **Supplementary Question**

It was requested that priority be given to making a combined road and rights of way map available so that Parish Councils could check what was recorded or not recorded, and make positive and constructive representations to meet this objective.

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

The Cabinet Member would be happy to take the suggestion into consideration and see if it could be accommodated in discussion at a future Local Access Forum meeting.

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### **Question from Ms J Stanton, Hereford, to the Leader of the Council Councillor RJ Phillips**

#### Question 2

*Deloitte have calculated the repayment of Environmental Information charges to be £6m at one council. What contingent liability is Herefordshire Council putting in their accounts and who is paying it?*

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

A maximum of £165,000 would be necessary were it required in full, but past experience has shown that a contingency has not been necessary.

**No supplementary question was asked.**

**Question from S Horsfield, Hereford to Councillor JG Jarvis, Cabinet Member Environment and Strategic Housing**

Question 3

*What energy efficiency standards will the Council require for new homes in Herefordshire?*

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

Currently, all building control submissions should meet the requirements of the current Building Regulations. The regulations with regard to energy efficiency were last updated in October 2010. It is the Government's proposal to increase the Building Regulation standard again in 2013 and 2015. The emerging Herefordshire Core Strategy (part of the LDF) will ensure that, as a minimum, these standards are met in the future planning framework.

**No supplementary question was asked.**

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**Question from R Priestley, Hereford to Councillor JG Jarvis, Cabinet Member Environment and Strategic Housing**

Question 4

Our economy in Herefordshire is based overwhelmingly on the use of fossil fuels: coal for electricity, gas for heating and oil for transport. All of these fuels contribute to climate change, and their continued use is not compatible with the sustainability of a healthy biosphere, upon which we are utterly dependent. All these fuels are also finite; their use cannot possibly be maintained at current levels indefinitely. There is much economic data to suggest that extreme price increases are probable over the coming few years: long before 2026 they may simply be unaffordable. Prosperity can only be sustainable in the longer term if it is based on energy efficiency, 100% renewables and a proper stewardship of the biosphere. It will take time to transform the economy: now is the time to start.

*For how long do you envisage the economy of Herefordshire being able to maintain a certain rate or level of growth based on the massive and continuing use of fossil fuels?*

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

Herefordshire is no different to other areas of the country in its current use of fossil fuels. The Council recognises this is a significant issue for the future of the county, and is already working with partners to develop strategies to address this issue. The county is well placed to maximise the use of new technologies, and build on the ingenuity of local entrepreneurs in enabling the local economy to continue to grow.

**No supplementary question was asked.**

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Question 5 disallowed on the grounds that the question is the same or similar to a question raised in the last six months (19 November 2010) Herefordshire Council Constitution Part 4, 4.1.14.7 c.

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**Question from Mrs E Morawiecka, Breinton, Hereford to Councillor DB Wilcox, Cabinet Member Highways and Transportation**

Question 6

The Sustrans/Connect 2 River Wye crossing to the East of the city of Hereford, linking Tupsley and Rotherwas still has not materialised into a planning application. Planning applications have however been submitted for a link road (with no bus lanes) and a large Plough Lane car park with 644 spaces.

*After well over 2 years debate over a route, how much longer does this council think it will take before they can determine a route for a footpath and cycle way to cross the River Wye on the eastern side of Hereford City, which will improve the sustainable travel options for local residents and can they guarantee they will be able to complete this route before the funding is lost?*

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

It is anticipated that the route will be determined within the next few weeks following receipt of final views from stakeholders; I am confident this will give sufficient time to draw down the funding and complete implementation of the scheme.

**Supplementary Question**

How long does it take to design, deliver and fund a footpath and cycle way across the Wye?

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

The time taken would be dependent on the funding and resources available. It was important to determine if the public wanted such a scheme; and the appropriate route that should be taken. With the necessary mandate the scheme would be given the priority level it deserves.

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Question 7 disallowed on the grounds that the question is the same or similar to a question raised in the last six months (4 February 2011) Herefordshire Council Constitution Part 4, 4.1.14.7 c.

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## PUBLIC QUESTIONS TO COUNCIL – 4 MARCH 2011

### **Question from S Brown, Bucknell, Herefordshire to Councillor RJ Phillips, Leader of the Council**

Question 8

*What Quality Assurance or other nationally or internationally recognised procedures and standards apply to the production of council reports and documents intended for public scrutiny such as consultation documents?*

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

The standards applicable to the production of Council reports are contained in the Local Government Act 1972 (as amended) and the Council complies with this. The format of reports varies from council to council but will typically ensure that the facts and recommendations are clear and that all relevant factors are taken into account. For key decisions, details of proposed consultation arrangements are contained in the Council's Forward Plan.

The content of consultation documents is not generally prescribed and will vary according to the matter under consideration. Sometimes the law dictates the content and questions and the number of variations mean this question is not capable of a general response. However, the council has guidelines for producing documents which encourage good practice covering aspects such as use of plain English and ensuring the document is accessible to the intended audience.

**No supplementary question asked.**

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### **Question from Mrs M Brown, Bucknell, Herefordshire to Councillor RJ Phillips, Leader of the Council**

Question 9

*How have the findings of the November 2008 Herefordshire Public Services Strategic Options Public Consultation influenced the Council's policy development, expenditure and financial strategy (please cite examples)?*

### **Answer from Councillor RJ Phillips, Leader of the Council**

The strategic options consultation, of 2008, taken with the results of other public satisfaction surveys conducted more recently, gives a degree of consistency about things that are regarded as both important to local people and in most need of improvement. The three highest are:

1. Affordable, decent housing
2. Clean streets and
3. Public transport



## PUBLIC QUESTIONS TO COUNCIL – 4 MARCH 2011

These are all reflected in the joint corporate plan approved by Council, and which itself informs spending priorities and financial strategy. Some specific examples of activity include:

- Homelessness prevented in 488 cases in the year to September 2010, which was already higher than the 397 cases prevented during 2009
- 90 affordable houses delivered in the period April 2010 to end January 2011 at a time when, nationally, house building has been minimal
- Improved street cleansing has been achieved through the formation of our community protection team and the transformation of our contractual arrangements with Amey Herefordshire. Performance in relation to improved street environmental cleanliness has seen continued improvement with reduced levels of litter, detritus, graffiti and fly tipping.
- Working with Amey and the Safer Herefordshire partnership we were one of only 12 authorities selected to be a partner in the National Chewing Gum campaign, working with a private sector organisation (Gumdrop Ltd) and their innovative product, to achieve a 39% reduction in inappropriately discarded chewing gum.
- Despite a challenging financial settlement and a reduction in national grant funding for concessionary fares, we have largely been able to protect public transport services in the county.

**No supplementary question asked.**

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Question 10 disallowed on the grounds that the question is the same or similar to a question raised in the last six months (4 February 2011) Herefordshire Council Constitution Part 4, 4.1.14.7 c.

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Question 11 disallowed on the grounds that the issue raised in the question is not a matter for which the Council has a responsibility – Herefordshire Council Constitution 4.1.14.7 a.

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Question 12 disallowed on the grounds that the question is the same or similar to a question raised in the last six months (4 February 2011) Herefordshire Council Constitution Part 4, 4.1.14.7.

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**Question from Ms V Wegg-Prosser, Breinton, Hereford to Councillor DB Wilcox, Cabinet Member Highways and Transportation**

Question 13

The 'Vision' of the Hereford Preferred Option states in para 2.5 that 'The provision of a relief road will be key to enabling a congestion free city by enabling *an alternative trunk route ...*'

*Can you point to any other local highway authority in England, Wales or Northern Ireland that has provided a developer funded 'alternative trunk route' for the Highways Agency*

## PUBLIC QUESTIONS TO COUNCIL – 4 MARCH 2011

*and, if so, were any of these 'alternative trunk routes' roads that had been dropped from the National Roads Programme after failing at a Public Inquiry?*

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

An example of major highway schemes, funded by a combination of public and private sector contributions is the Birmingham north relief road. The history of the funding of the national roads programme is not known.

### **Supplementary Question**

It was believed that further investigations would be of benefit to the Council to find out if the original proposals for an eastern bypass rejected in 1994 as a trunk route, would not apply also to a western route and that the existing A 49 could not be de-trunked?

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

The A49 would be expected to follow the new route around the city. The roads between the new connecting junctions through the city could then be de-trunked.

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Question 14 disallowed on the grounds that it was the same or similar to a question raised in the last six months (4 March 2011 - the same question has been raised at question 13) Herefordshire Council Constitution Part 4, 4.1.14.7 c.

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### **Question from Professor L Clements, Hereford to Councillor DB Wilcox, Cabinet Member Highways and Transportation**

Question 15

*I understand that contraflow cycling on St Owen's Street is ranked 2nd in cycle schemes for Hereford and has been a priority for cyclists since the days of Hereford and Worcester County Council. I further understand that several years ago Councillor Wilcox took the decision that an informal contraflow should be introduced. Could you please inform me what are Councillor Wilcox's plans for delivering this scheme?*

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

A range of options for improving cycle access in St Owen Street has been considered and cyclists, retailers and local residential communities have been consulted on their views on several options. The hope that an 'informal' contraflow could be introduced depended on the speed of the traffic; subsequent speed checks identified that this was not possible. It has not yet been possible to achieve a consensus to enable a preferred option to be selected. However, a Living Streets audit of St Owen Street has been undertaken to identify a more holistic solution to the issues affecting all movements within the street.

**No supplementary question asked.**

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### **Question from D Phelps, Hereford to Councillor RJ Phillips, Leader of the Council**

## PUBLIC QUESTIONS TO COUNCIL – 4 MARCH 2011

### Question 16

*When will the Council be conducting the poll on its proposals for a road going around the west or east side of Hereford and what laws and regulations will apply to the poll? Please cite specific relevant legislation and regulations.*

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

Cabinet will be receiving a report at its first meeting in June regarding the further consultation, including a community poll, and the timetable, logistics of carrying out a poll, the possible questions to ask and background information to be provided. The poll will be carried out in accordance with the relevant legislation as part of the LDF process.

**No supplementary question asked.**

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#### **Question from Ms P Mitchell, Hereford to Councillor DB Wilcox, Cabinet Member Highways and Transportation**

### Question 17

The Hereford Preferred Option consultation document states that the Delivering a Sustainable Transport Policy Study (DaSTS) (2010) 'concluded that the level of growth planned through the Core Strategy would need both a strong package of sustainable transport measures and also new road infrastructure' (para 4.30)

*Where is this conclusion arrived at in the DaSTS (please give full quote and paragraph references) and does 'new road infrastructure' specifically mean a relief road?*

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

The conclusion to the DaSTS study confirms a relief road is necessary and states at paragraph 8.5:

"in Hereford the single river bridge is a constraint on development, whilst the planned level of growth (39%) is greater than the reductions that have, to date, proved to be achievable through smarter choices interventions alone"

And at paragraph 8.7

"there is potential for a Relief Road to play a significant role in addressing the congestion which is already evident on the A49 trunk road, by providing an additional crossing over the Wye".

#### **Supplementary Question**

Questioner stated she had a different reading of the paragraph quoted. When would the phase 2 study with the suggestions in three areas be available and would Council make sure it is available?

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

## PUBLIC QUESTIONS TO COUNCIL – 4 MARCH 2011

It would be a public document and would be made available at the appropriate time once the working stage had been finished.

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### **Question from Professor A Fisher, Hereford to Councillor RJ Phillips, Leader of the Council**

Question 18

It is clear that at the time the Council consulted on the Hereford Preferred Option the viability study on the road proposal was 'ongoing' (para 4.26) and therefore could not have informed that consultation.

*How many weeks before the Council's advisory poll on the road will the 'viability' study be available for public scrutiny and how will the public be informed of its availability?*

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

Cabinet will be receiving a report at its first meeting in June regarding the further consultation, including a community poll, supporting information and timetable.

**No supplementary question asked.**

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### **Question from Ms P Churchward, Breinton, Hereford to Councillor RJ Phillips, Leader of the Council**

Question 19

The Council emphasised through out the consultation on the Hereford Preferred Option and in other communications, its view that the spatial strategy and specifically the Hereford Urban Expansion are dependent on a relief road. \*(eg. At paras 4.11 and 4.31 of the Hereford Preferred Option consultation)

*What impact will the potential non-deliverability of a relief road have on the Core Strategy of the Local Development Framework, and in particular on the amount of housing built around Hereford?*

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

Hereford's essential infrastructure, including roads, electricity, water and sewerage systems is acknowledged as reaching its capacity and will require enhancement to ensure future resilience and support the predicted growth. Without a relief road the core strategy would have to be revisited and it is clear that significantly fewer houses, including affordable housing, could be delivered without this necessary infrastructure.

### **Supplementary question**

## **PUBLIC QUESTIONS TO COUNCIL – 4 MARCH 2011**

On the basis that the latest consultation results have rejected the option for Hereford, including the inner relief road, would officers be revising the whole core strategy before it came to Council for consideration?

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

Further consultation, including the poll, would advise future Cabinet deliberations.

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## MEMBERS' QUESTIONS TO COUNCIL – 4 MARCH 2011

### **Question from Councillor PJ Edwards of Councillor DB Wilcox, Cabinet Member Highways and Transportation**

- 1 *Given Hereford City and its surrounding roads recent traffic gridlock due to emergency Transco Gas repairs at Newmarket Street, what powers will be used in future, in an attempt to reduce such major disruption?*

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

Answer to question 1

- 1 The Highways Agency is currently responsible for the management of trunk roads including the A49.

I agree with Councillor Edwards that the emergency repairs to the gas leak caused considerable traffic disruption and we took up the issue with the Highways Agency in our overall traffic management role. I acknowledge that the management and communication of highway works at this highly traffic sensitive location was not satisfactory and I have asked the officers to take this matter up with the Highways Agency to ensure that their management of similar issues is managed much more efficiently in the future. I have asked for a report back on the outcome of the talks to determine whether or not further action is necessary.

### **Supplementary Question**

What response was received from the Highways Agency regarding the fact that the public were sitting in traffic queues?

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

The Council's Traffic Manager contacted the Highways Agency and the gas contractor, and made representations regarding the disruption, requesting alterations be made to the traffic lanes. These representations were only responded to in part. The Council has not been satisfied with the way the traffic management was carried out or the response to the representation. Officers will be taking up these issues with the Highways Agency at their next meeting. Depending on the outcome of the officer meeting, it is possible that I may raise the concerns with the Regional Director of the Highways Agency.

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### **Question from Councillor PJ Edwards of Councillor JG Jarvis, Cabinet Member Environment and Strategic Housing**

## MEMBERS' QUESTIONS TO COUNCIL – 4 MARCH 2011

- 2 *Given that the County Local Development Framework (LDF) programme is now being delayed approx 12 months, when will the Hereford City (including immediate surroundings) Local Plan be made available for Public Scrutiny? Meanwhile, how will speculative Planning Applications be judged, specifically in relation to desperate improvements of infrastructure required?*

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

Answer to question 2

- 2 Cllr Edwards will be aware from the report elsewhere on Council's agenda that the legislative background is now changing significantly and we are proposing to amend the LDF timetable to enable the implications of those legislative changes to be fully considered. A report on timetable and options for progressing this will be considered by Cabinet in June, but it is reasonable to assume that consultation of the subsidiary area plans will not begin in advance of adoption of the core strategy. In the interim, the policies of the Unitary Development Plan continue to provide a suitable planning policy framework for the management of development.

### **Supplementary Question**

Would Councillor Jarvis or the future Cabinet Member please take additional care when considering applications for housing between the UDP and the future approval of the LDF?

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

Yes, due account would be taken.

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### **Question from Councillor PJ Edwards of Councillors: JG Jarvis, Cabinet Member Environment and Strategic Housing and H Bramer, Cabinet Member Resources**

- 3 *The Hereford Times (February 10 edition) referred to The Belmont Oval Community Plan with "much of the 1950's housing stock to be eventually demolished and rebuilt" what contribution to the scheme is being considered by Herefordshire Council and when is this housing renewal likely to be implemented?*

### **Answer from Councillor JG Jarvis, Cabinet Member Environment & Strategic Housing**

Answer to question 3



## MEMBERS' QUESTIONS TO COUNCIL – 4 MARCH 2011

- 3 Herefordshire Council has developed a Local Investment Plan, agreed by the Homes & Communities Agency, which identifies the Oval Regeneration Project, relating to properties owned by Herefordshire Housing Ltd (HHL), as a strategic priority for the County. No financial commitment has been made by the Council we will support HHL in seeking other sources of funding. We are awaiting details on HHL's timetable for the implementation of any finalised proposals following the community consultation and financial options appraisals. Hereford Futures are offering technical support to progress the options appraisals.

### Supplementary Question

200 families are resident in the Oval. There was reference in the Local Investment Plan to housing renewal at the Oval. Why has the Council not offered financial assistance towards the housing renewal plan?

### Answer from Councillor JG Jarvis, Cabinet Member Environment & Strategic Housing

Hereford Futures has been asked to give assistance and to look at funding which could be raised for the housing scheme. It was an important project and it was hoped that the whole site would be rebuilt to a good plan.

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### Question from Councillor DC Taylor of Councillor JG Jarvis, Cabinet Member Environment and Strategic Housing

- 4 *Is the Cabinet Member aware of the accident at the Sterecycle waste recycling plant at Rotherham in January, which was reported by BBC News (South Yorkshire)? A waste incinerator exploded which resulted in a tragic death when the building collapsed into the road. This was of a similar construction to that which was proposed for the Madley site.*

*Does the Cabinet Member agree with me that it was fortuitous that Herefordshire and Worcestershire Councils did not proceed with the proposed autoclave unit which could have resulted in a similar tragedy at Madley?*

### Answer from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing

Answer to question 4

- 4 I am unable to comment on the causes of the incident referred to which is currently subject to an independent investigation. However I am pleased that the Council's waste disposal contractor, Mercia Waste Management, has secured planning consent for Energy from Waste facility at Hartlebury in Worcestershire; this uses tried and tested technology with a strong safety record.

**No supplementary question was asked.**

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**Question from Councillor RI Matthews of Councillor AJM Blackshaw, Cabinet Member Economic Development and Community Services**

5 *Can the Cabinet Member for Economic Development and Community Services inform Council of how many new jobs have been created in the County during the past four years?*

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

Answer to question 5

5 This information is not captured by any statistics.

However, in terms of unemployment figures it is pleasing to note that Herefordshire has shown a degree of resilience during the recent economic downturn, especially when compared to the regional and national picture.

In March 2007 the unemployment rate in Herefordshire was 1.4%, this compared to 3.2% for the West Midlands and 2.4% for England. The most recent figures (Jan 2011) show that the unemployment rate for Herefordshire is now 2.4% but that those for the West Midlands have risen to 4.7% and those for England to 3.6%.

Although the county's unemployment rate has risen by 1% in the past four years, the peak of unemployment occurred in February 2010 when it was 2.8%. The unemployment increase in Herefordshire is also demonstrably less than the increase in the West Midlands (1.5% increase) and for England (1.2% increase).

**Supplementary Question**

It was disappointing and surprising that no statistics were available for new jobs. This being the case, how was the Leader able to draw on such information in his recent press release?

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

The growth of unemployment in the county has increased by 1% compared with 1.2% nationally and 1.5% in the West Midlands region. A fall in the number of unemployed in 2010/11 is encouraging.

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## MEMBERS' QUESTIONS TO COUNCIL – 4 MARCH 2011

### **Question from Councillor RI Matthews of Councillor H Bramer, Cabinet Member Resources**

- 6 *Can the Cabinet Member for Resources tell Council how much has been raised from the sale of Council assets during his term of office?*

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

Answer to question 6

- 6 £7,016,079 (June 2007 – March 2011)

**No supplementary question asked.**

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### **Question from Councillor AT Oliver of Councillor AJM Blackshaw, Cabinet Member Economic Development and Community Services**

- 7A *Would the Cabinet Member confirm whether any cuts to the library service are planned?*
- 7B *Will opening hours for staff be reduced for instance. If so what are the total savings expected?*
- 7C *Are any improvements to the library service being planned to increase library use?*

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

Composite answer to question 7

- 7 As is the case nationally, the library service, along with other local authority services, will be required to meet budget savings. However, unlike many other authorities, the target savings for 2011/12 are only £200,000 from a £1.8 budget and we have no plans to close any of the core market town libraries. How the savings are made will be informed by the Future Libraries Programme, the developing Library Strategy and consultation with users and communities. The strategy will look at opportunities to improve access to library services whilst delivering those services more cost effectively, as well as how we can ensure that libraries play their full part as community hubs.

### **Supplementary Question**

£200,000 cuts have been proposed and no indication where the cuts come from.

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

## MEMBERS' QUESTIONS TO COUNCIL – 4 MARCH 2011

Every effort will be made to maintain the libraries in the market towns. A joint review was currently being undertaken with Shropshire would report soon. Every effort would be done to protect the vulnerable.

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### **Question from Councillor AT Oliver of Councillor PD Price, Cabinet Member ICT, Education and Achievement**

*8A Significant savings are stated to have been made within the Children and Young People's Directorate. How significant, i.e. what is the number of staff reductions, and what is the total saving in the Directorate's budget?*

*8B How will this effect service delivery in the directorate and what services are being reduced or lost?*

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

Answer to question 8

8A The directorate expects to have achieved savings of £1.4 to £1.5 million by the end of the financial year.

The CYPD restructure identified a net reduction of 35.4 posts, the savings from which are included in the above figure.

8B The council will continue to place the needs and aspirations of the children and young people of Herefordshire at the heart of what it does. National policy changes (and their associated funding cuts) mean that we will no longer carry out some work, such as School Improvement Partners, and there are also nationally significant changes to the models for schools provision. The impacts of these changes are still being worked through in line with the budget principles reported to Council in February, but it is clear that, together with the reductions in public spending, services will increasingly become targeted on supporting those most vulnerable or in need.

### **Supplementary Question**

- (a) Are the 35 posts identified part of the overall 250 FTE posts which will be lost?
- (b) Are all schools aware that School Improvement Officers are to be withdrawn in future years?

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

- (a) Yes, the posts were part of the overall cuts.

### **Answer from Councillor PD Price, Cabinet Member ICT, Education and Achievement**

## MEMBERS' QUESTIONS TO COUNCIL – 4 MARCH 2011

(b) Yes, all schools were aware of the withdrawal of the School Improvement Officers. A consultation was held, though it was acknowledged that the timescale was short as it was held following the publication of the settlement on 13 December 2011 and prior to the setting of the budget in February.

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### **Question from Councillor AT Oliver of Councillor AJM Blackshaw, Cabinet Member Economic Development and Community Services**

- 9A *A review of all advice services provided by the Council and third parties was proposed in 2009 and a strategy drawn up under guidance from consultants. Would the Cabinet Member state why this review appears to have been abandoned and provide details of the total amount spent on this review to date and the cost of the consultants involved?*
- 9B *Does this Council consider that the provision of debt advice to local residents should be a priority in the current financial situation?*

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

Answer to question 9

- 9A The review has not been abandoned. The cost of consultants in drawing up a framework was £8,640. The development of this framework is now being undertaken by officers.
- 9B Yes.

### **Supplementary Question**

In noting that the review has not been abandoned, when would it be concluded?

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

The work in progress was almost complete. Support to Citizen Advice Bureaus was in the forefront of minds. In 2009/10 the CABs received an additional contribution of £15,000. In addition to the £123,000 contribution to the CABs in 2011/12 there would also be an additional lump sum of £20,000.

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### **Questions from Councillor GFM Dawe of Councillor RJ Phillips, Leader of the Council**

10 Growth Point Status

- 10A *What is the current status of the Growth Point status partnership agreement signed with central government in 2006?*

## MEMBERS' QUESTIONS TO COUNCIL – 4 MARCH 2011

- 10B *How much money has Herefordshire Council received from central government as a result of the partnership agreement? What has it been spent on?*
- 10C *What conditions, if any, apply to funding received as a result of Hereford's Growth Point status?*

### **Answers from Councillor JG Jarvis, Cabinet Member Environment & Strategic Housing**

Answer to question 10

- 10A The status remains unchanged.
- 10B In total the Council has received almost £500,000 grant for revenue expenditure and £1,460,000 for capital projects. The revenue funding has been used to develop the evidence base for the LDF. The capital element will be used to help fund the Connect2 Cycle Project and to provide sustainable transport measures associated with the new Livestock Market.
- 10C The only specific grant condition applying to Growth Point grants is that capital funding is spent on capital projects.

### **No supplementary question asked.**

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#### 11 Population growth proposed for Herefordshire:

Analysis of housing needs show that some of the new housing will be occupied by people coming into the county.

- 11A *What analysis has been done of where people will come from?*
- 11B *What percentage of the new housing will be taken by in-migration?*
- 11C *What analysis is there of what jobs people will do and how they will get to those jobs?*

### **Answers from Councillor JG Jarvis Cabinet Member Environment and Strategic Housing**

Answer to question 11

We have made a clear commitment to ensure that Herefordshire remains both sustainable and vibrant by providing the right level of growth, similar to the past. This requires a holistic view to be taken of the development of housing, employment, transport, utilities and community infrastructure.

## MEMBERS' QUESTIONS TO COUNCIL – 4 MARCH 2011

- 11A It is not possible to accurately state where they will come from, however historically around three quarters of people moving into Herefordshire come from London and SE England.
- 11B It is not possible to say. The affordable element of new housing schemes will be specifically aimed at meeting local housing needs.
- 11C No such analysis exists. Housing growth is dealt with in the context of the UDP/LDF which ensure that relevant infrastructure, including employment land, is provided to support employment and travel needs of the population.

**No supplementary question asked.**

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### 12 ESG in Hereford Preferred Option

Para 3.16 [in the Hereford Preferred Option] states ESG will mean Herefordians will shop in Hereford which is more sustainable than them travelling to Worcester, Cheltenham, Bristol and Cardiff.

12A *Where is the evidence to prove this?*

12B *ESG literature claims the new ESG retail centre will draw on a population of 400,000. This means many people will have to travel into Hereford to make it viable (as the total population of the county is only 176,000). Many Herefordians travelling to Worcester, Bristol and Cardiff may do so by train. Has this been taken into account when considering the sustainability of travel modes and ESG?*

Paragraph 3.36 states the retail study on-street surveys found that a fifth of people questioned wanted to see more non-food shopping. This actually seems very low. The evidence here is saying four fifths of people questioned weren't bothered about more non food shopping provision and presumably were happy with the current city centre.

12C *How has the 4/5<sup>th</sup> majority view been ignored?*

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

Answer to question 12

The future of the city can only be secured by delivery of an integrated package of improvements, of which an improved retail offer forms a part. The amended masterplan for the Edgar Street area has already been significant in ensuring the continued protection of the city centre as it is used in the consideration of planning applications for out-of town retail provision.

## MEMBERS' QUESTIONS TO COUNCIL – 4 MARCH 2011

- 12A Para 3.16 of the Hereford Preferred Option paper, which has not yet been adopted, doesn't refer to the Edgar Street area, but rather the role of the city as a major market centre and referencing a PPS4 assessment that was informed by a retail study published in November 2010, available on the Council website.
- 12B Yes
- 12C This interpretation of the survey findings is misleading. The survey asked people to rank their top choices on "What they would like to see more of in the City Centre" – 21.2% put more non-food shopping at the top of their list – others chose alternative items such as more food shopping, more services such as banks and building societies, more leisure facilities such as cinemas and so on. It is inaccurate to infer that 4/5<sup>th</sup>s of responders were actually against improvements in the City Centre.

**No supplementary question asked.**

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Question 13 disallowed on the grounds that the question is the same or similar to a question raised in the last six months (19 November 2010) Herefordshire Council Constitution Part 4, 4.1.15.4 c.

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### 14 Regional Growth Fund / LEP

14A *How was the decision arrived at for the £130,000,000 bid for the Edgar Street Grid Link Road and associated works, to be submitted to the Regional Growth Fund via the Local Enterprise Partnership?*

14B *What were the roles of the officers / elected members?*

14C *Can a breakdown be provided of this proposed expenditure?*

### **Answers from Councillor A Blackshaw, cabinet Member Economic & Community Services**

Answer to question 14

14A At no point has the figure of £130,000,000 been given in relation to the link road. Hereford Futures, as the delivery company for this project, submitted a bid on the basis that the Link Road will facilitate the creation of a significant number of private sector jobs within the Retail Quarter and will open up land for housing development. The Marches Local Enterprise Partnership (LEP) reviewed bid proposals from within their area, and endorsed the submission of this bid.



## MEMBERS' QUESTIONS TO COUNCIL – 4 MARCH 2011

- 14B Council officers and members were involved in the formulation of the technical and financial evidence submitted within the RGF bid, and in supporting the LEP's assessment of the bid.
- 14C No; the financial information supplied as a part of the RGF application is commercially confidential.

**No supplementary question asked.**

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Question 15 disallowed on the grounds that it is the same or similar to a question raised in the last six months (4 March 2011 - the same question has been raised by a member of the public) Herefordshire Council Constitution Part 4, 4.1.15.4 c.

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Question 16A disallowed on the grounds that it is the same or similar to a question raised in the last six months (4 March 2011 - the same question has been raised by a member of the public) Herefordshire Council Constitution Part 4, 4.1.15.4 c.

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Question 16B disallowed on the grounds that it is the same or similar to a question raised in the last six months (4 March 2011 - the same question has been raised by a member of the public) Herefordshire Council Constitution Part 4, 4.1.15.4 c.

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### **Questions from Councillor WLS Bowen of Councillor H Bramer, Cabinet Member Resources**

- 17 *Is it possible to inform all parish councils of all reductions in funding that will be coming their way in the coming financial year? Will the Council ensure that any extra duties and responsibilities put upon parish councils are properly resourced?*

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

Answer to question 17

- 17 Parish Councils are responsible for setting their own budgets and have independent precepting powers that inform the setting of the overall council tax as detailed elsewhere on Council's agenda today.

We are not placing 'extra duties and responsibilities' upon Parish Councils in the coming financial year. However this administration has made a commitment to work with parish councils during the coming summer as part of the preparation for the 2012/13 budget. In light of both the reductions in public funding and the national 'Big Society' agenda, we will be working with Parish Councils and other community groups to explore future service

## **MEMBERS' QUESTIONS TO COUNCIL – 4 MARCH 2011**

provision options. This dialogue will be guided by a refreshed Parish Charter, currently being developed in partnership with Parish Councils, and the emerging locality and community engagement strategies.

### **Supplementary Question**

Whilst being aware that parish councils set their own precepts assurance was sought that the lengthman and parish footpaths schemes would remain.

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

Yes, assurance could be provided for the forthcoming year.

<b>MEETING:</b>	<b>COUNCIL</b>
<b>DATE:</b>	<b>27 MAY 2011</b>
<b>TITLE OF REPORT:</b>	<b>COMMITTEES AND OUTSIDE BODIES 2011/2012</b>
<b>REPORT BY:</b>	<b>ASSISTANT DIRECTOR LAW, GOVERNANCE AND RESILIENCE</b>

**CLASSIFICATION: OPEN**

## **Purpose**

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

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

## **Recommendation(s)**

**THAT:**

- (a) **the list of ordinary committees be confirmed and the allocation of seats on those committees to political groups be made as indicated in the table below paragraph 16;**
- (b) **the seats on other bodies to which the allocation of seats to groups falls to be made by this Council be as indicated in the table below paragraph 18 and all other representation on outside bodies in accordance with the Appendix be decided by the Chief Executive in consultation with the Group Leaders;**
- (c) **the allocation of seats (if any) to the ungrouped member be agreed at the meeting;**
- (d) **the wishes of the political groups as to filling their respective allocations of seats be noted;**

- (e) the appointments of Chairmen and Vice-Chairmen be confirmed in accordance with the list tabled at the meeting;
- (f) the terms of reference and functions of committees be adopted as detailed in the report and the Monitoring Officer be authorised to make these and any other consequential amendments to the Constitution;
- (g) that the partial suspension of the rules of proportionality, in respect of the Regulatory Sub-Committee, the River Lugg Internal Drainage Board and the Wye Valley AONB Joint Advisory Committee, be approved.

## **Key Points Summary**

- It is a legal requirement for the Council to review its political composition and how this is applied to appointments to committees and sub-committees of the Council at each Annual Meeting of Council, or as soon as practicable after that meeting.
- In determining the allocation of seats the Council must apply four principles as set out in paragraph 6 of this report as far as reasonably practicable.
- Certain committees are exempt from the rules of proportionality.
- -Should Council wish to allocate seats on a different basis from that of political proportion, this can only be made where they are approved by Council without any Member voting against (known as a nem con vote by Council). In this report it is proposed to take a nem con vote in respect of the Regulatory Sub-Committee the River Lugg Internal Drainage Board and the Wye Valley AONB Joint Advisory Committee.
- Options relating to the allocation of seats are outlined in paragraphs 16 – 21.
- The Constitution (at Part 4.5.3) provides that co-optees are appointed by the Council annually.
- The Constitution (at Part 4.1.5.2) requires that the Annual Council Meeting decides the terms of reference for Committees and agrees the functions of those committees set out in Part 3 (Sections 5 and 6) of the Constitution.

## **Alternative Options**

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

## **Reasons for Recommendations**

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

## **Introduction and Background**

- 3 The Local Government and Housing Act 1989 requires that the Council reviews the political composition of the Council and how this is applied to appointments to committees and sub-committees of the Council at each Annual Meeting of Council, or as soon as practicable after that meeting.

- 4 The rules for securing political balance on committees and sub-committees appointed by local authorities are contained in sections 15 and 16 of the 1989 Act, and the Local Government (Committees and Political Groups) Regulations 1990. The total number of members of each group, expressed as a proportion of the total membership of the Council, is as follows:-

	Numbers in Group	percentage of 58 seats on Council
Conservative	30	51.7
Independent	14	24.1
It's Our County	10	17.2
Liberal Democrat	3	5.2
Total	57	96.5

One Councillor is not in a political group.

- 5 The Council is under a duty to:
- Ensure membership of those committees and sub committees covered by the rules reflect the political composition of the Council as far as practicable;
  - Review the allocation of seats to political groups at or as soon as practical after the Annual Council meeting (and in other certain circumstances e.g. change in political balance or number of committees established);
  - Allocate seats on the committees to the political groups in proportion to their numerical strength on the Council in accordance with the statutory rules in paragraph 6 below;
  - 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) that not all the seats on the body are allocated to the same political group;
  - (b) that the majority of the seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
  - (c) subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of a relevant authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of members of that group to the membership of the authority; and
  - (d) subject to paragraphs (a) to (c) above, that the number of the seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the authority.

7 An arithmetic calculation of the number of seats allocated to a particular group is unlikely to result in a set of whole numbers. The 1989 Act gives no guidance on the correct approach in these circumstances, leaving authorities to follow the principles “as far as reasonably practicable”. For the purposes of this report, it is assumed that part numbers of 0.5 and above will be rounded up, while part numbers below 0.5 will be rounded down.

8 Certain committees are exempt from the rules of proportionality. These are:

- Cabinet
- Standards Committee

This does not prevent Council from allocating seats to Standards Committee on a proportional basis if it so wishes: but this must be done outside the calculation in paragraph 6 above. Also the Shadow Health and Wellbeing Board relies on membership of relevant Cabinet Members and is also exempt.

9 Should Council wish to allocate seats to a particular body on a different basis from that of political proportion, such arrangements can only be made where they are approved by Council without any Member voting against (known as a nem con vote by Council). Abstentions from voting do not invalidate the nem con vote. If such arrangements are to be made then it is necessary to give notice of such a possibility under Regulation 20 of the Local Government (Committees and Political Groups) Regulations 1990. Notice is, therefore, formally given on the agenda so that Council is not denied that opportunity. A previous example of such an arrangement was the practice of exempting the 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. However, this should be done after the initial allocation in paragraph 6 above, since to do so before would distort the calculation for other committees

10 This report deals only with committees or other bodies whose creation derives directly from a decision of full Council. Such bodies may from time to time create sub-committees (if so empowered) and the body in question must apply these rules to ensure that the allocation of seats on any sub-committees also complies with the provisions of the 1989 Act.

11 Whilst the Regulatory Committee is constituted proportionately, under the Constitution the Sub-Committee comprises 3 Members who are drawn from the membership of the Committee. When the Sub-Committee deals solely with 2003 Licensing Act matters the Licensing Act does not require the Sub-Committee to be proportionate.

12 However, the Sub-Committee is now authorised to deal with a number of other matters (eg Hackney carriage and private hire licensing which would require it to be politically proportionate. Some Authorities appoint two sub-committees to overcome this technicality.

13 Given the need to call and hold Sub-Committee meetings within tight timeframes the need to constitute the Sub-Committee proportionately could prove problematic. It is therefore proposed that Council approves the suspension of the application of the proportionality rules to the Regulatory Sub-Committee with immediate effect to facilitate the continued smooth operation of the Sub-Committee.

## Key Considerations

### Constitution of Committees

- 14 Council is requested to approve the overall constitution of committees as set out below, and requiring a total of 53 seats to be allocated proportionately across all committees as follows:

Overview and Scrutiny Committee	17
Planning Committee	19
Regulatory Committee	10
Audit and Governance Committee	7
<b>Total seats</b>	<b>(53)</b>

- 15 Any other bodies to which Council makes allocations are listed in the table below paragraph 18.
- 16 The application of the proportionality rules results in the following seats being available to each Group. The figures in the totals line are the total seats allocated to each Group with the figures in brackets being the strict entitlements to the number of seats overall.

Committee	No of Seats	Con	Ind	LibDem	IOC	Other
Overview and Scrutiny	17	9	4	1	3	0
Planning	19	10	5	1	3	0
Regulatory	10	5	2	1	2	0
Audit and Governance	7	4	2	0	1	0
<b>TOTAL SEATS</b>	<b>53</b>	<b>28 (27)</b>	<b>13 (13)</b>	<b>3 (3)</b>	<b>9 (9)</b>	<b>0 (1)</b>

- 17 The table below shows the allocation of seats to Outside Bodies to which 3 or more appointments are made and which in practice cannot be delegated to the Chief Executive (because he cannot approve departures from the proportionality rules). Because of the effect of rounding on the application of proportionality it can be seen that the number of seats allocated to Groups either exceeds the number of seats available on the bodies or does not meet the required total. This can only be resolved in discussions between Group Leaders. The result of these discussions is reflected in the table below. The figures in brackets are the strict entitlements to seats.
- 18 However, it is proposed to suspend the application of the proportionality rules to the River Lugg Internal Drainage Board and the Wye Valley AONB Joint Advisory Committee and for these appointments then to be determined by Group Leaders.

<b>Outside Body</b>	<b>Number of appointments</b>	<b>Seats Proposed to be allocated to Groups on each body based on calculation by each body individually and providing a majority to the majority Group</b>
<i>Hereford and Worcester Fire and Rescue Service</i>	6	Con 3 (3) Ind 2 (1) IOC 1 (1)
<i>Herefordshire Local Access Forum</i>	3	Con 2 (2) Ind 0 (1) IOC 1 (1)
<i>Local Admissions Forum</i>	3	Con 2 (2) Ind 1 (1) IOC 0 (1)
<i>River Lugg Internal Drainage Board</i>	7	(proposed not to apply proportionality) Con (4) Ind (2) IOC (1)
<i>Standing Advisory Council For Religious Education (SACRE)</i>	3	Con 2 (2) Ind 1 (1) IOC 0 (1)
<i>Wye Valley AONB joint Advisory Committee</i>	4	(proposed not to apply proportionality) Con (3) Ind (1)

- 19 Nominations to Outside Bodies to which less than 3 appointments are made and which can be delegated to the Chief Executive in consultation with the group leaders are set out in Appendix 1.
- 20 Group Leaders' nominations of members to fill their Group's respective allocations will then be put into effect. Members will be aware that the wishes of a political group must be conveyed



by the Group Leader (or other person nominated by the group). Any nominations received will be tabled at the meeting.

- 21 In the event that there are any members who are ungrouped, their allocation to ordinary committees and other bodies must be made by Council.

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

### **Appointment of Chairmen of Committees and other bodies**

- 22 Details of the proposed appointments to Chairmen and Vice Chairmen positions are contained in Appendix 2 which will be distributed at the meeting.

### **Appointment of co-opted Members onto Scrutiny Committees**

- 23 The new Constitution (Part 4.5.3) provides that co-optees are appointed by the Council annually, rather than by individual scrutiny committees.
- 24 In addition to the statutory co-optees (diocesan and parent governor representatives with voting powers) there are a range of other non-voting co-optees currently appointed to the scrutiny committees. Formal co-option provides for co-optees to attend every meeting of the relevant Scrutiny Committee and participate in its work in the same way as Councillors, except that under the Council's arrangements (unless statutorily required) they are non-voting. Because of the proposed change to one Overview and Scrutiny Committee and ad hoc task and finish groups, it would be impractical to bring appointments to Council each time. It is suggested that the power to co-opt be delegated to the Overview and Scrutiny Committee.

## **Terms of References for Committees and Functions of Committees**

- 25 The constitution at 4.1.5.2 requires that the Annual Council Meeting decide the terms of reference for Committees and agrees the functions of those committees set out in Part 3 (Sections 5 and 6) of the Constitution. It is proposed that the existing terms of reference and functions be confirmed with the following changes:-

### **Overview and Scrutiny Committee**

- 26 The existing arrangements in the Constitution provide that Overview and Scrutiny is undertaken by the Overview and Scrutiny Committee, supported by a number of themed Scrutiny Committees. It is proposed to implement the results of an independent review of the scrutiny function. There will in future be one Overview and Scrutiny Committee with the power to set up task and finish groups (including co-opted members) and the roles of the themed scrutiny committees will be merged therein. All non-executive members will be eligible to serve on such groups provided they have undergone the necessary training. These changes will require some consequential amendments to the Constitution, which could be delegated to the Monitoring Officer.

## **Community Impact**

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

## **Financial Implications**

- 28 There are no financial implications

## **Legal Implications**

- 29 The Council is required to ensure that the allocation of seats to committees are compliant with relevant rules contained in the Local Government and Housing Act 1989 and regulations made under this act

## **Risk Management**

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

## **Consultees**

- 31 The Group Leaders have been consulted on the contents of this report

## **Appendices**

Appendix 1 – List of Outside Bodies

Appendix 2 – Appointments of Chairmen and Vice-Chairmen of Committees (To be tabled)

## **Background Papers**

- None identified.

OUTSIDE BODY	NUMBER OF APPOINTMENTS ON OUTSIDE BODY
Bishop of Hereford Bluecoat School	1
Bringsty Common Manorial Court	up to 2
Buchanan Trust	5 (one of which CM covering small holdings)
Cargill (Former Sun Valley Foods Ltd/Residents Liaison Group)	3
Carpenter & Bengough Education Foundation	3
Childrens Trust Board	1
Citizens Advice Bureaux - Trustee Board	2
Cotswold and Malverns Transport Partnership	one place and the option to appoint up to 2 deputies
County Councils Network	up to 4
Council for Voluntary Service - Ledbury and District	2
Courtyard Trust Board	2
Halo Limited	2
Hereford and Worcester Fire and Rescue Service	6
Hereford Cider Museum Trust	1
Herefordshire Adoption Panel	1
Herefordshire Association for the Blind	up to 2
Herefordshire Early Years & Extended Services (EYES) Forum	1
Herefordshire Fostering Panel	1
Herefordshire Cultural Consortium	2
Herefordshire Environment Partnership	1
Herefordshire Housing Limited	1 Cllr w.e.f Sept 2010
Herefordshire Local Access Forum	3
Herefordshire Public Services (HPS) Steering Group	Relevant C/MS
Herefordshire Society	2
Herefordshire Sports Council	2
Jarvis Educational Foundation	1
Herefordshire and Worcestershire Joint Members Waste Resource Management Forum	1
Lady Hawkins' Community Leisure Centre Trust	1
Kington Area Regeneration Partnership	1

Kington Tourist Group	1
Leominster Museum Committee	1
Leominster Regeneration Company Limited	2
Leominster Undenominational Educational Charity	2
Local Admissions Forum	3
Local Government Association	4
Local Government Association - Rural Commission	2
Lower Severn Internal Drainage Board	1
Lower Wye Internal Drainage Board	2
Malvern Hills Joint Advisory Committee for the AONB	2
Malvern Hills Conservators	2
Marches Housing Association Limited	1
Mortimer Leisure Centre Ltd	1
National Parking Adjudication Scheme - Joint Committee	1
Pashley Trust	3 (+ 1 officer)
Queenswood & Bodenham Lakes Group	3
River Lugg Internal Drainage Board	7
Ross Charity Trustees	1
Severn Trent Regional Flood Defence Committee	1
Shopmobility - Hereford Liaison Group	1
Leominster Shopmobility	1
South Wye Regeneration Partnership	2
Sylvia Short Educational - Charity	2
Standing Advisory Council For Religious Education (SACRE)	3
Three Choirs Festival Association Ltd	1
VITAL Hereford LEADER Group	1
Wales and the Marches Common Land and Village Green Working Group	1
Welcome to our Future	1
West Housing Market Area Partnership	2 Cabinet Members
West Mercia Police Authority	Reduced from 2 to 1 from May 11
West Mercia Police Authority - Joint Committee	1

<b>West Mercia Supplies Joint Board</b>	2
<b>West Midland Reserve Forces &amp; Cadets Association</b>	1
<b>West Midlands Councils</b>	1
<b>West Midlands Councils - LGG Flood Risk Management Group</b>	awaiting info from WMC
<b>Wye Navigation Advisory Committee</b>	one (one substitute required)
<b>Wye Valley AONB</b>	4



<b>MEETING:</b>	<b>COUNCIL</b>
<b>DATE:</b>	<b>27 MAY 2011</b>
<b>TITLE OF REPORT:</b>	<b>COUNCILLORS' ALLOWANCES SCHEME</b>
<b>REPORT BY:</b>	<b>ASSISTANT DIRECTOR LAW, GOVERNANCE AND RESILIENCE</b>

**CLASSIFICATION:** Open

### **Wards Affected**

County-wide

### **Purpose**

To consider the recommendations of the Council's Independent Remuneration Panel on the Councillors Allowances Scheme.

### **Recommendation(s)**

**THAT:**

- (a) the Independent Remuneration Panel be thanked for its report ;
- (b) the Council consider and have regard to the following recommendations of the Independent Remuneration Panel as set out in the Panel's appended report:
  - 1 allowances be updated annually in line with the National Joint Council for Local Government Services pay award for a further 4 years;
  - 2 a one off allowance of up to £1,000 be made available to all Councillors in the year of election on the condition that this is to allow them to equip themselves sufficiently with ICT to carry out their Council duties, payment to be made on the basis of actual expenditure evidenced by receipts.
  - 3 Members be entitled to claim expenses for consumables including Broadband subscription up to a maximum of £200 per year on the basis of claims for actual expenditure evidenced by receipts, which are as a general rule expected to be submitted quarterly, with any payments exceeding that amount requiring approval by the Assistant Director Law, Governance and Resilience;
  - 4 a Special Responsibility Allowance be paid to Advisers/Assistants to Cabinet Members, if appointed, which should not exceed more than

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Further information on the subject of this report is available from  
John Jones, Electoral Services Manager, on (01432) 260110

**50% of the Band 2 Allowance in the Allowances Scheme currently paid to individual Cabinet Members, subject to the total budget currently allocated for individual Cabinet Members not being exceeded;**

- 5 a Special Responsibility Allowance be payable in principle to Chairmen of Scrutiny Task and Finish Groups, subject to the total amount currently payable to the 5 Chairmen of Scrutiny Committees not being exceeded, the level of such Allowances to be determined in accordance with a Scheme to be prepared by the Assistant Director Law, Resilience and Governance and submitted to Council for approval;**
- 6 a Special Responsibility Allowance is only paid to Political Group Leaders on the Council where the Membership of the relevant Political Group exceeds 10% of the total Membership of the Council (ie 6 Councillors);**
- 7 mileage allowances should continue to be paid on the single rate used by Her Majesty's Revenue and Customs Service for all business mileage, as is the case for staff;**
- 8 Members be entitled to choose between claiming mileage allowance for bicycle travel, or claiming for an annual service for their bicycle instead; and**
- 9 the current system of paying Members car parking expenses for official business by provision of a car parking pass should continue.**

**(c) and the new Allowances Scheme take effect from 28 May 2011.**

## **Alternative Options**

- 1 The Council can decide to accept the Panel's recommendations in full, or in part, or determine such allowances scheme as it sees fit, subject to possible referral back to the Panel in relation to any matters on which the Panel has not made a recommendation.

## **Reasons for Recommendations**

- 2 To comply with the requirement that before amending its Councillors' Allowances Scheme the Council must have regard to the recommendations made in relation to it by an independent remuneration panel. In addition the Council relies on an index for the annual adjustment of allowances based on the National Joint Council (NJC) for Local Government Services pay award. There is a legal requirement it must not rely on that index for more than 4 years before seeking a further recommendation from the Independent Remuneration Panel (IRP) on the application of the Scheme. The last review of the Allowances Scheme took effect in May 2007

## **Introduction and Background**

- 3 The Council is required to establish and maintain an Independent Remuneration Panel to advise on a Scheme of Allowances for Members and any proposed amendments. The Council is required to publish details of the Panel's recommendations and the main features of any Scheme that the Council adopts.



4. The report of the Independent Remuneration Panel is attached at appendix 1. The report to the Panel on which it based its recommendations is attached at appendix 2.

## **Key Considerations**

- The Council relies on an index for the annual adjustment of allowances based on the National Joint Council (NJC) for Local Government Services pay award. There is a legal requirement it must not rely on that index for more than 4 years before seeking a further recommendation from the Independent Remuneration Panel (IRP) on the application of the Scheme. The last review of the Allowances Scheme took effect in May 2007.
- The Panel was advised that there was no general intention to increase allowances in light of the current financial climate. The Panel was, however, asked to consider whether to provide Members with allowances to purchase their own computer equipment and meet the costs of consumables. The Council has to date supplied ICT equipment centrally to Members who require it.
- The Panel was asked to consider the possibility that a small number of advisers/assistants to Cabinet Members may be appointed. Consideration needs to be given to whether an allowance should be paid to advisers/assistants to Cabinet Members, if appointed, and whether there should be any conditions placed upon the award of such an allowance.
- The Panel was asked to consider the implications of possible changes to the Council's Overview and Scrutiny arrangements and whether, in consequence, an allowance should be paid to Chairmen of Task and Finish Groups.
- The Council's Scheme provides for a flat rate payment to all Group Leaders irrespective of the number of Members in the Group. The Panel was asked to consider whether for a Political Group Leader to qualify for a Special Responsibility Allowance there should be a minimum number of Members in the relevant Group.
- The Panel was asked to consider whether to make any change to the basis on which Members are paid for mileage allowances. The Panel also considered a request that Members be entitled to choose between claiming mileage allowance for cycle travel, or claiming for an annual service for their cycle instead.
- The Panel was asked to consider whether Members should continue to be entitled to reimbursement of car parking expenses for official business in Council owned car parks through provision of a car parking pass for use when on Council business.

## **Community Impact**

- 5 Consideration of Members Allowances needs to take account of the current financial climate. The IRP Members are independent of the Council and represent the wider interests of the county..

## **Financial Implications**

- 6 The budget for Members' Allowances for 2011/12 is £712,380 made up of £449,030 for the basic allowance and £218,580 for Special Responsibility Allowances. There is an additional budget of £44,770 for National Insurance payments.
- 7 The recommendations are that expenditure on any additional Special Responsibility

Allowances will be contained within existing budgets. Proposals for an ICT allowance and payment of expenses for consumables up to £200 per Councillor may require some additional provision. However, this is dependent on the level of claims. There is provision within the ICT Replacement budget for the central provision of ICT equipment which would offset the amount which might be expended on the ICT allowance. Expenditure on consumables would amount to a maximum of £11,600 offset in part by the level of current expenditure (approximately £3,000 per annum).

## **Legal Implications**

- 8 In order to comply with the Local Authorities (Members' Allowances) (England) Regulations 2003, it is necessary for Council the Panel's review of the Allowances Scheme at its Annual meeting in May 2011.

## **Risk Management**

- 9 Not complying with appropriate legal requirements could have a detrimental impact on the Council's reputation

## **Consultees**

- 10 Political Group Leaders as at April 2011.

## **Appendices**

Appendix 1 – Report of the Independent Remuneration Panel

Appendix 2 – Report to the Independent Remuneration Panel on 10 May 2011 on which it based its recommendations

## **Background Papers**

- None identified.

**REPORT OF THE INDEPENDENT  
REMUNERATION PANEL**

**MAY 2011**



## **MEMBERSHIP OF THE PANEL**

The Members of the Panel are:

Mr Bill Bloxsome – Branch Secretary – Unison  
Mr Neil Kerr – Chairman, Herefordshire Business Board  
Mr Will Lindesay – Chief Executive, Herefordshire Voluntary Action  
Mr Chris Oliver, Finance Director, Cargill Meats, Europe

### **BACKGROUND**

The Panel met on 10 May to consider the Councillors Allowances Scheme. The Panel was not invited to consider any significant variations to the level of allowances being mindful of the prevailing financial climate.

A report was submitted to the Panel setting out a number of considerations and evidence of approaches adopted by other authorities in making their Allowances Schemes.

The Panel's conclusions and recommendations are set out below.

### **Index for the purpose of annual adjustment of allowances**

The Panel was asked to consider whether to continue to apply the National Joint Council pay award for local government as an index for the purposes of uplifting allowances.

The Panel was informed that a significant number of authorities used the nationally negotiated pay award as an index.

The Panel accepted the principle that the Basic Allowance should be increased in accordance with that index.

### **Recommendation to Council**

**That allowances be updated annually in line with the National Joint Council for Local Government Services pay award for a further 4 years.**

### **Basic Allowance**

The Panel noted that there was no proposal to change the basis on which the Basic Allowance was calculated.

### **Additional Expenses**

The Panel considered the provision of an allowance for Members to equip themselves sufficiently with ICT to carry out their duties. This would replace the current offer to supply Members with computer equipment centrally.

The Panel was advised that the intention was to provide Members with greater flexibility in their choice of ICT equipment as part of the process of encouraging increased ICT usage as a means of improving the Council's efficiency.

The proposal was not expected to generate any significant additional expenditure, noting that under the current arrangement Members were entitled to be supplied

centrally with equipment. The report to the Panel suggested that provision of a sum of up to £1,000 would be a sufficient allowance.

The Panel considered that increased use of ICT should be supported and encouraged. However, the purpose of an allowance should be to help provide those Members who did not possess appropriate ICT equipment to acquire it. It should not be a means of funding unnecessary replacement equipment or unnecessary additional equipment.

The Panel also considered it important to ensure that any equipment acquired with the allowance was used in accordance with the requirements of the Council's relevant ICT policies.

### **Recommendation to Council**

**That a one off allowance of up to £1,000 be made available to all Councillors in the year of election on the condition that this is to allow them to equip themselves sufficiently with ICT to carry out their Council duties, payment to be made on the basis of actual expenditure evidenced by receipts.**

### **Expenditure on Consumables**

The Panel considered a proposal to compensate Members for expenditure on consumables such as printer cartridges, stationery and broadband rental, used in carrying out their duties.

This would replace the offer of central provision of some consumables by the Council currently open to Members.

The Panel sought to strike a balance between the need to ensure that reasonable expenditure on consumables was appropriately reimbursed and the need to avoid creating an additional, costly administrative burden on the authority.

The Panel concluded that it was reasonable to expect Members to submit claims for actual expenses incurred rather than recommending an allowance. To reduce any administrative burden it was proposed that claims should generally be submitted quarterly. The Panel also thought that an upper limit of £200 per annum would be a reasonable ceiling for claims. However, the Panel agreed there would be advantage in permitting some flexibility provided that there was appropriate authorisation for any payment exceeding that sum.

### **Recommendation to Council**

**That Members be entitled to claim expenses for consumables including Broadband subscription up to a maximum of £200 per year on the basis of claims for actual expenditure evidenced by receipts, which are as a general rule expected to be submitted quarterly, with any payments exceeding that amount requiring approval by the Assistant Director Law, Governance and Resilience.**

## **Special Responsibility Allowances**

The Panel was informed that, with two exceptions, there were no proposals to increase the number or level of special responsibility allowances.

The Panel was asked to consider the possibility that the number of Cabinet Members may be reduced and a small number of Councillors may be appointed as Advisers/Assistants to Cabinet Members and, if this were to be the case, whether a Special Responsibility Allowance should be payable for this role.

The Panel noted that such evidence as had been obtained from other authorities showed that where such advisory/support posts existed not all were remunerated. However, where they were remunerated, that remuneration ranged from 14% of a Cabinet Member allowance in the relevant authority up to 50%. The Panel did not want to see an increase in the budgetary provision for expenditure on Executive SRAs. In the absence of information on the number of advisory posts it was proposed to create and their particular responsibilities it concluded that if such posts were created the allowance should not exceed 50% of the current allowance for an individual Cabinet Member, which would remain unchanged. In addition, the total expenditure on special responsibility allowances for Cabinet Members and any Advisers/Assistants should not exceed the total budget currently allocated for individual Cabinet Member Allowances not being exceeded.

The Panel was also asked to consider the implications of possible changes to the Council's Overview and Scrutiny arrangements. This potentially entailed a change to a commissioning model with one formal Overview and Scrutiny Committee, rather than six Scrutiny Committees as at present, which would commission Task and Finish Groups to undertake work on its behalf. The Panel was asked whether it would recommend the payment of a special responsibility allowance to the Chairman of Task and Finish Groups, if a new model were to be adopted.

As with the potential changes to Executive appointments, the Panel did not wish to see any increase in budgetary expenditure on provision for expenditure on SRAs for scrutiny work, noting that this might be generated by a proliferation of Task and Finish Groups. The Panel decided that the changed working arrangements meant that a Special Responsibility Allowance should be payable in principle to Chairmen of such Groups, subject to the total amount in special responsibility allowances currently payable to the 5 Chairmen of Scrutiny Committees not being exceeded. They noted the intention that the allowance for the Chairman of the Overview and Scrutiny Committee remained unchanged. However, given the variation in the nature of the tasks undertaken by Task and Finish Groups, and the need for an element of flexibility, the Panel did not consider that it could specify a level of allowance on the evidence available to it. It proposed that a Scheme for such payments should be prepared and submitted to Council for approval.

The Panel also emphasised the need for effective project management. It was essential that the delay in completing an allotted task should not lead to any benefit under the Allowances Scheme.

To encourage a focussed and businesslike approach it was suggested that those appointed to lead Task and Finish Groups should be called Project Managers rather than Chairmen.

## **Recommendations to Council**

**That a Special Responsibility Allowance be paid to Advisers/Assistants to Cabinet Members, if appointed, which should not exceed more than 50% of the Band 2 Allowance in the Allowances Scheme currently paid to individual Cabinet Members, subject to the total budget currently allocated for individual Cabinet Member Allowances not being exceeded.**

**That a Special Responsibility Allowance be payable in principle to Chairmen of Scrutiny Task and Finish Groups, subject to the total amount currently payable to the 5 Chairmen of Scrutiny Committees not being exceeded, the level of such Allowances to be determined in accordance with a Scheme to be prepared by the Assistant Director Law, Resilience and Governance and submitted to Council for approval.**

## **Allowances for Political Group Leaders**

The Panel was asked to consider whether for a Political Group Leader to qualify for a Special Responsibility Allowance there should be a minimum number of Members in the relevant Group. This issue had been raised earlier in the year as part of the ongoing work reviewing the Council's Constitution.

The Panel noted that research undertaken by Worcestershire County Council had shown that it was unusual to pay any allowance to party group leaders whose group numbers represented less than 10% of the total council membership. Of neighbouring authorities both Shropshire County Council and Worcestershire County Council applied this rule. Gloucestershire's Allowance Scheme specified that there should be four Members in a Political Group to qualify a Group Leader for an allowance (6%).

## **Recommendations to Council**

**That a Special Responsibility Allowance is only paid to Political Group Leaders on the Council where the Membership of the relevant Political Group exceeds 10% of the total Membership of the Council (ie 6 Councillors).**

## **Travel Allowance**

The Panel was asked to consider the level of allowances paid for car mileage.

The Panel considered that the single rate used by Her Majesty's Revenue and Customs Service for all business mileage remained appropriate noting that this rate had recently been increased by the Government and that staff were also paid at this rate.

The Panel suggested that Group Leaders should also be asked to remind Members of the guidance on car sharing.

The Panel was also asked to consider whether Members should be entitled to choose between claiming mileage allowance for cycle travel, or claiming for an annual service for their cycle instead.



### **Recommendation to Council**

**That mileage allowances should continue to be paid on the single rate used by Her Majesty's Revenue and Customs Service for all business mileage, as is the case for staff.**

**That Members be entitled to choose between claiming mileage allowance for bicycle travel, or claiming for an annual service for their bicycle instead.**

### **Members' Car Parking Passes**

The Panel was asked to consider whether the current system of paying Members car parking expenses for official business by provision of a car parking pass should continue.

The possible alternative suggested was for Members to pay for parking and seek reimbursement as part of the standard travel claim process.

The Panel was keen to avoid introducing an administrative burden. It also recognised the advantages of car parking passes given the unpredictable nature of Members duties. It was advised that Members should only use these passes when on official business, in keeping with their Code of Conduct.

### **Recommendation to Council**

**That the current system of paying Members car parking expenses for official business by provision of a car parking pass should continue.**



<b>MEETING:</b>	<b>INDEPENDENT REMUNERATION PANEL</b>
<b>DATE:</b>	<b>10 MAY 2011</b>
<b>TITLE OF REPORT:</b>	<b>REVIEW OF COUNCILLORS ALLOWANCES SCHEME</b>
<b>REPORT BY:</b>	<b>ASSISTANT DIRECTOR – LAW, GOVERNANCE AND RESILIENCE</b>

## Wards Affected

County-wide

## Purpose

To review the Councillors Allowances Scheme.

## Recommendation(s)

**THAT:**

- (a) the Panel considers recommending the updating of allowances annually in line with the NJC for Local Government Services pay award for a further 4 years;
- (b) the Panel considers whether to recommend that that a one off allowance of up to £1,000 be made available to all Councillors in the year of election to allow them to equip themselves sufficiently with ICT to carry out their Council duties;
- (c) the Panel considers whether to recommend an addition to the Basic Allowance to contribute towards expenditure on consumables including broadband rental;
- (d) the Panel considers whether to recommend that an allowance be paid to Advisors to Cabinet Members, if appointed, and if so what that allowance should be and whether there should be any conditions placed upon its award;
- (e) the Panel considers whether to recommend that an allowance be paid to Chairmen of Scrutiny Task and Finish Groups, if appointed, and if so what that allowance should be;

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Further information on the subject of this report is available from  
Tim Brown (Committee Manager (Scrutiny)) on (01432) 260239

- (f) **the Panel considers if there should be a minimum number of Councillors in a Political Group before a Special Responsibility Allowance is paid to Group Leaders;**
- (g) **the Panel considers recommending that mileage allowances should continue to be paid on the single rate used by the Inland Revenue for all business mileage, as is the case for staff;**
- (h) **the Panel considers a request that Members be entitled to choose between claiming mileage allowance for cycle travel, or claiming for an annual service for their cycle instead;**
- (i) **the Panel considers whether the current system of paying Members car parking expenses for official business by provision of a car parking pass should continue.**

## **Key Points Summary**

- The Council relies on an index for the annual adjustment of allowances based on the National Joint Council (NJC) for Local Government Services pay award. There is a legal requirement it must not rely on that index for more than 4 years before seeking a further recommendation from the Independent Remuneration Panel (IRP) on the application of the Scheme. The last review of the Allowances Scheme took effect in May 2007.
- There is no general intention to increase allowances in light of the current financial climate. The Panel is, however, asked to consider whether to provide Members with allowances to purchase their own computer equipment and meet the costs of consumables. The Council currently supplies ICT equipment centrally to Members who require it.
- The Panel is asked to consider the possibility that a small number of assistants to Cabinet Members, without executive power, may be appointed. Consideration needs to be given to whether an allowance should be paid to Advisors to Cabinet Members, if appointed, and whether there should be any conditions placed upon the award of such an allowance.
- The Panel is asked to consider the implications of possible changes to the Council's Overview and Scrutiny arrangements and whether, in consequence, an allowance should be paid to Chairmen of Task and Finish Groups.
- The Council's Scheme provides for a flat rate payment to all Group Leaders irrespective of the number of Members in the Group. There is a question as to whether for a Political Group Leader to qualify for a Special Responsibility Allowance there should be a minimum number of Members in the relevant Group.
- It is not proposed to make any change to the basis on which Members are paid for mileage allowances. There is a request that Members be entitled to choose between claiming mileage allowance for cycle travel, or claiming for an annual service for their cycle instead.
- Currently Members are entitled to reimbursement of car parking expenses for official business in Council owned car parks through provision of a car parking pass for use when on Council business. The Panel is asked to consider whether this should continue or Members required instead to seek reimbursement as part of the standard travel claim process.

## Alternative Options

- 1 The Council relies on an index for the annual adjustment of allowances. It must not rely on that index for more than 4 years before seeking a further recommendation from the Independent Remuneration Panel on the application of the Scheme. The Panel could recommend a different index to that currently used, or no index link at all.
- 2 The Panel can recommend various other amendments to the Scheme as it sees fit.

## Reasons for Recommendations

- 3 To comply with the requirement that, *“Where an authority has regard to an index for the purpose of annual adjustment of allowances it must not rely on that index for longer than a period of four years before seeking a further recommendation from the independent remuneration panel established in respect of that authority on the application of an index to its scheme.”*
- 4 To consider whether it would be appropriate to amend any other elements of the Scheme, taking account of any issues that have been raised since the last review of the Scheme.

## Introduction and Background

- 5 The Local Authorities (Members’ Allowances) (England) Regulations 2003 (the Regulations) require Councils to appoint Independent Remuneration Panels to make recommendations about the level of allowances for Councillors. A local authority must have regard to the recommendations of the Independent Remuneration Panel (IRP).
- 6 The Herefordshire Panel has historically consisted of six members who collectively had a wide range of experience, comprising two members from local businesses (Sun Valley Foods Ltd [trading as Cargill Meats Europe] and Special Metals Wiggin Ltd); the Editors of the Hereford Times and the Hereford Journal and representatives from Herefordshire Unison and Herefordshire Voluntary Action.
- 7 The Editor of the Hereford Times and the representative from Special Metals Wiggin Ltd have relinquished their seats, and the Herefordshire Journal Representative has been unable to participate given time constraints.
- 8 The Chairman of the newly established Herefordshire Business Board has taken the vacant business representative position.
- 9 The Councillors Allowances Scheme (part 6 of the Council’s constitution) was last reviewed by the IRP in October 2006. The IRP’s recommendations were approved by Council in November 2006 and implemented from May 2007.
- 10 The allowances which can be paid to Councillors include:
  - basic allowance
  - special responsibility allowance
  - travel and subsistence allowance
  - childcare and dependent carer’s allowance

- 11 These are discussed in more detail below. The basis on which these allowances were calculated is described in detail in previous reports of the IRP to Council which are available for inspection by the Panel on request.
- 12 It is not proposed to invite the Panel to consider any significant variations to the level of allowances, being mindful of the prevailing financial climate.
- 13 A copy of the current Councillors Allowances Scheme is attached at Appendix 1. A copy of the public advertisement showing payments to each Councillor in 2010/11 is attached at Appendix 2.

## Key Considerations

### Index for the purpose of annual adjustment of allowances

- 14 The Regulations provide that
- (4) A scheme may make provision for an annual adjustment of allowances by reference to such index as may be specified by the authority and where the only change made to a scheme in any year is that effected by such annual adjustment in accordance with such index the scheme shall be deemed not to have been amended.*
- (5) Where an authority has regard to an index for the purpose of annual adjustment of allowances it must not rely on that index for longer than a period of four years before seeking a further recommendation from the independent remuneration panel established in respect of that authority on the application of an index to its scheme.*
- 15 The last review of the Scheme took effect in May 2007. There are clearly a number of indices that could be selected eg Consumer Price Index or Retail Price Index. The Council's Scheme, approved on the recommendation of the IRP, provides that, 'all allowances are to be updated annually in line with the NJC for Local Government Services pay award'. This is the index that the IRP considered most appropriate in recommending the Scheme in 2002 and which was accepted by the Council in March 2002, and reaffirmed in 2006.
- 16 Local Government Pay is to be frozen for the next two financial years (2011/12 and (2012/13).

**The Panel is asked to consider recommending the updating of allowances annually in line with the NJC for Local Government Services pay award for a further 4 years.**

### Basic Allowance

- 17 The Government guidance states that:
- "Each local authority must make provision in its scheme of allowances for a basic, flat rate allowance payable to all members. The allowance must be the same for each councillor. The allowance may be paid in a lump sum, or in instalments through the year.*
- Basic allowance is intended to recognise the time commitment of all councillors, including such inevitable calls on their time as meetings with officers and constituents and attendance at political group meetings. It is also intended to cover incidental costs such as the use of their homes."*
- 18 In recommending the Basic Allowance in 2002 the IRP took three main elements into account: a calculation of the time commitment of being a Councillor; a public service discount that reflected the importance of a voluntary element in this work; and an hourly rate that should be



applied to the net hours after the subtraction of the voluntary discount.

- 19 Council agreed the IRP's recommendation that the Basic Allowance should be calculated on the basis of an average monthly average of 90 hours less a public service discount of 33.3% multiplied by the Herefordshire average hourly earnings (then) £7.82 multiplied by 12 (months).
- 20 This sum has been inflated on an annual basis since then in line with the Local Government Pay Award.
- 21 There are no proposals to change this approach.

### **Additional Expenses**

- 22 The Council's Basic Allowance does not therefore explicitly recognise general expenses such as postage use, stationery and telephone use related to Council duties.
- 23 Birmingham City Council's Allowances Scheme, for example, provides that the Basic Allowance includes "an additional expenses element to meet part of the cost of telephone rental calls and office expenses such as postage, stationery and other consumables."
- 24 In October 2006 the IRP was informed that the Council was keen to encourage the use of ICT equipment among elected members. ICT Services currently supplies equipment to Members and provides training on request. The IRP was asked to consider whether an element of the basic allowance should be linked to the proficient use of ICT equipment. The IRP recommended that new and existing Members be given every encouragement to adopt the use of ICT in their work as Councillors. Council accepted this recommendation in November 2006.
- 25 A question has arisen as to whether the Council should continue to offer to supply Members with computer equipment centrally or instead supply Members with an allowance to purchase their own computer equipment, which some authorities are already doing.
- 26 The Panel is not asked to comment on the technical solutions but on the principle of making an allowance available to Members to acquire their own equipment.
- 27 Currently Members are supplied with ICT equipment and ICT support if they request it. The Council bears the cost of this provision.
- 28 Members can choose to use their own ICT equipment but ICT will not provide support for such equipment
- 29 Gloucestershire County Council and Shropshire County Council provide Members with ICT equipment. Gloucestershire provides a laptop, printer and all consumables. Shropshire provides a laptop, Blackberry and mobile phone.
- 30 Worcestershire County Council's provisions are as follows:

*A sum of £1,000 is available over the life of the council to Councillors to enable them to support their ICT arrangements. The sum is available to individual Councillors but may only be used for:-*

- *The purchase (or upgrading) of a PC or laptop (including Office 2007 and Anti-virus software);*
- *An appropriate PC support contract in connection with the above;*

- A printer/scanner;
- A memory stick or external hard drive for back up purposes; and
- The purchase of other communication devices (fax, mobile phone, XDA's only)

*This allowance cannot be used for the purchase of other peripherals/software not specified above, nor can it be used to fund call charges and running costs associated with any communication equipment purchased through this allowance.*

*. In order to qualify for re-imbursement under this arrangement councillors must:-*

- Provide details of the equipment purchased and receipts to support the purchase; and
- Declare that any ICT equipment purchased under this arrangement will be used to support councillors in their role as a County Councillor.

*In addition, a sum of £505 per annum (paid monthly) is paid to councillors to fund connection to the internet and the purchase of ICT consumables in exchange for a commitment from councillors that they will use the IT systems and applications available to them for communication and other purposes.*

- 31 East Riding of Yorkshire Council provides (as at April 2010) an IT allowance in the first year of election of £708 and an allowance for IT maintenance of £143 per annum.
- 32 Herefordshire Council's Joint Director of ICT comments that the costs of a laptop would be approx £650 (without docking station/monitor etc but including office software). Costs with docking station/monitor/keyboard etc will take this figure to approx £1000. If Members purchase their own equipment, they will have to purchase their own office software, although under the Council's Microsoft agreement, it can be purchased for home use for less than £20. Support for personal owned equipment could be offered at a cost, or members could take out support contracts with third party suppliers. The support offering for phones would be limited, as there are many devices on the market and these are constantly changing.
- 33 Provision of an allowance of up to £1,000 in the year of election would therefore allow Members to equip themselves sufficiently with ICT to carry out their Council duties. It is proposed that they would own that equipment and be responsible for meeting the running costs including broadband subscription and technical support.
- 34 The payment of this allowance would need to be based on evidence of expenditure and a written undertaking that any ICT equipment purchased under this arrangement would be used to support Members in their role as a Councillor.
- 35 This would reflect the principle that allowances are to recompense Members and are not designed to allow Members to make financial profit from their service.

## **Recommendation**

**The Panel is asked to consider:**

- whether to recommend that a one off allowance of up to £1,000 be made available to all Councillors in the year of election to allow them to equip themselves sufficiently with ICT to carry out their Council duties; and**
- whether to recommend an addition to the Basic Allowance to contribute towards expenditure on consumables including broadband rental;**



## Special Responsibility Allowances

- 36 Special responsibility allowances may be paid to Councillors with special responsibilities as defined in the Regulations.
- 37 The Government guidance notes: *“Regulations do not limit the number of special responsibility allowances which may be paid, nor do the regulations prohibit the payment of more than one special responsibility allowance to any one member. However, these are important considerations for local authorities. If the majority of members of a council receive a special responsibility allowance the local electorate may rightly question whether this was justified. Local authorities will wish to consider very carefully the additional roles of members and the significance of these roles, both in terms of responsibility and real time commitment before deciding which will warrant the payment of a special responsibility allowance.”*
- 38 The IRP set a rate for the most time-consuming and responsible elected post within the Council, that of the Leader, based on a range of comparative information, and set special responsibility allowances pro rata for other roles.
- 39 With two exceptions, there are no proposals to increase either the number or levels of the Special Responsibility Allowances set out in the Allowances Scheme as appended. This reflects the current financial climate.
- 40 First, the Panel is asked to consider the possibility that a small number of Councillors may be appointed as Advisers to Cabinet Members and whether a Special Responsibility Allowance should be payable for this role.
- 41 These Members would not be part of the Cabinet and would not have any executive authority. However, they would be expected to:
- Attend meetings of Cabinet
  - Attend briefings or regional meetings on behalf of the Cabinet Member
  - Carry out research
  - Gain a detailed understanding of the role of the relevant Cabinet Member.
  - Liaise with the Scrutiny function (although the Cabinet Member would remain the Councillor accountable to the function)
  - Generally provide support to the Cabinet Member
- 42 Gloucestershire County Council, Shropshire Council and Worcestershire County Council do not have such positions within their authority. Examples of payments made by a range of other authorities are set out below.

Authority	Role	Allowance paid	Basis for Calculating Allowance	% of Cabinet Member Allowance	% of Scrutiny Chairman Allowance
Barnett Council	Shadow Cabinet Members	£2,368		14%	15%
Bristol City Council	Executive Assistant Members (2)	£3,010 at March 10	10% of Leader's SRA	15%	50%
Buckinghamshire County Council	Cabinet Spokesmen (13)	£1,500 (at April 11)		7.4%	15%
Cambridgeshire County Council	Cabinet Assistant	None			
East Cheshire Council	Cabinet Support Members (4)	£4,480 at April 10	40% of Basic Allowance	32%	61.2%
Hertfordshire County Council	Deputy Executive Members (9)	£9,588 (April 10)	1.5 x Basic Allowance	50%	67%
Northamptonshire County Council	Assistant Cabinet Members	£3,000		14.5%	21%
Richmond upon Thames Borough Council	Assistant Cabinet members. Did pay £1,000 pa. Then decided to terminate allowance.				

43 The Panel may wish to note that the view has consistently been taken to date that in Herefordshire, Vice-Chairmen of Committees should not be entitled to an SRA, "mindful of the need to limit the total numbers of SRAs". Chairman of Scrutiny Review Groups also do not receive an SRA under the Council's current scrutiny structure.

44 Perhaps the key issue here is the time commitment that will be expected of the Assistants to Cabinet Members, the number of Assistants and their duties.

### Recommendation

**The Panel is asked to consider whether to recommend that an allowance be paid to Advisors to Cabinet Members, if appointed, and if so what that allowance should be and whether there should be any conditions placed upon its award.**

45 Second, the Panel is asked to consider the implications of possible changes to the Council's Overview and Scrutiny arrangements.

- 46 The Council's Overview and Scrutiny function currently has six Scrutiny Committees which each meet approximately six times a year. The bulk of the overview and scrutiny work is dealt with at these formal meetings. However, the Committees also have the power to appoint additional informal Scrutiny Review Groups which undertake particular studies for example the impact of the Winter Weather, and the provision of Home Care. These are commonly described in local authorities as Task and Finish Groups.
- 47 A Task and Finish Group will look at an issue in greater depth generally taking evidence from a range of bodies and undertaking research compiling a report setting out its findings and recommendations to the Executive. These studies can take one or two meetings to complete or up to, say, 10 for a more detailed review.
- 48 Chairman of Scrutiny Review Groups do not receive an SRA under the Council's current scrutiny structure.
- 49 An alternative Overview and Scrutiny model increasingly operated by local authorities is often described as a commissioning model. This generally entails one Overview and Scrutiny Committee, which meets formally and which commissions Task and Finish Groups to undertake work on its behalf reporting back to it.
- 50 Buckinghamshire County Council, for example, moved to this model in July 2009. It appointed two Overview and Scrutiny Committees: a Commissioning Committee and a Public Health Services Overview and Scrutiny Committee. These were scheduled to meet monthly. The Council agreed that Task and Finish Groups would be chaired by Members of the Commissioning Committee.
- 51 The Commissioning Committee consisted of 10 Councillors. The Chairman was allocated a Special Responsibility Allowance. In addition, it was agreed that all Members of the Commissioning Committee would "receive an element of Special Responsibility Allowance to reflect the importance of their role as well as their chairing of Task and Finish Groups."
- 52 The Chairman of the Commissioning Committee receives (£10,092 (wef April 2011)). A Commissioning Committee Member receives £1,500.
- 53 Other options would be to allow any Councillor to be appointed as a Chairman of a Task and Finish Group or to appoint a Panel drawn from a number of Members, not necessarily members of the commissioning committee. A complication of this approach is that given that reviews vary so much in length and complexity the Panel would need to consider the level of any allowance, being mindful of the need not to create a situation where simply calling additional Review Group meetings would generate additional payment.
- 54 Apart from Buckinghamshire one other example of allowances being paid to Task and Finish Group Chairmen has currently been identified. Bromsgrove District Council pays a flat rate SRA of £213 to Task Group Chairmen and £107 to each member of a Task Group (payable on completion of the task). Hertfordshire County Council which also operates a commissioning model does not pay allowances to Chairmen of Task and Finish Groups, which generally conclude business over 1-2 days.

### **Recommendation**

**The Panel considers whether to recommend that an allowance be paid to Chairmen of Scrutiny Task and Finish Groups, if appointed, and if so what that allowance should be.**

## Allowances For Political Group Leaders

- 55 The 2003 Regulations provide that a Special Responsibility Allowance may be paid to a Councillor acting as a leader or deputy leader of a political group within the authority. As part of the ongoing work reviewing the Council's Constitution the question has arisen as to whether for a political Group Leader to qualify for a Special Responsibility Allowance there should be a minimum number of Members in the relevant Group.
- 56 The Council's scheme provides for a flat rate payment of £1,500 per Group Leader and a further payment of £124 per Member of the Group to reflect the different level of responsibility dependent on the size of the Group.
- 57 The Scheme also provides that, "Excluding Group Leaders' allowance, only one Special Responsibility Allowance is payable per Elected Member."
- 58 During the last Council term in Herefordshire the size of Groups ranged from 32 to 2.
- 59 The report to Worcestershire County Council's IRP in July 2009 noted: "Research also shows that it is unusual to pay any allowance to party group leaders whose group numbers represent less than 10% of the total council membership.
- 60 The position in neighbouring authorities is as follows:

Council	No of Councillors	Restriction on payment to Group Leaders	Sum paid to each Group Leader
Gloucestershire	63	Provided four or more Members in the Group.	£5,808
Herefordshire	58	No restriction	£1,500 and £124 per each Member of the Group
Shropshire	74	Where Membership of Group is at least equivalent to 10% of total membership is 0.5 x Basic Allowance assuming not already in receipt of a larger allowance	£12,120 x 0.5 = £6,060
Worcestershire	57	Research shows that it is unusual to pay any allowance to party group leaders whose group numbers represent less than 10% of the total council membership.	£9,734

- 61 The Panel is asked to note that section 3.7.5 of Herefordshire Council's Constitution envisages a role for all Group Leaders in the political management of the authority as set out at Appendix 3.

### Recommendation

**The Panel is asked to consider if there should be a minimum number of Members in a Political Group before a Special Responsibility Allowance is paid to Group Leaders.**



## **Travel Allowance**

- 62 A query has been lodged by a Member about the level of allowances paid for car mileage by Members. Currently both Members and Officers are paid at the rate used by the Inland Revenue for business mileage.
- 63 The 2003 Regulations allowed the Council to determine its own travel allowances having regard to the recommendations of the IRP. Prior to this the Secretary of State had set maximum levels for travel and subsistence allowances although these had been unchanged since 2000.
- 64 In its report of July 2003 the IRP considered three options for determining car allowances: increasing the former Government set rates in line with inflation; providing the same allowances for Members as for staff (then using NJC rates), or standardising on the single rate used by the Inland Revenue for all business mileage.
- 65 The IRP considered that the simplest and best approach was to standardise on the single rate used by the Inland Revenue for all business mileage. The IRP considered this issue again in October 2006 and recommended that no change be made to travel and subsistence allowances. Council agreed this recommendation.
- 66 Until the recent budget the Inland Revenue rate had not changed since 2003. The Government has now announced an increase in the rate from 40p per mile to 45p per mile with effect from 1 April 2011 up to 10,000 miles per annum with 25p per mile thereafter.
- 67 The rates are lower than the NJC of Local Government Services Rates. However, in April 2005 it was decided that the Inland Revenue rate would be claimable by officers, not the NJC rate. Members therefore currently receive the same allowance as staff.
- 68 A request has also been received that rather than claiming mileage allowance for cycle use, Members be entitled instead to opt to claim for an annual service for their cycle.

## **Recommendation**

**The Panel is asked to consider recommending that mileage allowances should continue to be paid on the single rate used by the Inland Revenue for all business mileage, as is the case for staff.**

**The Panel is asked to consider a request that Members be entitled to choose between claiming mileage allowance for cycle travel, or claiming for an annual service for their cycle instead;**

## **Members' Car Parking Passes**

- 69 Currently all Members are provided with up to two car parking passes (based on one per vehicle owned) that entitle them to park in all Herefordshire Council owned car parks in the county when on official business. This is a mechanism for managing parking expenses claims and has a practical benefit given that the length of Council meetings is unpredictable.
- 70 A value can not be attached to these passes because clearly usage will vary.
- 71 The alternative is for Members to pay for parking and seek reimbursement as part of the standard travel claim process.

## **Recommendation**

**The Panel is asked to consider whether the current system of paying Members' car parking expenses for official business by provision of a car parking pass should continue.**

### **Subsistence Allowance**

- 72 A subsistence allowance is paid on the basis of actual reasonable expenditure and where overnight accommodation is necessary, this will be for three star accommodation or equivalent, evidenced by receipts. As standard procedure in such instances is for bookings to be made via Members Support such claims are in fact rare.
- 73 In October 2006 the IRP recommended no change to travel and subsistence allowances and the Council accepted this recommendation.
- 74 There are no proposals to amend these arrangements.

### **Childcare and Dependent Carer's Allowance**

- 75 As outlined in the current scheme at Appendix 1 allowances are payable evidenced by receipts at the current market hourly rates.
- 76 In October 2006 the IRP recommended payments at market rates, moving away from prescribed maximum rates, and the Council accepted this recommendation.
- 77 There are no proposals to amend these arrangements.

## **Community Impact**

- 78 Consideration of Members Allowances needs to take account of the current financial climate. The IRP Members are independent of the Council and represent the wider interests of the county.

## **Financial Implications**

- 79 The budget for Members' Allowances for 2011/12 is £667,610 made up of £366,490 for the basic allowance and £218,580 for Special Responsibility Allowances. There is an additional budget of £44,770 for National Insurance payments. The Allowances are uplifted each year in line with the National Joint Council for Local Government Services Pay Awards.
- 80 The proposals for an ICT allowance and an addition to the Basic Allowance for consumables and the creation of additional Special Responsibility Allowances would require additional provision.
- 81 The financial implications of any proposal from the IRP will need to be clearly outlined in the report considered by Council.

## **Legal Implications**

- 82 In order to comply with the Local Authorities (Members' Allowances) (England) Regulations 2003, it will be necessary to convene the Independent Remuneration Panel (IRP) in advance of May 2011 and to have their recommendations considered by Council at its Annual meeting.

## **Risk Management**

83 Not complying with appropriate legal requirements could have a detrimental impact on the Council's reputation.

## **Consultees**

84 Political Group Leaders

## **Appendices**

Appendix 1 – Current Councillors Scheme of Allowances

Appendix 2 - Advertisement of Allowances paid to each Councillor in 2010/11

Appendix 3 - Role of Group leaders in the Political Management of the Authority – Extract form the Constitution





## HEREFORDSHIRE COUNCIL CURRENT SCHEME OF ALLOWANCES

## PART 6

**COUNCILLORS' ALLOWANCES SCHEME**

(Figures are for 2009/10. There was no increase in 2010/11 and none is envisaged for the next two years if the allowances continue to be linked to the Local Government pay award.)

- 6.1.1 The Councillor's Allowances Scheme has been agreed following consideration of the recommendations of an Independent Remuneration Panel. The Scheme was approved in November 2006.
- 6.1.2 **Note:** The Independent Remuneration Panel was established in November 2001. It consists of six members who collectively have a wide range of experience, comprising two members from local businesses (Sun Valley Foods Ltd and Special Metals Wiggin Ltd); the Editor Hereford Journal and representatives from Herefordshire Unison and Herefordshire Voluntary Action. There is currently one vacancy on the Panel.
- 6.1.3 The main features of the Scheme are:
- a A Basic Allowance for all 58 members of £7,244.
  - b A scheme of Special Responsibility Allowances with four bands with the post of Leader of the Council in Band 1 with a Special Responsibility Allowance of £27,939 per annum, and other offices assigned to Bands and remunerated at set proportions of the Leader's rate, as shown below:

<b>BAND 1</b>	Leader of the Council	£27,939
<b>BAND 2</b>	Cabinet Members Chairman of Overview and Scrutiny Committee	£11,383
Band 3	Chairman of Council, Deputy Leader ( <i>if not a Member of the Cabinet</i> ) Chairmen of: Planning Committee, Regulatory Committee and Scrutiny Committees	£8,795
Band 4	Independent Chairman of the Audit and Governance Committee Independent Chairman of the Standards Committee	£4,398
Band 5	Vice-Chairman of Council Group Leaders	£1,552

- c In addition to the flat rate Group Leaders' Allowance of £1,552, a payment of £124.00 per member of the Group to reflect the different level of responsibility dependent on the size of the Group.

- d Special Responsibility Allowance to be in addition to Basic Allowance. Excluding Group Leaders' Allowance, only one Special Responsibility Allowance is payable per **Elected** Member.
  - e A Childcare and Dependant Carers' Scheme: allowances payable for eligible duties where costs are incurred in the care of children aged 16 or under, and in respect of other dependants where there is medical or social work evidence that care is required, and where the work claimed for has been undertaken by persons other than family members resident in the household; all claims must be evidenced by receipts and will be paid at the current market hourly rates.
  - f All allowances to be updated annually in line with the N.J.C. for Local Government Services pay award.
- 6.1.4 In addition attendance whether as an appointed member or at the invitation of a Director, Cabinet Member or Chairman of the relevant body at any of the following will entitle a Councillor to claim for travel and subsistence:
- g Council meeting
  - h Council committee and sub-committee meeting
  - i Any of the other bodies described in this Constitution including Cabinet and PACT meeting;
  - j A Working Group established by any one of the above bodies (including attendance as a member of a Best Value Review team at a team meeting or related activity);
  - k Official briefing session called by the Chairman of Council, Leader, Cabinet Member, Chairman of a Committee, Sub-Committee or Panel, Community Forum or Working Group, or by a Group Leader or his/her substitute - such attendance being limited to one Councillor from each group per session;
  - l Meeting of any other approved body.
- 6.1.5 The undertaking by any of those listed below of any duty associated with the Council or its committees and other bodies approved for such purposes by the Chief Executive or Assistant Chief Executive Legal and Democratic in consultation with the Leader:
- a The Chairman/Vice-Chairman of Council
  - b A Cabinet Member
  - c The Chairman/Vice-Chairman of any Committee, Sub-Committee or Working Group, or Chairman of a Community Forum.
  - d The leaders of the political groups
- 6.1.6 Attendance on site visits approved by the relevant Committee or body.
- 6.1.7 Attendance at Cabinet by the Chairman and Vice-Chairman of the Strategic Monitoring Committee.
- 6.1.8 Attendance at a meeting of any Scrutiny Committee by the Chairman of the Strategic Monitoring Committee or in the absence of the Chairman and with his/her permission the Vice-Chairman.
- 6.1.10 Attendance at Cabinet by the Chairman or in the absence of the Chairman and with his/her permission the Vice-Chairman of a Scrutiny Committee where Cabinet is addressing matters within that Committee's terms of reference.

- 6.1.11 Attendance at any conference by any Councillor authorised by the relevant Director.
- 6.1.12 Any other attendance for which prior approval has been given by the Chief Executive or Assistant Chief Executive Legal and Democratic after consultation with the Leader.
- 6.1.13 In general allowances will not be payable for meetings of outside bodies. A list of appointments to outside bodies, which shall be approved by the Chief Executive or Assistant Chief Executive Legal and Democratic following consultation with Group Leaders, will be maintained by the Assistant Chief Executive Legal and Democratic. This list will also identify those appointments to outside bodies where allowances are payable.
- 6.1.14 **Note:** The single rate at which travel may be claimed shall be within the scale determined by the Council within the scale of rates used by the Inland Revenue.

A subsistence allowance for Councillors is paid on the basis of actual reasonable expenditure and where overnight accommodation is necessary, this will be for three star accommodation or equivalent, evidenced by receipts.

Co-opted and other non-elected Members are entitled to claim Travel, Subsistence and Dependant Carer's Allowances on the same basis as Members of the Council.



# HEREFORDSHIRE COUNCIL

## PUBLIC NOTICE

### LOCAL AUTHORITIES (MEMBERS' ALLOWANCES) (ENGLAND) REGULATIONS 2003

The following table is published in accordance with the above Regulations. Herefordshire Council have published Councillors' allowances annually since 2003, when the above Regulations came into force. The published allowances have been advertised in the local press, publicly available to view on the website, or for inspection at the Council offices at Brockington, since 2003. The table shows the total sum paid by Herefordshire Council to each Member of the Council for the period 1 April 2010 to 31 March 2011 in respect of Basic Allowance (BA) and Special Responsibility Allowance (SRA), Childcare and Dependant Carers Allowance, Travel and Subsistence Expenses and Co-optees Allowance.

Name	Basic Allowance	Special Responsibility Allowance	Travelling & Subsistence Allowance	Total
(1)	(2)	(3)	(4)	(5)
Cllr. P A Andrews	£7,244.04	£8,795.04	£654.75	£16,693.83
Cllr. W U Attfield	£7,244.04	£1,800.00	£0.00	£9,044.04
Cllr. L O Barnett	£7,244.04	£11,382.96	£1,727.61	£20,354.61
Cllr. C M Bartrum	£7,244.04	£0.00	£328.00	£7,572.04
Cllr. D J Benjamin	£2,161.53	£0.00	£0.00	£2,161.53
Cllr. L Bettington	£6,523.53	£0.00	£498.55	£7,022.08
Cllr. A J M Blackshaw	£7,244.04	£11,382.96	£1,962.15	£20,589.15
Cllr. W L S Bowen	£7,244.04	£8,795.04	£2,517.24	£18,556.32
Cllr. H Bramer	£7,244.04	£11,382.96	£740.40	£19,367.40
Cllr. A C R Chappell	£7,244.04	£4,398.00	£8.80	£11,650.84
Cllr. M E Cooper	£7,244.04	£0.00	£0.00	£7,244.04
Cllr. P G H Cutter	£7,244.04	£0.00	£876.69	£8,120.73

Cllr. S P A Daniels	£7,244.04	£0.00	£0.00	£7,244.04
Cllr. H Davies	£7,244.04	£0.00	£0.00	£7,244.04
Cllr. G Dawe	£7,244.04	£720.97	£0.00	£7,965.01
Cllr. B A Durkin	£7,244.04	£0.00	£0.00	£7,244.04
Cllr. P J Edwards	£7,244.04	£11,382.96	£572.41	£19,199.41
Cllr. J Fishley	£7,244.04	£0.00	£0.00	£7,244.04
Cllr. J P French	£7,244.04	£11,382.96	£0.00	£18,627.00
Cllr. J H R Goodwin	£7,244.04	£0.00	£831.60	£8,075.64
Cllr. A E Gray	£7,244.04	£0.00	£628.88	£7,872.92
Cllr. D W Greenow	£7,244.04	£0.00	£143.60	£7,387.64
Cllr. K G Grumbley	£7,244.04	£0.00	£0.00	£7,244.04
Cllr. K S Guthrie	£7,244.04	£0.00	£60.40	£7,304.44
Cllr. J W Hope	£7,244.04	£7,400.13	£1,036.40	£15,680.57
Cllr. M A F Hubbard	£7,244.04	£1,851.63	£0.00	£9,095.67
Cllr. B Hunt	£7,244.04	£0.00	£33.60	£7,277.64
Cllr. R Hunt	£7,244.04	£0.00	£690.40	£7,934.44
Cllr. T W Hunt	£7,244.04	£8,795.04	£938.22	£16,977.30
Cllr. J A Hyde	£7,244.04	£11,382.96	£1,336.40	£19,963.40
Cllr. T M James	£7,244.04	£11,463.00	£1,094.00	£19,801.04
Cllr. J G Jarvis	£7,244.04	£11,382.96	£2,792.90	£21,419.90
Cllr. W Johnson	£6,523.53	£0.00	£192.00	£6,715.53
Cllr. P Jones	£7,244.04	£1,394.91	£703.50	£9,342.45
Cllr. J Lavender	£3,368.87	£0.00	£0.00	£3,368.87
Cllr. M D Lloyd-Hayes	£7,244.04	£0.00	£0.00	£7,244.04
Cllr. G Lucas	£7,244.04	£0.00	£671.60	£7,915.64
Cllr. R I Matthews	£7,244.04	£11,748.04	£352.80	£19,344.88
Cllr. P J McCaull	£7,244.04	£0.00	£262.40	£7,506.44
Cllr. P M Morgan	£7,244.04	£8,795.04	£665.60	£16,704.68

Cllr. A Oliver	£7,244.04	£0.00	£0.00	£7,244.04
Cllr. J E Pemberton	£7,244.04	£0.00	£363.81	£7,607.85
Cllr. R J Phillips	£7,244.04	£32,957.55	£7,449.30	£47,650.89
Cllr. G A Powell	£7,244.04	£0.00	£542.88	£7,786.92
Cllr. P Price	£7,244.04	£11,382.96	£1,681.20	£20,308.20
Cllr. S J Robertson	£7,244.04	£0.00	£201.81	£7,445.85
Cllr. A Seldon	£7,244.04	£0.00	£1,077.55	£8,321.59
Cllr. R H Smith	£7,244.04	£0.00	£559.20	£7,803.24
Cllr. R V Stockton	£7,244.04	£0.00	£968.10	£8,212.14
Cllr. J Stone	£7,244.04	£8,795.04	£0.00	£16,039.08
Cllr. A P Taylor	£7,244.04	£0.00	£0.00	£7,244.04
Cllr. D C Taylor	£7,244.04	£0.00	£14.40	£7,258.44
Cllr. A M Toon	£7,244.04	£0.00	£0.00	£7,244.04
Cllr. N L Vaughan	£7,244.04	£0.00	£0.00	£7,244.04
Cllr. W J Walling	£7,244.04	£0.00	£0.00	£7,244.04
Cllr. P J Watts	£7,244.04	£0.00	£907.65	£8,151.69
Cllr. D B Wilcox	£7,244.04	£11,382.96	£627.14	£19,254.14
Cllr. J B Williams	£7,244.04	£1,551.96	£841.28	£9,637.28
Cllr. J D Woodward	£7,244.04	£0.00	£0.00	£7,244.04
Totals	£416,999.66	£221,708.03	£37,555.22	£676,262.91
R Rogers – Independent Chairman Standards Committee	£4,398.00	£0.00	£0.00	£4,398.00

## Notes

- 1 The Special Responsibility Column includes allowances for the Chairman and Vice-Chairman of the Council, Leader, Deputy Leader, Cabinet Members, Group Leaders and Chairmen of other Committees.
- 2 The Members' Allowances Scheme was adopted by the Council having regard to the recommendations of an Independent Remuneration Panel consisting of representatives of local businesses, the voluntary sector and the press and trade unions in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003.
- 3 Receipts are required for travelling and subsistence allowance (see column 4). All allowances are subject to annual audit.
- 4 Public notices for Members' Allowances published since the financial year 2007/2008 are available to view on the Council's website at [www.herefordshire.gov.uk/Your Councillors](http://www.herefordshire.gov.uk/Your Councillors)



## **Appendix 3 Role of Group leaders in the Political Management of the Authority – Extract from the Constitution**

### **3.7.5 Political Management**

- 3.7.5.1 The Council comprises Councillors who may be members of political or other groups, as referred to in Article 2 (2.2.10). Those groups are an important part of the way the Council operates and are formally recognised in the appointment of committees. The Leader of the Council, who is elected by the Council, is usually from the Political Group comprising the majority of Councillors and the Leader usually appoints members of his Political Group to be Cabinet Members.
- 3.7.5.2 Each Political Group appoints a Group Leader. The Group Leaders have an important informal role to play in relation to the Functions Scheme. This role is separate and distinct from any role or function that any Councillor who is a leader of a Political group has under the Functions Scheme. Other than those functions allocated to any Political Group Leader under the Functions Scheme, the Political Group Leaders have no authority to take decisions on behalf of the Council but do fulfil important informal political management functions.
- 3.7.5.3 In particular, the Political Group Leaders have the following informal functions:
- a to provide leadership to the respective groups on all matters related to Council business
  - b to act as a link between the political and other groups and to meet regularly with other Group Leaders to discuss matters relating to the political management of the Council
  - c to ensure that the views of his or her Group are made known to the Council, the Cabinet and the Chief Executive
  - d to help identify whether there is any consensus or other ways that the groups can work together on matters related to Council functions
  - e to attend Council and other meetings as set out in the Constitution as a recognised Group Leader for the purpose of fulfilling these functions.

