

DCE and Director of Corporate Services

Dean Taylor

TO: ALL MEMBERS OF THE COUNCIL

Your Ref:

Our Ref: CC/SAHC

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07 July 2011

Dear Councillor

YOU ARE HEREBY SUMMONED to attend the meeting of the Herefordshire Council to be held on **Friday 15 July 2011** at The Assembly Hall, Town Hall, St Owen Street, 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 15 July 2011**

Time: **10.30 am**

Place: **The Assembly Hall, Town Hall, St Owen Street,
Hereford.**

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

For any further information please contact:

Sally Cole, Committee Manager Executive

Tel: 01432 260249

Email: scole@herefordshire.gov.uk

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

Agenda for the Meeting of the Council

Membership

Chairman

Councillor LO Barnett

Vice-Chairman

Councillor ACR Chappell

Councillor PA Andrews
Councillor CNH Attwood
Councillor CM Bartrum
Councillor AJM Blackshaw
Councillor H Bramer
Councillor MJK Cooper
Councillor BA Durkin
Councillor DW Greenow
Councillor RB Hamilton
Councillor EPJ Harvey
Councillor JW Hope MBE
Councillor RC Hunt
Councillor TM James
Councillor AW Johnson
Councillor JLV Kenyon
Councillor JG Lester
Councillor G Lucas
Councillor PJ McCaull
Councillor JW Millar
Councillor NP Nenadich
Councillor FM Norman
Councillor GA Powell
Councillor R Preece
Councillor SJ Robertson
Councillor A Seldon
Councillor J Stone
Councillor PJ Watts
Councillor JD Woodward

Councillor AM Atkinson
Councillor PL Bettington
Councillor WLS Bowen
Councillor AN Bridges
Councillor EMK Chave
Councillor PGH Cutter
Councillor PJ Edwards
Councillor KS Guthrie
Councillor J Hardwick
Councillor AJ Hempton-Smith
Councillor MAF Hubbard
Councillor JA Hyde
Councillor JG Jarvis
Councillor Brig P Jones CBE
Councillor JF Knipe
Councillor MD Lloyd-Hayes
Councillor RI Matthews
Councillor SM Michael
Councillor PM Morgan
Councillor C Nicholls
Councillor RJ Phillips
Councillor GJ Powell
Councillor PD Price
Councillor P Rone
Councillor P Sinclair-Knipe
Councillor GR Swinford
Councillor DC Taylor
Councillor DB Wilcox

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

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

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

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

AGENDA

		Pages
1.	PRAYERS	
2.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
3.	DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4.	MINUTES To approve and sign the Minutes of the meeting held on 27 May 2011.	1 - 8
5.	CHAIRMAN'S ANNOUNCEMENTS To receive the Chairman's announcements and petitions from members of the public.	
6.	QUESTIONS FROM MEMBERS OF THE PUBLIC To receive questions from members of the public.	9 - 14
7.	FORMAL QUESTIONS FROM COUNCILLORS TO THE CABINET MEMBERS AND CHAIRMEN UNDER STANDING ORDERS To receive any written questions from Councillors.	
8.	NOTICES OF MOTION UNDER STANDING ORDERS Two notices of motion have been submitted for consideration by Council. The first notice of motion was submitted by Councillors: MAF Hubbard, AN Bridges, SM Michael, JD Woodward C Nicholls, MD Lloyd-Hayes, GA Powell, J Hardwick, AJ Hempton-Smith, CNH Attwood, J Knipe, A Seldon, GR Swinford, WLS Bowen, SJ Robertson, EPJ Harvey, FM Norman, JLV Kenyon, RI Matthews, R Preece and PJ Edwards. The second notice of motion was submitted by Councillors: RI Matthews, MAF Hubbard, TM James, SJ Robertson, SJ Hempton-Smith, and A Seldon. FIRST NOTICE OF MOTION <i>This Council notes:</i> 1 <i>The introduction of the new single Overview and Scrutiny Committee agreed at Annual Council meeting in May 2011.</i> 2 <i>The potential for improved policy development enshrined in the new system.</i> 3 <i>The "leaner meaner" nature of the proposed system, the potential savings and efficiencies the new system could produce.</i> 4 <i>The recommendation that any changes to scrutiny should be phased contained in the Review of the Overview and Scrutiny Function in Herefordshire Council (Lamb & Davis Dec 2008) and the lack of such phasing in the introduction of the new system by decision of Council at its annual meeting.</i> 5 <i>The current public perception, evidenced in the local press, that good</i>	

practice is not being followed by having a member of the administration Chair the committee.

This Council resolves to offer the Chairmanship of Overview and Scrutiny Committee to an opposition member, restoring public confidence in the new scrutiny system.

SECOND NOTICE OF MOTION

This council notes that the economic situation is showing little sign of sustained recovery. Budgets in all areas are under great pressure, and with the knowledge that there will be a further £6,000,000 cut in Government funding from 2012-2013, further pressure is anticipated. This council therefore has no option but to make savings in order to protect frontline services, in particular where it affects the elderly and vulnerable generally.

This council therefore moves that an urgent meeting is arranged with the Chief Executive and Group Leaders to consider the possibility of a voluntary salary reduction of senior members of staff. This would be in line with a number of local authorities who have recently implemented similar arrangements and would also assure the public that we are looking at all options during these challenging financial times.

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| 9. LEADER'S REPORT | 15 - 18 |
| To receive the Leader's report, which provides an overview of the Executive's activity since the last Council meeting. | |
| 10. REVISED CHIEF EXECUTIVE'S SCHEME OF DELEGATION | 19 - 32 |
| To note the revised Chief Executive's Scheme of Delegation. | |
| 11. SPECIAL RESPONSIBILITY ALLOWANCES | 33 - 36 |
| To consider a report on the payment of special responsibility allowances to Vice-Chairmen of the Overview and Scrutiny Committee. | |
| 12. OVERVIEW AND SCRUTINY PROVISIONS IN THE CONSTITUTION | 37 - 64 |
| To consider revisions to the Constitution as a consequence of Council's adoption of a new scrutiny model. | |
| 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. | |
| 13. STANDARDS COMMITTEE | 65 - 66 |
| To receive the report and to consider any recommendations to Council arising from the meeting held on 15 July 2011. | |
| 14. WEST MERCIA POLICE AUTHORITY | 67 - 76 |
| To receive the report of the meeting of the West Mercia Police Authority held on 14 and 28 June 2011. | |
| 15. HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY | 77 - 78 |
| To receive the report of the meetings of the Hereford & Worcester Fire and Rescue Authority held on 22 June 2011. | |

The Public's Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO:-

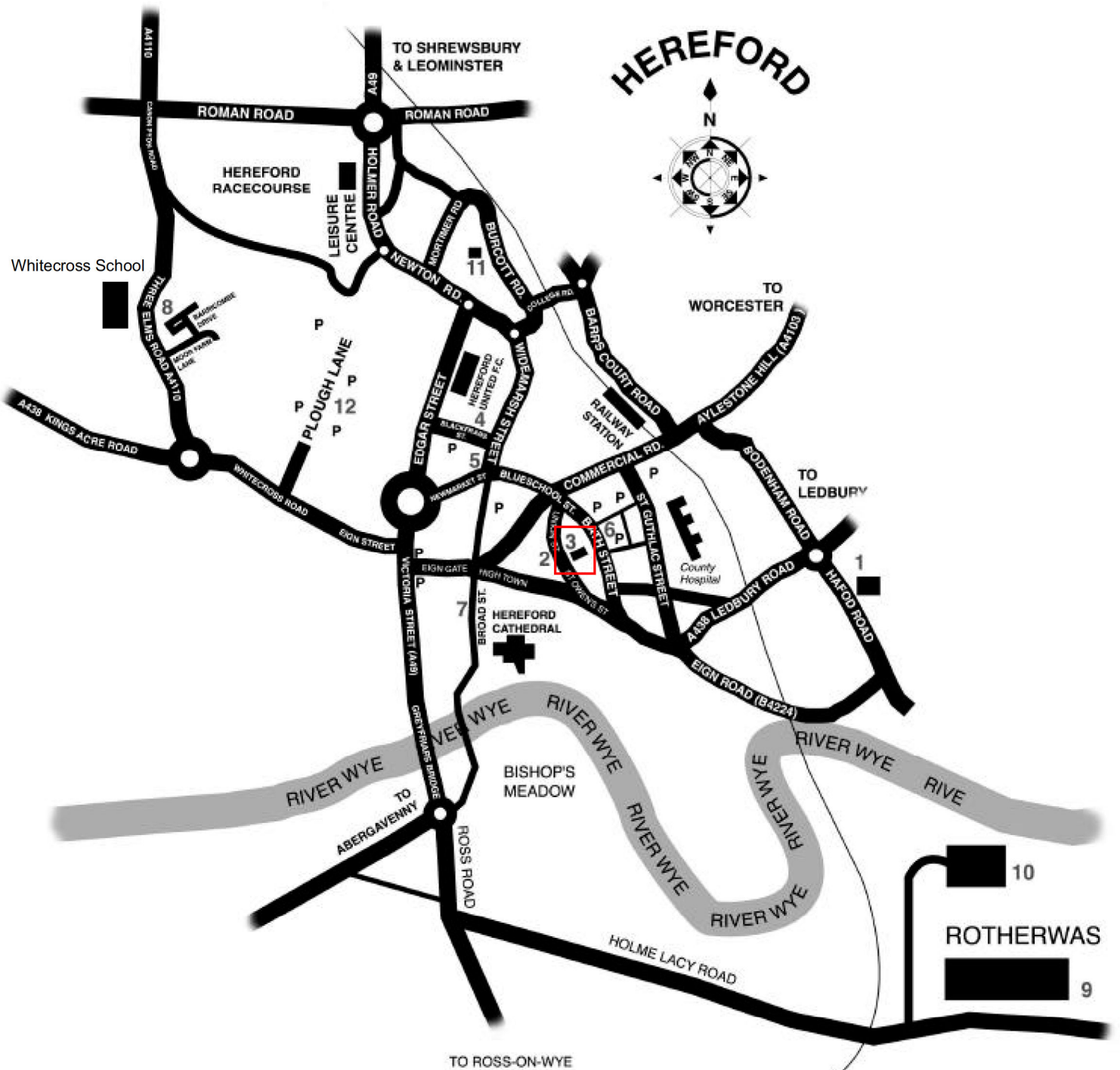
- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees 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 Town Hall is ten minutes walking distance from both bus stations located in the town centre of Hereford. A map showing the location of the Town Hall is found opposite.



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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:

REAR OF TOWN HALL 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 27 May 2011 at 10.30 am

Present: Councillor LO Barnett (Chairman)

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

1. CHAIRMAN

The retiring Chairman called for nominations to the office of Chairman of the Council.

Councillor RJ Phillips proposed Councillor LO Barnett as Chairman of Herefordshire Council, stating that Councillor Barnett was one of the most senior Members of Council, with over 30 years of experience.

Councillor TM James seconded Councillor LO Barnett as Chairman for the Council.

Councillor Barnett was unanimously elected as Chairman of the Council.

RESOLVED: That Councillor LO Barnett, be elected Chairman of the Council until the annual meeting of Council in May 2012.

2. PRAYERS

The Reverend Prebendary Paul Towner led the Council in prayer.

The Chairman extended a warm welcome to Her Majesty's Lord Lieutenant, the Countess of Darnley and the Earl of Darnley, the High Sheriff of Herefordshire, Mr Simon Arbuthnott and Mrs Arbuthnott who were in attendance.

Councillor Barnett thanked Councillor Stone for his Chairmanship of the Council, and said that he had set a high standard throughout his term of office and that she felt a certain amount of trepidation following in his footsteps. She thanked the proposer and seconder of the motion, and said that her priority whilst she held the honorary position was to work to raise the profile of healthcare in the County. She recognised the pivotal role of the County Hospital, and said that the health and wellbeing of the population of Herefordshire was the foundation of a good society.

Councillor Stone said that he had enjoyed his time as Chairman of the Council, and that it had been an honour to represent the Council. He thanked the Members and political groups for their support during his tenure. He thanked Mr Beris Williams for all his support as Vice-Chairman during the previous administration. He went on to thank Ms Vicky Harris, in her role as Personal Assistant to the Leader and the Chairman and said that she would be an asset to the new Chairman.

Councillor Stone explained that during his tenure he had undertaken several sponsored events on behalf of the Noah's Ark Trust, Herefordshire Headway, the Charles Renton Unit and Megan Baker House; many of these events had taken place with the Help of Councillor S Robertson and he thanked her for her support.

He went on to say that he had known Councillor Barnett for many years, and wished her every success in her new role.

3. APOLOGIES FOR ABSENCE

Apologies for absence were received from the Councillors CNH Attwood and GA Powell.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. VICE-CHAIRMAN

The Chairman called for nominations to the office of Vice Chairman of the Council.

Councillor JA Hyde proposed Councillor ACR Chappell. Councillor RI Matthews seconded the proposal.

RESOLVED: That Councillor ACR Chappell be appointed Vice-Chairman of the Council until the annual meeting in May 2012.

6. MINUTES

The Minutes of the meeting held on 4 March 2011 were approved as a correct record.

7. CHAIRMAN'S ANNOUNCEMENTS

The Chairman in her announcements:

- Informed Council of the royal visit that took place on 23 March by their royal highnesses the Duke and Duchess of Gloucester to the Hereford College of Arts, Peterchurch Community Church, MandM Direct in Leominster, Robert Clarke Windsor Chairs in Brockmanton and to the Megan Baker House, which was attended by Councillor J Stone as Chairman.
- Reminded Council that following the meeting, the annual photograph of Council would take place on the stage in the Shire Hall, and Council would then move to the Town Hall.

8. APPOINTMENT OF THE LEADER OF THE COUNCIL

The Chairman called for nominations to the office of Leader of the Council.

Councillor PD Price proposed Councillor JG Jarvis. Councillor PM Morgan seconded the proposal.

RESOLVED: That Councillor JG Jarvis be appointed Leader of the Council for the term of the Council.

9. NOTIFICATION OF CABINET APPOINTMENTS

The Leader of the Council announced the allocation of portfolios and the Deputy Leader of the Council.

The Leader reported that Councillor PD Price would serve as Deputy Leader, and would hold the portfolio of Corporate Services and Education. The following Councillors would also hold Cabinet positions:

- Councillor RJ Phillips (Cabinet Member, Enterprise and Culture)
- Councillor PM Morgan (Cabinet Member, Health and Wellbeing)
- Councillor AJM Blackshaw (Cabinet Member, Highways and Transportation)
- Councillor DB Willcox (Cabinet Member, Environment, Housing and Planning)

10. COMMITTEES AND OUTSIDE BODIES 2011/12

Council received a report on the constitution of committees and the allocation of their membership, together with other bodies, in accordance with political proportionality rules.

In presenting the report, the Monitoring Officer reminded Members that Parliament had set out strict rules concerning proportionality. The proportionality rules resulted in the seats being available to each Group as outlined on page 39 of the report. One ungrouped member would not have a seat on any Committees.

Should Council wish to allocate seats on a different basis from that of political proportion, this could only be done where approved by Council without any Member voting against (a nem com vote by Council). It was proposed that the application of proportionality should be suspended for the River Lugg Internal Drainage Board and the Wye Valley AONB Joint Advisory Committee, and that these appointments should be determined by Group Leaders.

A revised Appendix 2 to the report, containing proposed appointments to the posts listed, was circulated at the meeting. It was noted that on the Overview and Scrutiny Committee, Councillor GR Swinford would be replaced by Councillor SJ Robertson.

In discussion, the following points were made:

- Training for Committee Membership would take place during the day, but Members would be canvassed to see whether there would be sufficient interest for an evening session to be held.
- It was stated that care was needed when setting up the scrutiny system, as the system outlined to Council implied that the ruling political group would be scrutinising itself. He did not believe that this model was the best way forward for the Council.
- It was felt that the proposals were a backward step for democracy in the County.
- It was suggested that the 'Review of the Overview and Scrutiny Function In Herefordshire Council' carried out in December 2008 for the Overview and Scrutiny Committee should have been circulated to new Members. It was believed that the new arrangements recommended in the report were to be phased in, and that this had not happened.
- It was added that in Herefordshire, Call-in of executive decisions required the signatures of three Members from two different political Groups. In researching other Authorities that operated a scrutiny commissioning model, the practice was

that five members from any Group could sign the Call-in form. It was questioned how public participation would take place in Task and Finish Groups.

- IT was noted that as the Overview and Scrutiny Committee was an advisory body, it was required by law to be proportionate. Task and Finish Groups were not required to be proportionate, as proportionality had already been implemented in the setting up of the Overview and Scrutiny Committee.
- The Leader said that it was not the intention that the Task and Finish Groups should be proportional. He added that it was the intention that the Groups should go out to the public, and that they should encourage public participation in their deliberations.
- There was concerned about the proposals, as it was felt that the degree of openness could be restricted.
- One Member stated that he had come to the meeting with grave doubts about the proposed scrutiny system, but having spoken to senior officers, he was reassured, and urged Members to allow the new system to operate.
- A Member asked that the amendments to the Constitution that were inherent in this paper should be put before the Constitutional Review Working Group in order to ensure that the correct checks and balances were made.

The following amendment was moved by Councillor MAF Hubbard and seconded: *'That an early meeting of the new Overview and Scrutiny Committee should be called with the specific remit to review the report in conjunction with the Review of the Overview and Scrutiny Function in Herefordshire Council (2008), and to make recommendations regarding the effective implementation of the latter report.'*

In speaking to the amendment, Councillor Hubbard said that it was an amendment that supported the Leader's desire for consensus and collaborative working between the Groups.

The amendment was put to the vote.

For 16

Against 29

Abstention 27

The amendment was lost

RESOLVED 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) no seats would be allocated to the ungrouped member;
- (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 subject to the aspects relating to the new scrutiny model being reported back to Council;
- (g) the Monitoring Officer be authorised to make these and any other consequential amendments to the Constitution;
- (h) 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.

11. REPORT OF THE INDEPENDENT REMUNERATION PANEL

The Assistant Director Law, Governance and Resilience presented a report on the recommendations of the Council's Independent Remuneration Panel on the Councillors Allowance Scheme.

Before opening the debate, the Leader spoke to Council and thanked the Panel for their report and ask Council to receive and adopt the report save that recommendation b2 be amended to take account of future developments in ICT technology and the piloting of the use tablet computers. I would like to amend the recommendation to state:

- b2) a one off allowance of up to £1,000 be made available to all Councillors 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. The allowance to be claimable anytime in the first three years of the life of this Council's administration.

In the ensuing discussion on ICT, the following points were made:

- There was some disappointment at the proposal, which could be seen as retrogressive. The Council had moved toward remote working to allow staff to work in the field. Members were working for a corporate body, with associated aims and it was proposed that the recommendation regarding ICT provision be put on hold until the Council had a chance to reconsider it.
- It was asked whether this scheme was cheaper and more cost effective than the previous one. It was added that the loss of ICT support could impede Members from doing their jobs effectively.

The Cabinet Member (Corporate Services and Education) who had oversight of ICT in the previous administration, stated that many options in the ways of working had been discussed. Members would have different requirements, and this option was considered the most appropriate way to ensure that there was sufficient ICT provision operating effectively within a corporate facility. This approach would also address the necessity to

upgrade technology in the future. He added that software would be provided to Members by the Council at a reduced rate.

In the ensuing discussion, the following points were made:

- It was pointed out that the current system was expensive because of the degree of back up that was provided to Members. The report before Council would be less costly, as Members would have to take responsibility for their own ICT provision.
- It was suggested that bulk purchase of ICT equipment by the Council should be considered, as this would serve to reduce costs.
- A Member said that whilst they supported the recommendations, it was felt that it could have been explained more clearly, as there were no figures that showed the savings that were being made. There was discussion on the Special Responsibility Allowances (SRAs).
- Councillor EPJ Harvey put forward an amendment to the recommendation that *'The Special Responsibility Allowances be waived for all qualifying Councillors for the current financial year, and the funds be used to offset the Government's withdrawal of the School Standards Fund at the end of the previous financial year'*

The Amendment was seconded by Councillor MAF Hubbard.

The amendment was put to the vote.

For the amendment :10

Against the amendment: 37

The amendment was lost

The Deputy Leader replied that the Standards Fund was subject to a national debate, and it had not, at this juncture, been withdrawn. The Cabinet Member (Enterprise and Culture) concurred, and added that the Government had been subject to a great deal of lobbying over this matter, and the Council was working with other Local Authorities to address the matter.

The following points were also made:

- that the Remuneration Panel was a body independent from the Council, which had recommended that there should be no increase in the amount payable to Councillors.
- it was important that people from all walks of life were in a position to be able to represent their ward by accepting allowances. She added that it should be a personal choice as to whether or not an individual Member accepted an SRA and, given the complexity and responsibility of her portfolio, she intended to utilise her allowance.
- A Member said that he had discussed the issues with the Leader, and understood that the SRAs would be reviewed annually. He pointed out that if Cabinet Members were aided in doing their jobs to their full potential by way of an SRA, then he believed that they were a way of saving the Council money in the long run.

RESOLVED

THAT:

- (i) the Independent Remuneration Panel be thanked for its report;**
- (j) having regard to the following recommendations of the Independent Remuneration Panel as set out in the Panel's appended report:**

 - 1 allowances should 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 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 from the 6 May 2011, evidenced by receipts. The allowance to be claimable anytime in the first three years of the life of this Council's administration.**
 - 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 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 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, Governance and Resilience 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.

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

12. DATES OF FUTURE MEETINGS

The dates of future Council meetings for 2011/12 were agreed as:

15 July 2011
18 November 2011
3 February 2012
2 March 2012
25 May 2012 (Annual Council)

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

13. ANNUAL REPORTS

The Chairman called for a vote to vary Procedure Rule 4.1.5.2 in order to dispense with the annual reports of committees and the Leader's report, on the grounds that these reports were given at the final meeting of the preceding municipal year.

The vote was approved unanimously.

Resolved: that Procedure Rule 4.1.5.2 should be varied.

The meeting ended at 12.30 pm

CHAIRMAN

MEETING:	COUNCIL
DATE:	15 JULY 2011
TITLE OF REPORT:	QUESTIONS FROM MEMBERS OF THE PUBLIC
REPORT BY:	ASSISTANT DIRECTOR LAW AND GOVERNANCE

CLASSIFICATION: Open

Wards Affected

County-wide

Purpose

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

Introduction and Background

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

Further information on the subject of this report is available from
Chris Chapman, Assistant Director Law and Governance on (01432) 260200

Council in the past six months or relates to the same subject matter or the answer to the question will be substantially the same as the previous answer;

- Requires the disclosure of confidential or exempt information;
- Relates to a planning or licensing application;
- Relates to an employment matter that should more properly be dealt with through the Council's Human Resources processes.

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

Questions

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

PUBLIC QUESTIONS TO COUNCIL – 15 JULY 2011

Question from Mr P McKay, Hereford.

Question 1

At Council Meeting of 4 March I was advised that it is Council's objective to have complete and correct highway records, and that Council will consider if Council's map of recorded roads could be put online, combined with the map of rights of way, and Government Minister has also reportedly said that access is now taking on a central role in achieving many of the governments targets on health and promoting more sustainable rural communities. Looking through Council records it is apparent that for many years requests to add minor unrecorded roads to the records was considered by the Highway Committee. This committee no longer exists, and has not existed for many years, leaving no clear transparent democratic procedure for processing such requests, leaving house holders facing difficulties in getting roads to their properties recorded, and others such as parishes facing difficulties in getting corrections and additions made such as minor unsurfaced roads suitable for recreational use, with loss of access occurring from time to time. (The procedure for adding public rights of way is not considered to be appropriate it being limited to main use of foot or equestrian, does not record vehicular access, addresses public rights over land holdings rather than roads between land holdings, and takes Council many years to determine such applications)

Could requests to record our minor unsurfaced roads be considered by the Regulatory Committee, which committee already considers diversion applications and the like, or some other suitable committee, so that our Councillors may decide such matters within a reasonable time scale, subject to reasonable verification such as Parish Council being in agreement that it is a road that ought to be recorded?

Question from Mrs J Potter, Leominster.

Question 2

Vicarage Street Neighbourhood Watch, attempting to protect their neighbourhood, are concerned that Council would consider authorising a change to surface of a grass footpath at end of their street for purpose of vehicular use on balance of probabilities that an adjacent owner also owns part width of footpath under common law, whilst West Mercia Police have consulted their solicitor and adopted the view the Land Registry are the proper people to determine who owns what, and that any vehicular use of the footpath until land ownership was registered would be unlawful.

Would the Council please take likewise view that it would not authorise any work on and along the footpath for purpose of vehicular use until such time as the ownership of the land is registered with the Land Registry that would establish that vehicular use by landowner would be lawful?

PUBLIC QUESTIONS TO COUNCIL – 15 JULY 2011

Question from Mrs E Morawiecka, Breinton, Hereford.

Question 3

As chairman of Breinton Parish Council I raised concerns about the local development framework process to the Overview and Scrutiny Committee back in October 2010. In particular I raised concerns over the consultation process, the reporting of subsequent feedback and reports that failed to accompany the core strategy and which are still not publicly available, such as the infrastructure delivery plan and the habitats registration assessment. In December 2010 written replies on all areas of the preferred policies were published except for those on the preferred options for Hereford City, which are still not available, over 6 months after the consultation was completed.

Will the new Overview and Scrutiny committee consider the whole LDF consultation and reporting processes prior to the next public consultation, which Herefordshire Council proposed would start in July 2011, a timetable which was approved by the Conservative Council back in March 2011?

Question from Ms V Wegg-Prosser, Breinton, Hereford.

Question 4

The minimum costs of the proposed but not yet approved non-binding advisory community poll regarding the subject of a road round the city of Hereford were estimated to be around £50,000 in January 2011.

What is the revised cost of this proposed but not yet approved non-binding poll now that the earliest date on which the poll can be considered by Overview and Scrutiny, were it to be approved, is 30 September 2011, and the poll itself will not be able to take place until after its wording has been subject to independent scrutiny before being publicised, therefore resulting in the likely date of the poll, if approved, in these inflation-rising times, to be some eleven months after the date of the provisional costing?

Question from Mr P Mitchell, Herefordshire.

Question 5

Herefordshire Council's unlawful sanctioning of commercial advertisement along the open highway.

Would the Cabinet member explain why Highways Policy application currently unlawfully sanctions these advertisements in direct contravention of numerous clauses of the Highway Act as well as the Authority's own Highway Policy and directly in contravention of statutory requirements for prior express planning consent under the Planning Act; and would the cabinet member explain why contrary to applicable legislation his Department

PUBLIC QUESTIONS TO COUNCIL – 15 JULY 2011

no longer ensures that any of these unlawful advertisement displays have express planning consent as stipulated and required that they should have under the Planning Act?

The consequence of the Authority's Planning and Highways Policy application is that legislative intent to regulate and control these advertisements is virtually completely undermined, subverted and effectively discarded by the Authority for these advertisements along the open highway - unlawfully"

MEETING:	COUNCIL
DATE:	15 JULY 2011
TITLE OF REPORT:	LEADER'S REPORT

CLASSIFICATION: Open

Wards affected

County wide

Purpose

To provide an overview of the Executive's activity.

Recommendation

THAT:

The report be noted.

Report

1. This is my first report to Council as Leader, and I would like to take the opportunity to look forward as well as to report on the activity of the Executive in the first two months of the administration.
2. It has been pleasing to see that, once again, the council delivered a balanced budget in 2010/11. A challenging budget for 2011/12 was set, reflecting the national economic climate and the public sector policy changes, and a significant amount of work has already taken place in order to prepare for the further 'tightening of belts' that the public sector must deliver. The initial phases of the organisation design programme will, by the end of this financial year, have reduced senior management by 25%; when combined with the current phase of the programme estimated savings are expected to be in the region of £4.2m.
3. It is not enough simply to be cutting costs; service improvements must also be delivered. To do this we must prioritise services that deliver better outcomes for the people and businesses of Herefordshire and which focus on the most vulnerable; we must make it easier for customers to contact us, increase the opportunities for 'self service', and deliver services that are responsive to local needs; and we must work with residents, community groups, businesses and our partners to help people to be more self reliant, devolving services and building stronger communities. Transformation will not happen overnight, but already we have been working with parishes, partners and communities to begin planning future budgets and to develop the locality model of working, and this engagement will continue in the coming months.
4. A number of difficult decisions have had to be made to help move us forward. We have agreed proposals to change the model of delivered library services. The universal mobile

library service, which served less than 1,000 people is being withdrawn and replaced by a more extensive home delivery service supporting those most in need. The model for delivery of the music service to young people has been changed to one that reduces the administrative burden on schools and enables a more flexible responsive service to be delivered to pupils, whilst protecting the delivery of whole class and group music activities. A number of proposals have been agreed in relation to fees and charges, in particular in relation to car parking, schools transport, planning advice and adult social care. Even with these increases, Herefordshire remains competitive when compared with neighbouring authorities; without them more difficult choices would need to be made resulting in service reductions or cuts.

5. It would be very easy, reading the local paper, to take the view that not only this council, but the county as a whole, has a bleak future; I think such negative reporting does our county a huge disservice. We are no different to the rest of the country in the economic challenges we face, but we are in a better position than many to meet those challenges:
 - We have a well developed partnership with the National Health Service which has already delivered financial savings and improvements.
 - We have a vibrant and highly valued voluntary and community sector and a network of parish and town councils all of which are strongly focussed on delivering the best services to meet local need.
 - We have a strong business community who are actively engaged in working with us to ensure a strong local economy into the future.
 - We have a revitalised tourism partnership leading on the development and delivery of activities that will bring visitors into and back to the county.
 - We have schools to be proud of and who are committed to working together to secure the best education for our children now and in the future.
 - With our partners, we have a track record of securing resources for and delivering projects that support our vision for the future – the superfast broadband pilot, the new livestock market, the refurbishment of our city centre, the delivery of affordable housing in the county despite the housing downturn, leisure and arts facilities that continue to be developed to meet the needs of the local population.
6. For every negative story reported I could find ten positive ones – without having to look – and I challenge everyone who cares about the future of Herefordshire to do the same.
7. Because I know that we cannot deliver the vision for the future alone, I have established what I believe to be a much stronger model of Overview & Scrutiny. I know some colleagues have expressed reservations about the removal of the old style standing committees, but I believe the new model provides a much more flexible and dynamic way of providing challenge to and bringing a broader range of views and experience into the development of future policy. I look forward to working with colleagues to ensure the model is as effective as possible; as with the changes made to the planning committee structure during the previous administration, I will commit to reviewing the effectiveness of the model after twelve months of operation.
8. A number of national policy issues continue to be developed, most notably those relating to public health and those arising from the Localities Bill, and in the coming months we will, with our partners, be working through the impact of these as they become clear.

Other Issues

9. In addition, the Executive has considered the following issues:
 - a) *Budget and Performance Monitoring Reports* – Cabinet considered reports on 2010/11 performance and revenue and capital outturn and noted actions being taken to address areas of underperformance.

- b) *Joint Corporate Plan* – Cabinet has agreed the measures, targets and projects by which the Council's corporate plan will be implemented and against which performance will be measured.
- c) *West Mercia Supplies* – the Executive has considered options for the long term future of this procurement partnership and agreed a preferred course of action.
- d) *Targeted 14-19/SEN Capital* – the Executive has approved the allocation of this national funding, which is being used to support improvements for pupils at Barrs Court and Blackmarston special schools and the Language and Communication Centre at Hampton Dene primary school.
- e) *Enforced Sales* – the Executive has approved a pilot project to evaluate the use of enforced sales powers to bring long-term empty properties back into use through the enforced sale and also help to recover any outstanding registered local land charges currently owed to the Council
- f) *Preliminary Flood Risk Assessment* – In compliance with regulations and EU directive requirements, the Executive has authorised the submission of the Herefordshire Preliminary Flood Risk Assessment to the Secretary of State

10. Finally I must report meeting with both Herefordshire's MP's regarding our referendum promise to create a second river crossing and relief road. I am determined to bring plans forward for a relief road that takes traffic from the A49 fully around the city – not half way and not pursuing a route that stands no chance of success. The future without a full relief road is unthinkable, and I am committed to its delivery.

MEETING:	HEREFORDSHIRE COUNCIL
DATE:	15 JULY 2011
TITLE OF REPORT:	REVISED CHIEF EXECUTIVE'S SCHEME OF DELEGATION
REPORT BY:	ASSISTANT DIRECTOR LAW, GOVERNANCE AND RESILIENCE

CLASSIFICATION: Open.

Wards Affected

County-wide

Purpose

To note the revised Chief Executive's Scheme of Delegation.

Recommendation(s)

THAT:

- (a) **the Council note the Scheme of Delegation in accordance with rule 3.8.10 of the Constitution;**
- (b) **for the purposes of the operations of rule 3.8.10 the Chief Executive reports the scheme annually to the Council only if he finds it necessary to make changes to the scheme.**

Key Points Summary

- The Council has to have a transparent and accessible Scheme of Delegation to carry out its work in a manner that would avoid any legal challenge
- The Chief Executive's Scheme of Delegation was commissioned by the Council at its meeting of 13th November, 2009
- The Scheme that was drafted did not form part of the Constitution and whilst contained in the Council's publication scheme would be more accessible were it referenced in the Constitution
- The revisions to the Scheme have produced a document that is more flexible and more modern in its approach, reflecting the new Constitution more closely
- The revised Scheme also provides a legally watertight approach to the decision making and daily work of the Council

Further information on the subject of this report is available from Chris Chapman,
Assistant Director Law, Governance & Resilience on (01432) 260200

Alternative Options

1. Because the day to day business of the authority is carried out by officers within policy set by Members, it is not practical to operate without a scheme of delegation.

Introduction and Background

2. Every local authority is required to have a Scheme of Delegation.

Key Considerations

3. The proposed Scheme of Delegation will implement best practice and provide a robust matrix for the exercise of delegated powers.

Community Impact

4. None.

Financial Implications

5. None.

Legal Implications

6. An unsound Scheme of Delegation would present the risk of a Council being challenged in any given action as acting Ultra Vires.

Consultees

7. Chief Executive; Deputy Chief Executive; Directors; Assistance Director Law Governance and Resilience.

Appendices

8. The proposed Scheme of Delegation.

Background Papers

Minutes of item 53 of Council meeting of 13/11/2009.

Current Chief Executive's Scheme of Delegation.

HEREFORDSHIRE COUNCIL CONSTITUTION

PART 3 – THE FUNCTIONS SCHEME

APPENDIX

CHIEF EXECUTIVE’S SCHEME OF DELEGATION TO OFFICERS

INTRODUCTION

1. This Scheme of Delegation authorises the Chief Executive and the Directors to exercise the functions of the Council as set out in this document. It authorises the making of such decisions and initiate such actions as they deem necessary in the interests of efficient delivery and improvement of services within their area of responsibility set out in this Scheme of Delegation or as revised from time to time by the Chief Executive to reflect the then current management structure of the Council. It repeals and replaces all previous Schemes of Delegation.
2. This scheme is without prejudice to the exercise of the Council’s functions by the Council, the Cabinet, and the Council’s Committees, Sub-Committees and panels.

GENERAL DELEGATIONS

3. The Chief Executive and the Directors are empowered to make decisions on behalf of the Council in accordance with the following general principles:
 - a. If a function, power or responsibility has not been specifically reserved to the Council, a Committee, or the Cabinet; the Director within whose remit the matter falls is authorised to act.
 - b. The Council, its Committees and the Cabinet will make decisions on matters of policy. The Chief Executive and the Directors have express authority to take all necessary actions to implement Council, Committee and Cabinet decisions that commit resources (within agreed budgets in the case of financial resources) as necessary and appropriate.
 - c. The Chief Executive and the Directors are empowered to take all operational decisions, within policy, in relation to the services for which they are responsible.

- d. The Chief Executive and the Directors are empowered to take all necessary decisions in cases of emergency. For the purposes of this scheme, “emergency” shall mean any situation in which the relevant officer believes that there is a risk of damage to property, a threat to the health or well being of an individual or that the interests of the Council may be compromised. “All necessary decisions” includes decisions to take such action as is necessary within the law to protect life, health, safety, the economic, social or environmental well being of the County, its communities and individuals living, working or visiting, and to preserve property belonging to the Council or others.
- e. In relation to all delegated authority conferred on the Directors by this scheme, the Chief Executive may allocate or reallocate responsibility for exercising particular powers to any officer of the Council in the interests of effective corporate management as he or she thinks fit.
- f. Where a Director is absent from the workplace for any period of time that requires others to exercise delegated authority in that officer’s absence, another officer should be nominated and approved by the Chief Executive. This nomination should be formally recorded in writing.
- g. Where there is doubt over the responsibility for the exercise of a delegated power, the Chief Executive or his/her nominee is authorised to act.
- h. Anything delegated to a Director is also delegated to the Chief Executive.
- i. The Council will, subject to the exceptions set out below, indemnify its employees and former employees against claims made against them (including costs awarded and reasonable costs incurred) and will not itself make claims against them for any loss or damage (other than claims falling within the cover provided to its employees under any policy of insurance taken out by the Council or any motor vehicle insurance policy taken out by the employee) occasioned by any neglect, act, error or omission committed by them in pursuit of their duties as they may from time to time undertake in the course of their employment with the Council whilst acting within the scope of their authority which shall include when they are acting for other persons or other bodies with the Council's consent. For the avoidance of doubt this indemnity is to be interpreted as being consistent with the terms contained in SI 2004/3082.

Exceptions

The indemnity will not extend to loss or damage directly or indirectly caused by or arising from:

- (a) fraud, dishonesty or a criminal offence on the part of the employee;
- (b) any neglect, error or omission by the employee otherwise than in the course of his duties;
- (c) liability in respect of losses certified by the auditor as caused by

wilful misconduct.

The indemnity will not apply if an employee, without the written authority of the Council, admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of this indemnity, or where there is evidence that the employee had acted with reckless disregard for the consequences.

The indemnity is without prejudice to the right of the Council to take or institute disciplinary action against an employee in respect of any neglect, act, error or omission.

4. In deciding whether or not to exercise such delegated powers, the Chief Executive and the Directors should consider whether to consult the appropriate Cabinet member(s) or Committee chairman and have regard to their views. Officers shall always be entitled to refer matters for decision to the appropriate member body where they consider it expedient to do so.
5. The Chief Executive and the Directors may authorise named officers within their area of responsibility to exercise, on their behalf, powers delegated under this scheme. This includes the responsibility for service delivery and management to the nearest reasonable and practicable level to the service user, as well as any Council functions under all legislation, regulations, orders and statutory Codes of Practice, which includes entry of premises, inspections and signing and service of Notices in relation to those functions.
6. All delegations conferred under this scheme must be recorded in writing by the Chief Executive or the Directors as the case may be (including for the avoidance of doubt any delegation under paragraph 3 (e) above). Any decision taken under such authority shall remain their responsibility, and must be taken in their name. The responsibility for maintaining the record of delegations shall rest with both the delegating and the delegated officer. The monitoring officer shall be at liberty to inspect this record at his or her discretion and if appropriate make recommendation as to any revision in form or maintenance of the record.
7. In exercising these delegated powers the officers concerned shall have broad discretion, subject to complying with all relevant legislation, the Council's Constitution (including its contract and financial procedures and regulations, and overall Council policy) to use the most efficient and effective means available, including the authorisation and deployment of staffing and other resources within their control and the procurement of other resources necessary, whether within or outside the Council. For the avoidance of doubt routine operational management decisions have no requirement to be recorded.
8. This scheme permits:-the entering into contracts, review of their operation, establishment and maintenance of approved lists of contractors and suppliers and the appointment of consultants, subject to all constitutional, legal, procedural and budgetary provisions and arrangements in force for the time being and in so doing to take advice in so doing from the Council's finance and legal officers.

9. This scheme permits the authorisation of legal proceedings in respect of offences under Acts, Regulations, Bylaws or orders within the remit of the Service areas, with the approval of the Assistant Director (Law, Governance and Resilience) including the acceptance of any formal or informal cautions in line with any enforcement and prosecutions policies in force. Where statute requires that a named officer shall instigate proceedings the relevant Director shall ensure that an officer is duly authorised in that behalf.
10. No officer is authorised to take any decision that must be taken by the Council, one of its Committees, the Cabinet or an individual Cabinet member in accordance with the Constitution. Officers should familiarise himself/herself with the constitutional decision-making requirements and take advice from the Council's monitoring officer if necessary to ensure that he/she acts at all times within his/her delegated authority.
11. When taking or considering taking any delegated decision all officers must have regard to the following:
 - a. Does the decision involve significant expenditure to the service budget, or wider Council budget?
 - b. Does the decision affect the reputation of the service and/or Council?
 - c. Is the decision significant with regard to one or more wards?
 - d. Does the decision carry a significant risk to the service or wider Council?
 - e. Does the decision impact on the reputation or finances of service users, partner organisations or Committees outside the Council?
 - f. Might the decision be regarded as conflicting with a Council policy?

If in taking any decision any or all of such criteria are identified, the officer should consult the Chief Executive through appropriate means and should consider whether to consult the relevant Cabinet member and other person(s) likely to be affected by any such decision. The officer should follow the advice of the Chief Executive in so doing.

SPECIFIC DELEGATIONS

DELEGATIONS TO THE CHIEF EXECUTIVE

In consultation with the Monitoring Officer, Director of Corporate Services (and DCE), political group leaders, Leader of the Council and/or relevant Cabinet member(s), to authorise urgent action which is necessary between Cabinet meetings and ensure that the decision be notified as soon as possible to the chairman of the relevant Scrutiny Committee.

1. To ensure strategically led improvements in the quality and efficiency of service planning, commissioning and delivery.
2. To fulfil the statutory functions of Head of Paid Service
3. To make arrangements for the Council to be represented on partnership and external bodies as required by statute or the Council.

4. To have all the powers of any other officer of the Council in the event of their absence or inability to act, except in so far as the exercise of such powers is by law limited to a specific post holder.
5. To act as Returning Officer for Local and Parliamentary Elections and as Acting Returning Officer for European Elections, including the power to appoint deputies where permitted to do so by statute.
6. To be the Electoral Registration Officer for Herefordshire and appoint deputies in that regard.

DELEGATIONS TO THE DEPUTY CHIEF EXECUTIVE AND DIRECTOR OF CORPORATE SERVICES (DCE)

The DCE's department delivers customer service and communications; law, governance and resilience; programmes in respect of people, policy and partnerships; commercial services and finance.

The DCE shall act as deputy to the Chief Executive including the power to grant delegations in accordance with this scheme and shall act as Chief Executive in the absence or in the event of incapacity of the Chief Executive unless the Chief Executive determines that another officer should act in his absence or incapacity.

The DCE shall be responsible for the following service areas and shall fulfil the following functions:

- Customer services including the Customer Insight Unit and handling all complaints in accordance with the Customer Strategy
- Internal/external communications/PR
- Governance and Member Services
- Chief Executive's Office – Registration and Electoral Services
- Legal services
- Business continuity (planning and risk)
- Emergency planning
- Policy and performance
- Strategic planning, policy formulation and corporate /service planning
- Chief Information Officer
- HR and OD and business transformation programmes
- Partnerships (including partnership support functions)
- Information, research and needs analysis
- I C T (including Information Governance)
- Corporate Transformation
- Commercial services (incl.local and strategic commissioning support)
- Commissioning of shared services
- Property services (client side)
- Financial functions and administration
- Audit
- Role as a Group 8 Safeguarding post as defined in the DCSF 'Working Together' guidance

The above service areas shall be taken to be delegated to the Heads of Service as shown below:-

The following functions shall be delegated to the Assistant Director (Law Governance and Resilience) (ADLGR)

The ADLGR shall be the designated Monitoring Officer for the Council. He/she shall be responsible for the following service areas and shall fulfil the following functions:

- Monitoring officer *
- Legal services
- Governance
- Business continuity (planning and risk)
- Emergency planning
- Role as a Group 7 Safeguarding post as defined in the DCSF 'Working Together' guidance

The following functions shall be delegated to the Assistant Director of People, Policy and Partnerships

- Policy and performance
- Strategic planning, policy formulation and corporate /service planning
- HR and OD and business transformation programmes
- Partnerships (including partnership support functions across the organisation)
- Information, research and needs analysis
- ICT
- Corporate Transformation
- Role as a Group 7 Safeguarding post as defined in the DCSF 'Working Together' guidance
- Chief Information Officer

The following functions shall be delegated to the Chief Finance and Commercial Services Officer

- Commercial services (local and strategic commissioning support)
- Commissioning of shared services
- Property services (client side)
- Audit
- S.151 LGA responsibilities and finance functions including financial monitoring *
- Role as a Group 7 Safeguarding post as defined in the DCSF 'Working Together' guidance

The following functions shall be delegated to the Assistant Director of Customer Services and Communications

- Customer services
- Customer Insight Unit
- Stakeholder communications

DELEGATIONS TO THE DIRECTOR FOR PLACES AND COMMUNITIES

The Directorate provides place-based commissioning, economic, environmental and cultural services and homes and community services to the Council. The Director shall be responsible for the following service areas:-

- Central area-wide-based commissioning function for Economic and Cultural services, highways, transport, housing and community, environmental sustainability, planning and waste
- Process shaping for service, performance frameworks and joint review
- Service re-design/ Improvement
- Balancing all stakeholder demands to develop a single set of area-wide priorities and objectives for delivery of the community's aspirations (outcomes related programmes)
- Developing frameworks for QA and performance
- Planning policy
- Development management
- Conservation
- Building control
- Markets, Fairs and Street Trading
- Bereavement Services
- Waste management
- Sustainability
- Economic development
- Tourism
- Food and marketing
- Cultural Services (heritage, libraries, arts and archives)
- Regeneration programmes
- County Wide Broadband development
- Grants and programmes
- Housing needs and development
- Private sector housing
- Homepoint
- Homelessness/housing advice
- Community Development
- Community Engagement
- Managing relationships with communities (e.g. Parish Councils, Community Groups)
- Big Society Hotline: support and advice for local initiatives
- Safer Herefordshire
- Highways
- Public rights of way

- Parks and countryside
- Transportation
- Community protection
- Parking
- Role as a Group 8 Safeguarding post as defined in the DCSF 'Working Together' guidance

The above service areas shall be taken to be delegated to the Heads of Service as shown below:-

The following functions shall be delegated to the Assistant Director of Place-Based Commissioning

- Central area-wide-based commissioning function for economic and cultural services, highways, transport, housing and community, environmental planning and waste, environmental health, trading standards
- Process shaping for service, performance and joint review
- Specific and joint service re-design/ Improvement
- Balancing all stakeholder demands to develop a single set of area priorities
- Developing frameworks for QA and performance
- Role as a Group 7 Safeguarding post as defined in the DCSF 'Working Together' guidance
- Waste Management
- Sustainability
- Highways
- Public Rights of Way
- Parks and Countryside
- Transportation

The following functions shall be delegated to the Assistant Director of Economic, Environment and Cultural Services

- Planning policy
- Development management
- Conservation
- Building control
- Markets , Fairs and Street Trading
- Bereavement Services
- Economic development
- Tourism
- Food and marketing
- Cultural services (heritage, libraries, arts and archives)
- Role as a Group 7 Safeguarding post as defined in the DCSF 'Working Together' guidance

The following functions shall be delegated to the Assistant Director of Homes and Community Services

- Housing needs and development
- Private sector housing
- Homepoint
- Homelessness/housing advice
- Community Development
- Community Engagement
- Managing relationships with communities
- Big Society Hot Line
- Safer Herefordshire
- Community protection

- Parking
- Role as a Group 7 Safeguarding post as defined in the DCSF 'Working Together' guidance
- Regeneration Programmes
- Grants and Programmes

DELEGATIONS TO THE DIRECTOR FOR PEOPLES' SERVICES

The Directorate provides Health and Social Care commissioning for both adults and children, and children and young people's services, as well as health and well-being services.

- Director of Adult Social Services**
- Director of Children's Services **
- Central area-wide commissioning for Public Health, Adult Social Care and Children's Services including schools, early years, social care and vulnerable children
- Service - shaping, performance frameworks and joint review processes
- Joint working with GPCC and other commissioners
- Specific/joint service re-design and improvement
- Balancing stakeholder demands in developing a single set of area-wide priorities/objectives for delivery of community aspirations (outcomes related to programmes)
- Developing QA and performance frameworks
- Delivery of children and young people's services including:-
 - Safeguarding and child protection services
 - Locality services
 - Children's centres
 - Integrated youth support
 - Early years and school improvement and support
 - Special educational needs and disabilities service
 - Schools admissions
 - Home to school transport
- Delivery of Public Health requirements
- Director of Public Health

- Health Promotion
- Health Improvement
- Consultant contracts
- Effective Health and Wellbeing Board
- Health and public protection
- Environmental Health
- Animal Health welfare
- Trading Standards
- Licensing
- Role as a Group 8 Safeguarding post as defined in the DCSF 'Working Together' guidance

The above service areas shall be taken to be delegated to the Heads of Service as shown below:-

The following functions shall be delegated to the Assistant Director of Peoples' Services Commissioning (Adults , Children and Health)

- Director of Adult Social Services responsibilities
- Central area-wide commissioning for Public Health, Adult Social Care and Children's Social Care
- Service - shaping, performance frameworks and joint review processes
- Joint working with GPCC, Integrated Commissioning Organisation and other commissioners
- Specific/joint service re-design and improvement
- Balancing stakeholder demands in developing a single set of area-wide priorities/objectives for delivery of community aspirations (outcomes related to programmes)
- Developing QA and performance frameworks
- Role as a Group 7 Safeguarding post as defined in the DCSF 'Working Together' guidance

The following functions shall be delegated to the Assistant Director of Children and Young People's Provider Services

- Director of Children's Services responsibilities
- Delivery of children and young people's services
- Responsibility for central resource bank and multi-disciplinary teams
- Regulation and safeguarding teams.
- Educational Psychology
- Community Operations
- Improvement and Inclusion
- School Inspections
- Schools support (early years, behaviour, subject advice)

- Role as a Group 7 Safeguarding post as defined in the DCSF 'Working Together' guidance

The following functions shall be delegated to the Assistant Director of Health and Wellbeing Services

- Delivery of Public Health agenda
- Director of Public Health
- Health Promotion
- Health Improvement
- Consultant contracts
- Relationship with Health and Wellbeing Board
- Health and public protection
- Environmental Health
- Trading Standards
- Licensing
- Role as a Group 7 Safeguarding post as defined in the DCSF 'Working Together' guidance

KEY

* --denotes Statutorily appointed role

**---Denotes Statutory role that may be delegated

MEETING:	COUNCIL
DATE:	15 JULY 2011
TITLE OF REPORT:	SPECIAL RESPONSIBILITY ALLOWANCES
REPORT BY:	ASSISTANT DIRECTOR LAW, GOVERNANCE AND RESILIENCE

CLASSIFICATION: Open

Wards Affected

County-wide

Purpose

To consider a report on the payment of special responsibility allowances to Vice-Chairmen of the Overview and Scrutiny Committee.

Recommendation(s)

THAT special responsibility allowances be payable as follows:

- to the Vice-Chairman of the Overview and Scrutiny Committee with responsibility for Health and Wellbeing the sum of £4,000 per annum;
- to all other such Vice-Chairmen the sum of £3,500 per annum.

Alternative Options

- 1 The Council can decide to approve the proposed rate of payment or suggest another level of payment.

Reasons for Recommendations

- 2 To comply with the recommendation of the Independent Remuneration Panel (IRP) that a Special Responsibility Allowance be payable to Chairmen of Task and Finish Groups.

Introduction and Background

- 3 In May the Council approved an amended Councillors' Allowances Scheme. The Council accepted the recommendation of the Independent Remuneration Panel 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

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

Governance and submitted to Council for approval.

- 4 At the time of preparing that report the detail of how the new scrutiny model would operate was still to be developed. At the Council meeting in May Council appointed 6 Vice-Chairmen from within the Membership of the Overview and Scrutiny Committee. It is now confirmed that the Vice-Chairmen will lead on themed areas of scrutiny work as follows:

Children & Education – Cllr TM James

Corporate Services – Cllr EPJ Harvey

Enterprise & Culture – Cllr A Seldon

Environment, Housing & Planning – Cllr PJ Watts

Health & Wellbeing – Cllr JW Millar

Highways, Transportation & Waste – Cllr R Preece

5. The proposed level of allowance is £3,500 to each Councillor with the exception of the Vice-Chairman for the Health and Wellbeing theme which is considered to carry an additional workload to whom it is proposed that an allowance of £4,000 be payable.

Key Considerations

- The Council is asked to endorse the suggested amounts of special responsibility allowances for Vice Chairmen of the Overview and Scrutiny Committee.

Community Impact

- 6 None

Financial Implications

- 7 The budget for Special Responsibility Allowances for the five Chairmen of the former Scrutiny Committees was £43,975. The proposal in this report envisages expenditure of £21,500 in a full year, an annual saving of £22,475.

Legal Implications

- 8 The Council is required to take account of the recommendations of the Independent Remuneration Panel when fixing Members Allowances

Risk Management

- 9 Failure to fix these allowances at an adequate level could attract adverse publicity at a time of economic austerity.

Consultees

- 10 The matter has been to the Independent Remuneration Panel.

Appendices

None

Background Papers

- None identified.

MEETING:	COUNCIL
DATE:	15 JULY 2011
TITLE OF REPORT:	OVERVIEW AND SCRUTINY PROVISIONS IN THE CONSTITUTION
REPORT BY:	ASSISTANT DIRECTOR, LAW, GOVERNANCE AND RESILIENCE

CLASSIFICATION: Open

Wards Affected

County-wide

Purpose

To consider revisions to the Constitution as a consequence of Council's adoption of a new scrutiny model.

Recommendation(s)

THAT:

- (a) **the revisions to the Constitution as set out in the appendix to this report be approved;**
- (b) **the proportionality rules be suspended for Scrutiny Task and Finish Groups, on condition that no Task and Finish Group will consist solely of Members of one Political Group and the aim should be to secure cross-party engagement; and**
- (c) **the Monitoring Officer be authorised to make any further consequential amendments to the Constitution.**

Key Points Summary

- Council is asked to note approve revisions to the Constitution that arise as a consequence of the adoption of a new scrutiny model.
- Council is asked to suspend the **proportionality rules for Scrutiny Task and Finish Groups, on condition that no Task and Finish Group will consist solely of Members of one Political Group and the aim should be to secure cross-party engagement.**

Alternative Options

- 1 The Council can decide to vary the provisions in the Constitution as it sees fit,

Further information on the subject of this report is available from
Chris Chapman, Assistant Director, Law, Governance and Resilience on (01432) 260200

Reasons for Recommendations

- 2 To comply with Council's request that the changes to the Constitution of Council's adoption of a new scrutiny model be reported to Council.

Introduction and Background

- 3 In May the Council agreed that the terms of reference and functions of committees be adopted subject to the aspects relating to the new scrutiny model being reported back to Council.
4. The main provisions are set out in the following Parts of the Constitution:
 - Part 2 Article 6 - Scrutiny
 - Part 3 Section 5 – Overview and Scrutiny Functions
 - Part 4 Section 5 – Scrutiny Rules
 - Part 7 – Scrutiny Committee remit
5. Copies of the revised Parts of the Constitution are appended.

Key Considerations

- 4 The changes made to the relevant Parts of the Constitution reflect Council's decision to appoint a single Overview and Scrutiny Committee that will commission Task and Finish Groups.
- 5 These changes largely involve the simple absorption of the roles of the former individual Scrutiny Committees into the role of the single Overview and Scrutiny Committee with no significant issues of principle involved.
- 6 The previous scrutiny model permitted the appointment of what were called Scrutiny Review Groups, which were in fact, in all but name, Task and Finish Groups. Those provisions in the Constitution have been amended to reflect the increased emphasis on that way of conducting scrutiny. However, it is considered that there are no significant issues of principle involved.
- 7 Scrutiny should not be conducted on politically partisan lines. It also needs to be recognised, that the membership of Task and Finish Groups should exploit the interests and expertise of individual non-Executive Members from across the Council. It is therefore proposed that to permit flexibility Council agrees to suspend the application of the strict rules of proportionality to Task and Finish Groups. This would be on the condition that there would be no single party Task and Finish Groups and the aim should be to ensure cross-party engagement. It should be borne in mind that the scope of reviews and the reports of each Task and Finish Group will be approved by the politically proportionate Overview and Scrutiny Committee.

Community Impact

- 5 One of the aims of the new scrutiny model is that it should encourage public participation.

Financial Implications

6 Any costs will have to be met from within existing budgets.

Legal Implications

7 The Council is required to maintain a Constitution which must contain provisions for an Overview and Scrutiny function. The new scrutiny model complies with the law.

Risk Management

8 There are no risk management implications.

Consultees

9 None

Appendices

10 Appendix 1 – Extracts from Parts 2, 3 and 4 of the Constitution

Background Papers

- None

Article 6 - Scrutiny

Scrutiny is a statutory role fulfilled by all Councillors who are not Members of the Cabinet.

The role of the Overview and Scrutiny Committees is to help develop policy, to carry out reviews of Council and other local services and to hold Cabinet Members to account for their actions and decisions.

The Overview and Scrutiny Committees can look at areas of policy or performance and make recommendations to the Cabinet or the Council Meeting. They can look at proposed decisions and call-in a decision of Cabinet for review before it is carried out.

2.6.1 The Overview and Scrutiny Committees

2.6.1.1 The Council establishes the scrutiny arrangements. It has decided that the Council will have one Overview and Scrutiny Committee which will have responsibility for all overview and scrutiny functions on behalf of the Council. The Council, decides the number and remit of the Overview and Scrutiny Committees and how many Councillors shall be members of the each Committee.

~~2.6.1.2 The Overview and Scrutiny Committee coordinates the work of the themed scrutiny committees, oversees the scrutiny function and carries out some scrutiny activities. The Overview and Scrutiny Committee is also responsible for liaison with the Leader and the Cabinet.~~

2.6.1.3 The functions of the Overview and Scrutiny Committee ~~and the scrutiny committees are~~ set out in Part 3 section 5 and Part 7 and the Scrutiny Rules they operate under are set out in Part 4 section 5.

2.6.1.4 The public can be involved in the Scrutiny process and help shape and inform decision making and policy.

Section 5 - Overview and Scrutiny Functions

Councillors who are not in the Cabinet are responsible for a function known as overview and scrutiny and hold the Cabinet to account for the way it carries out its functions and the way the Chief Executive carries out his/her functions.

The Council is responsible for determining its Overview and Scrutiny arrangements and has decided that ~~it shall have an Overview and Scrutiny Committee and up to a maximum of 5 themed Scrutiny Committees~~ the Council will have one Overview and Scrutiny Committee which will have responsibility for all overview and scrutiny functions on behalf of the Council. ~~s. Their~~ Its Membership and terms of reference are described in Part 7.

3.5.1 Scrutiny Rules

3.5.1.1 When the Overview and Scrutiny Committee ~~and the Scrutiny Committees are~~ exercising overview and scrutiny functions the Scrutiny Rules in Part 4 section 5 must be followed.

3.5.2 The Overview and Scrutiny Committee

3.5.2.1 The Overview and Scrutiny Committee will:-

- (a) Agree the Overview and Scrutiny work programme
- (b) establish time limited and task focused Task and Finish groups as it considers appropriate, and as resources available to it permit, to carry out overview and scrutiny work on its behalf and report their findings to the Committee.
- (c) make reports and recommendations to the Cabinet arising from work undertaken by it
- (d) periodically review the work programme to ensure that overview and scrutiny is effective, that there is an efficient use of scrutiny resources
- (e) examine on behalf of the Council the strategic policy direction and priorities being followed and make recommendations
- (f) assist the Cabinet in the development of the Budget and Policy Framework
- (g) respond as requested to consultation on the Cabinet's budget proposals in accordance with the Budget and Policy Framework Rules
- (h) Develop policy options for Cabinet
- (i) Review existing policy
- (j) ensure that proactive policy or review work at the request of the Council Meeting or Cabinet, or arising from community concerns, is undertaken
- (k) review and scrutinise decisions made by Cabinet and the performance of the Cabinet, individual Cabinet Members and the Chief Executive in relation to the Cabinet functions carried out by each
- (l) Consider decisions proposed to be made by Cabinet or individual Cabinet Members.

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(m) question members of the Cabinet and those carrying out Cabinet functions about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions

(n) review the performance of the Council and its partners (where the law so permits) in relation to outcomes for local people and communities, policy objectives, performance targets and/or particular service areas

(o) Scrutinise the activities of external bodies,

(p) act as the Council's statutory Crime and Disorder Committee with power to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions.

(q) discharge the statutory health scrutiny powers including the review and scrutiny of any matter relating to the planning provision and operation of health services affecting the area and to make reports and recommendations on these matters

~~undertake the overview and scrutiny role in relation to Corporate Strategy, Finance and Resources, Corporate, Customer Services and Human Resources~~

~~examine on behalf of the Council the strategic policy direction and priorities being followed and make recommendations~~

~~oversee, co-ordinate and approve the work programmes of the Scrutiny Committees and approve its own annual work programme~~

~~periodically review its and the Scrutiny Committee work programmes to ensure that overview and scrutiny is effective, that there is an efficient use of scrutiny resources and that potential duplication of effort by scrutiny members is minimised~~

~~commission work from any Scrutiny Committee and ensure that proactive policy or review work at the request of the Council Meeting or Cabinet, or arising from community concerns, is undertaken~~

(r) receive requests from the Cabinet and/or Council for overview and scrutiny reviews, to determine whether any such review should be carried out and to allocate the review work appropriately

~~determine which Scrutiny Committee should deal with any matter that falls within the remit of more than one Scrutiny Committee and to resolve issues of dispute between Scrutiny Committees~~

(s) establish and maintain a system to ensure that referrals to and from Scrutiny the Overview and Scrutiny Committees are managed efficiently and that the appropriate Council body or person responds in a timely and effective way

(t) exercise the powers as set out in Section 21 (2) (a) of the Local Government Act 2000 (call-in powers) in relation to Cabinet decisions made but not implemented within its own remit

(u) Consider petitions as required by the petitions code.

(v) Consider any calls for action in accordance with the Councillor Call for Action Code

~~exercise an oversight and co-ordinating role in relation to the exercise of call-in powers by the Scrutiny Committees~~

(w) report to the Council Meeting annually on the scrutiny function and its work

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~~respond as requested to consultation on the Cabinet's budget proposals in accordance with the Budget and Policy Framework Rules~~

~~(x) develop and spread good practice in overview and scrutiny activities within the Council and its scrutiny functions, and~~

~~establish time limited and task focused informal review working groups from time to time as resources available to it permit to carry out overview and scrutiny work on its behalf and to report their findings to the Committee.~~

~~liaise with external organisations operating in Herefordshire in the fulfilment of their overview and scrutiny role to ensure that the social, environmental and economic wellbeing of the area is enhanced by collaborative working~~

~~invite public participation at its meetings and in their work so as to enhance their performance~~

~~receive information and evidence from experts and other witnesses to support them in their work and to question and gather evidence from any person with their consent~~

~~scrutinise any matter affecting the area or its inhabitants and to review the performance of other public bodies in the area and invite reports from them by asking them to address the Scrutiny Committee about their activities and performance~~

~~collaborate with other bodies carrying out similar functions outside the Council.~~

3.5.3 — Scrutiny Committees

~~3.5.3.1 — The Council will at its annual meeting agree to establish up to a maximum of 5 Scrutiny Committees and will identify the areas of functions or themes for each Committee.~~

~~3.5.3.2 — If during the year, the Overview and Scrutiny Committee identifies that there is an area of functions or theme which is within the statutory remit of overview and scrutiny but not within the area of function or theme for any Scrutiny Committee, it may allocate that area of function or theme to one of the Scrutiny Committees. Having done so, the Overview and Scrutiny Committee will report that allocation to the next Council meeting and seek ratification of its decision.~~

~~3.5.3.3 — The number, title and areas of function and the themes for each Scrutiny Committee will be published annually and any publication amended if any changes are made in accordance with paragraph 3.5.3.2.~~

~~3.5.3.4 — Within its area of activity or theme, each Scrutiny Committee will:-~~

~~review and scrutinise decisions made by Cabinet and the performance of the Cabinet, individual Cabinet Members and the Chief Executive in relation to the Cabinet functions carried out by each~~

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~~review the performance of the Council and its partners (where the law so permits) in relation to outcomes for local people and communities, policy objectives, performance targets and/or particular service areas~~

~~question members of the Cabinet and those carrying out Cabinet functions about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions~~

~~make reports and recommendations to the Cabinet arising from work undertaken by it~~

~~exercise Call In of Cabinet decisions made but not implemented within its own remit~~

~~assist the Cabinet in the development of the Budget and Policy Framework~~

~~liaise with external organisations operating in Herefordshire in the fulfilment of their overview and scrutiny role to ensure that the social, environmental and economic wellbeing of the area is enhanced by collaborative working~~

~~report annually through the Overview and Scrutiny Committee on their work and make recommendations on its future work programme~~

~~invite public participation at their meetings and in their work so as to enhance their performance~~

~~receive information and evidence from experts and other witnesses to support them in their work and to question and gather evidence from any person with their consent~~

~~scrutinise any matter affecting the area or its inhabitants and to review the performance of other public bodies in the area and invite reports from them by asking them to address the Scrutiny Committee about their activities and performance~~

~~collaborate with other Scrutiny Committees and other bodies carrying out similar functions outside the Council, and~~

~~— establish time limited and task focused informal review working groups from time to time as resources available to it permit to carry out overview and scrutiny work on its behalf and to report their findings to the Committee.~~

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PART 7

Cabinet Portfolios and Scrutiny Remits, Membership of Committees and the Council's Management Structure

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2 Scrutiny Committee Remits	7-8
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4 Council's Management Structure	11

Overview and Scrutiny Committee Remit

(This needs to be read in conjunction with the Functions Scheme Part 3 section 5.)

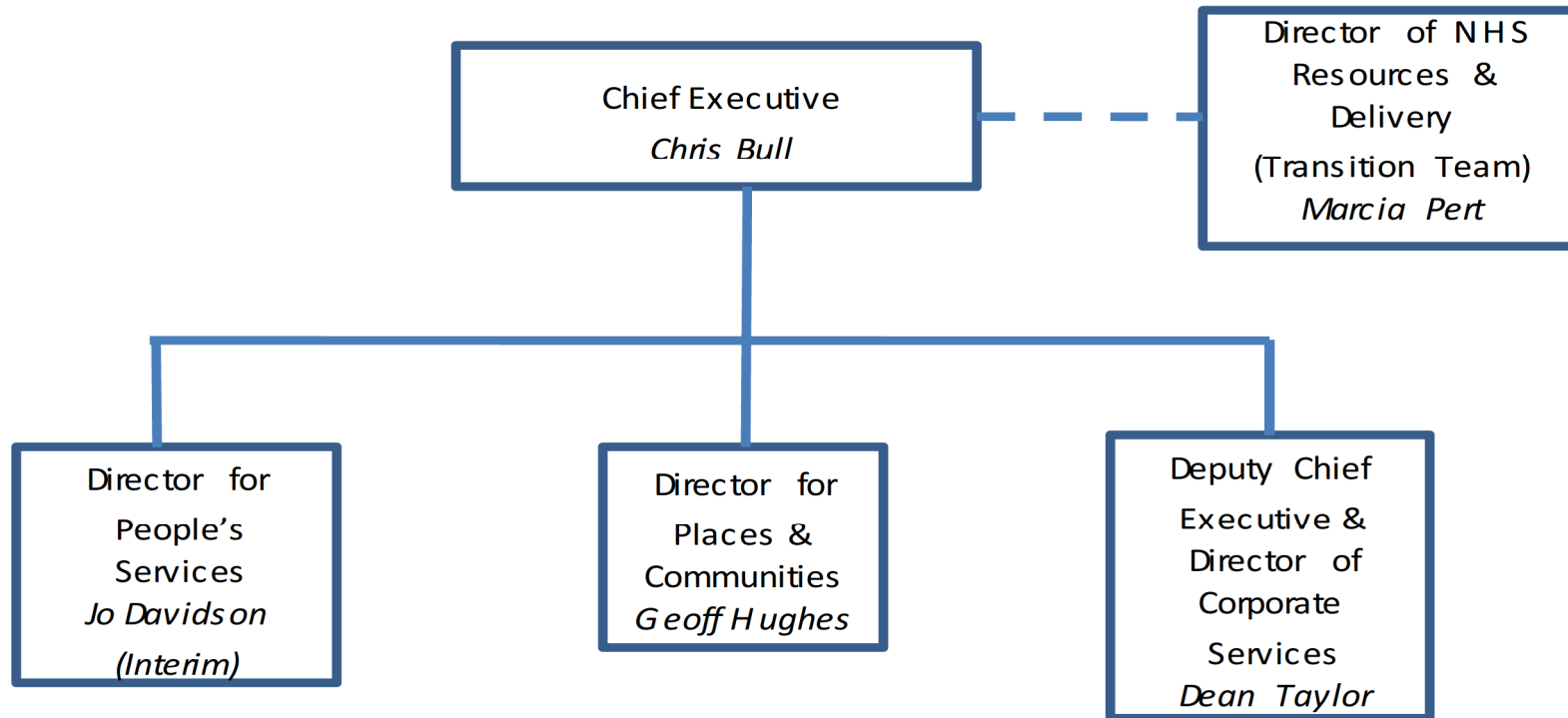
To act as the Committee responsible for discharging the Council's Overview and Scrutiny function.

To act as the Council's statutory Crime and Disorder Committee with power to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions.

To discharge the statutory health scrutiny powers including the review and scrutiny of any matter relating to the planning provision and operation of health services affecting the area and to make reports and recommendations on these matters.

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Senior Management Structure



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PART 4

PROCEDURE RULES

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Section 5 - Scrutiny Rules

4.5.1 Arrangements for Overview and Scrutiny

4.5.1.1 The Scrutiny arrangements for the Council are as laid out in Part 2 Article 6 and Part 3 of the Functions Scheme. The Council has decided that it will have one Overview and Scrutiny Committee which will have responsibility for all overview and scrutiny functions on behalf of the Council.

4.5.2 Who may sit on the Overview and a Scrutiny Committee?

4.5.2.1 All Councillors except members of the Executive may be members of the Overview and Scrutiny Committees. No Member may be involved in scrutinising a decision in which he/she has been directly involved.

~~4.5.2.2 The Chairmen and Vice Chairmen of the Scrutiny Committees shall be members of the Overview and Scrutiny Committee.~~

4.5.3 Co-Option

4.5.3.1 ~~Co-opted Members may be appointed to each The Overview and Scrutiny Committee has the power to co-opt people onto the Committee. As it considers appropriate, Scrutiny Committee. Co-optees are appointed by the Council annually. If vacancies arise in year then the Committee can appoint a replacement at the next Council meeting.~~

4.5.3.2 Co-optees shall not have the right to vote as a member of the Committee unless the statutory or other requirements under which they are appointed or required so provide or unless the Council at the time of the appointment designate the appointed co-optee as a voting member in which case any limitation on such voting rights shall also be specified.

4.5.3.3 Co-optees are not signatories for the purpose of triggering a call in under Rule 4.5.16 below.

4.5.4 Quorum

4.5.4.1 The Quorum for ~~the a-Overview and Scrutiny Committee Scrutiny Committee~~ is one quarter of the voting membership of the Committee, or three Members, whichever is the greater. If the number is a part number it is rounded up.

4.5.5 Review Task and Finish Groups

4.5.5.1 The Chairman of ~~the Overview and a~~ Scrutiny Committee may propose and ~~the Overview and Scrutiny Committee a Scrutiny Committee~~ may appoint a Review Task and Finish Group for any scrutiny activity within the ~~at~~ Committee's work programme.

~~The Council will appoint a number of Vice-Chairmen of the Overview and Scrutiny Committee. Their role will be to chair the Task and Finish Groups. The Overview and Scrutiny Committee relevant Scrutiny Committee will appoint the Chairman of any such each ReTask and Finish view Group.~~

4.5.5.2

The expectation is that the Task and Finish Groups will meet in public. However, as the Task and Finish Groups will not be making decisions they can in appropriate circumstances meet in private.

~~The Review Groups may meet~~When the Task and Finish Groups meet formally in public ~~and if they do so they~~, may exclude the press and public from any such meeting in accordance with the Access to Information Rules (Part 4 section 2).

4.5.5.3 The Overview and Scrutiny Committee will allocate a task drawn from the work programme to a Task and Finish Group. On occasion it may undertake a task itself acting as a Task and Finish Group.

The Committee will determine an outline scope including, as a minimum, the composition of the Group, the desired outcomes and what will not be included in the work.

The Task and Finish Groups will be composed of Members of the Overview and Scrutiny Committee, may include other Councillors, and, may also include as appropriate, co-opted people with specialist knowledge and or expertise to support the task. It is unlikely that voting will be necessary in Task and Finish Groups. However, for avoidance of doubt any Councillor appointed to a Task and Finish Group will have the right to vote. No co opted members of Task and Finish Groups will have voting powers.

The Task and Finish Groups will also be able to seek contributions from the wider community, if felt appropriate.

Officer support will be provided to each Task and Finish Group dependent on the matter being considered.

The Task and Finish Groups will be created for specific tasks taken from the Committee's work programme and will be disbanded once the task has been completed.

The Groups will report their findings/outcomes to the Overview and Scrutiny Committee who will then decide if the findings/outcomes should be reported to the Cabinet or elsewhere.

At the start of each Task and Finish project, the Group would finalise:

- its terms of reference
- the Scope of the work to be undertaken
- the desired outcomes
- timescales
- expert/specialist support required
- Officer input required
- Decide which aspects of the task are to be undertaken in private or public.

Any changes to the scope allocated to the Group by the Overview and Scrutiny Committee will be reported to the Chairman of the Overview and Scrutiny Committee for his agreement.

In the event of any disagreement a report will be made to the Overview and Scrutiny Committee for its consideration.

Review Groups will conduct most of the review work informally in private or public in which case no formal decisions may be taken as the Access to Information Rules (Part 4 section 2) will not apply.

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~~4.5.5.4 Members of a Review Group may include Councillors who are not members of the Committee that appoints the Review Group.~~

~~4.5.5.5 All Review Groups will report their activities and any recommendations to the Committee that appointed them.~~

4.5.6 The Appointment of Chairmen and Members of the Overview and Scrutiny Committees

4.5.6.1 The Chairmen and Vice Chairmen of the Overview and Scrutiny Committee ~~and the Scrutiny Committees~~ are appointed annually by the Council together with such additional Vice-Chairmen as the Council considers appropriate. The Council shall determine the number of members of the Overview and Scrutiny Committees ~~Committees~~ annually or as required from time to time in compliance with the statutory rules on proportionality. The members of ~~these~~ Committees shall be appointed by the Chief Executive on nomination of the Group Leaders.

4.5.7 Meetings of the Overview and Scrutiny Committees

4.5.7.1 The Overview and Scrutiny Committees will meet in accordance with the Council's schedule of meetings, subject to the Chairman's power to cancel or postpone meetings in case of emergency or where there is no business. Where the Overview and Scrutiny Committee feels it is appropriate to hold additional meetings it may do so. The Chairman of the Overview and Scrutiny Committee may also call additional meetings if he/she considers it necessary or appropriate. In so doing, the Committee or Chairman shall have regard to the resources available to support the work of the Committee.

4.5.8 Programme of work of the Overview and Scrutiny Committees

4.5.8.1 The ~~the Overview and Scrutiny Committee~~ Scrutiny Committees, ~~subject to the overseeing and supervision by the Overview and Scrutiny Committee~~, will be responsible for setting ~~their~~ its own work programme. In setting the work programme the Overview and Scrutiny Committee ~~and the Scrutiny Committees~~ shall have regard to the resources (including officer time) available.

4.5.9 Overview and Scrutiny Committee Agendas

4.5.9.1 At each of ~~their~~ its meetings the Overview and Scrutiny Committee ~~and the Scrutiny Committees and any Sub-Committees~~ shall consider the following business, where appropriate:

- a minutes of the last meeting
- b any matter called-in in accordance with paragraph 4.5.16 below
- c a review of its work programme
- d any request from Council or Cabinet for a review as allocated by the Overview and Scrutiny Committee
- e any response of the Cabinet to reports of the Scrutiny Committees
- f any item requested to be placed on the agenda by a member of the Committee
- g any Councillor Call for Action

- h any item arising from any petition or deputation to Council under the Council Rules (Part 4 section 1)
- i any business otherwise set out on the agenda for the meeting.

4.5.9.2 Any member of the Overview and a Scrutiny Committee may give notice to the Chief Executive that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the Chief Executive shall ensure that it is included on the next available agenda.

4.5.9.3 The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council and from the Cabinet to review particular areas of Council activity. On receipt of any such request from Cabinet the Scrutiny Committee shall firstly consider whether it wishes to conduct the review as requested. Where they do so, and in response to any request from Council, the Scrutiny Committee shall conduct the review as requested and report their findings and any recommendations back to the Cabinet and/or Council.

4.5.10 Councillor Call for Action

4.5.10.1 Any member of the Council shall be entitled to give notice to the Chief Executive if he/she wishes an item relating to a Councillor Call for Action to be included on the agenda for discussions at the next available meeting of the Overview and Scrutiny Committee.

4.5.10.2 On receipt of such a request and subject to it falling within the statutory definition of a matter that can be the subject of a Councillor Call for Action and it meeting the procedural and other requirements set out in the Councillors Call for Action Code (Part 5 section 10) the Chief Executive shall ensure that it is included on the next available agenda of the ~~relevant~~ Committee.

4.5.10.3 Further guidance in respect of the Councillor Call for Action is contained in Part 5 section 9.

4.5.11 Policy Review and Development

4.5.11.1 The role of the Overview and Scrutiny Committees in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules (Part 4 section 3).

4.5.11.2 In relation to the development of the Council's approach to other matters not forming part of its budget and policy framework, the Overview and Scrutiny Committee ~~or Scrutiny Committees~~ may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.

4.5.11.3 The Overview and Scrutiny Committees may hold or commission inquiries and investigate the available options for future direction in policy development and may appoint advisers to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend in order to address them on any matter under consideration and may pay to advisers, assessors and witnesses a reasonable fee and expenses for doing so, having regard to the resources (including officer

time) available. In determining how to conduct such activities the Chairman of the Committee should consult with the Chief Executive or his nominated officer.

4.5.12 Reports from the Overview and Scrutiny Committees

4.5.12.1 Following any investigation or review, the Committee or Review-Task and Finish Group shall prepare a report. Any report from a Review-Task and Finish Group will first be considered by the Scrutiny Committee that appointed that Review Group and if adopted will be dealt with in accordance with the following rules.

4.5.12.2 If any review is in response to a request from Council in accordance with paragraph 4.5.9.3 above, the Scrutiny Committee shall report its findings to Council.

4.5.12.3 In all other cases, the report it will be submitted to the Chief Executive for consideration by the Cabinet. If the recommendations are such that a decision can be taken by an individual Cabinet Member or more than one Cabinet Member acting within his/her portfolio in accordance with the Functions Scheme (Part 3 Section 3), the Chief Executive shall arrange for that/those Cabinet Member(s) to consider the report.

4.5.12.4 If the recommendations in the Scrutiny report are contrary to or not wholly in accordance with the Budget and Policy Framework, the Cabinet shall consider the scrutiny recommendations and report the matter with its response to the scrutiny recommendations to the Council.

4.5.12.5 If the recommendations in the Scrutiny report are in line with the Budget and Policy Framework, the Cabinet or the Cabinet Member(s) shall consider the scrutiny recommendations and report their decision to the Scrutiny Committee.

4.5.13 Making sure that Scrutiny reports are considered by the Cabinet

4.5.13.1 The Cabinet agenda will include a standing item to deal with reports from the Overview and Scrutiny Committee and/or Scrutiny Committees. Any report referred to the Cabinet will be considered under this item on the Cabinet agenda at the next Cabinet meeting following its submission to the Chief Executive. If such a report is to be considered by an individual Cabinet Member or more than one, such report will be so considered within one month of its submission to the Chief Executive.

4.5.13.2 If any individual Cabinet Member rdoes not accept rejects -any-all of the recommendations in a report from the Overview and Scrutiny Committee or a Scrutiny Committee, then the matter must be referred to the next meeting of the Cabinet to decide its response.

4.5.13.3 ~~4.5.13.3~~—The Chief Executive will notify the relevant Scrutiny Committee of the response of the Cabinet and Individual Cabinet Member(s) within 2 months of a decision on the Scrutiny Report, with the exception of matters relating to statutory Health Scrutiny Committee reports and issues relating to Crime and Disorder Scrutiny which require a response within 28 days. Decisions of Council on any scrutiny recommendations will be recorded in the usual way.

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~~4.5.13~~ 4.5.13.4 If the Cabinet or Cabinet Member wishes to extend the deadline a report should be made to the Overview and Scrutiny Committee explaining why this is considered necessary.

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4.5.14 Rights and Powers of Overview and Scrutiny Committee Members

4.5.14.1 Where the Scrutiny Committee or Review Task and Finish Group conducts investigations or reviews and people attend to give evidence or otherwise assist the Committee meetings the following principles will apply:

- a that the investigation be conducted fairly and all Members of the Committee or Group be given the opportunity to ask questions of attendees, and to contribute and speak
- b that those assisting the Committee by giving evidence be treated with respect and courtesy
- c that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

4.5.15 Members and Officers Giving Account

4.5.15.1 The Overview and Scrutiny Committee ~~or a Scrutiny Committee~~ may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet, the Chief Executive, and/or senior officer carrying out functions on the Chief Executive's behalf to attend before it to explain in relation to matters within ~~their~~ remit regarding:-

- a any particular decision or series of decisions
- b the extent to which the actions taken implement Council policy; and/or
- c their performance.

4.5.15.2 It is the duty of those persons to attend if so required.

4.5.15.3 Where any member or officer is required to attend ~~the~~ Overview and Scrutiny Committee under this provision, the Chairman of ~~the~~ Committee will inform the Chief Executive. The Chief Executive shall inform the member or officer in writing giving at least ten working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that report.

4.5.15.4 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall in consultation with the member or officer arrange an alternative date for attendance.

- 4.5.15.5 Unless in exceptional circumstances, any witnesses required to attend any meetings called under paragraphs 4.5.15.1 to 4.5.15.3 and 4.15.6 will be restricted to:-
- a any Cabinet Member involved in the decision the subject of the Call In
 - b any Officer who in the view of the Chairman of the meeting would be able to supply evidence materially able to assist at the meeting.
- 4.5.15.6 The Council has designated the Deputy Chief Executive the Statutory Scrutiny Officer who is required to discharge the following functions:
- a to promote the role of the authority's overview and scrutiny committee ~~or committees~~
 - b to provide support to the authority's overview and scrutiny committee ~~or committees~~ and the members of that committee ~~or committees~~
 - c to provide support and guidance to (i) members of the authority, (ii) members of the Executive of the authority, and (iii) Officers of the authority – in relation to the functions of the authority's overview and scrutiny committee ~~or committees-~~
- 4.5.16 Call-In**
- 4.5.16.1 "Call-in" is a statutory right for Members of Council to call in a decision of Cabinet or an individual Cabinet Member or Members after it is made but before it is implemented subject to the following provisions ~~below (4.5.15.5, 4.5.16.2, 4.5.16.3 and 4.5.16.8).~~
- 4.5.16.2 Call-in does not apply to Cabinet decisions that make recommendations to Council because those decisions will not be implemented in any event until the matter has been considered and agreed by Council.
- 4.5.16.3 Call-in is triggered by three members of the relevant Overview and Scrutiny Committee who are not all members of the same political group.
- 4.5.16.4 When a call-in has been triggered, the call-in process will be managed by the Monitoring Officer in consultation with the Chairman of the relevant Overview and Scrutiny Committee and the members who have triggered the call-in. The Chairman of the relevant Overview and Scrutiny Committee will maintain responsibility for the conduct of any meeting at which the decision called-in is considered.
- 4.5.16.5 Call-in should only be used in exceptional circumstances including but not limited to;
- a where there is evidence which suggests that issues have not been handled in accordance with the decision-making principles set out in this Constitution
 - b where a key decision has been taken which was neither published in accordance with the requirements for the Forward Plan, and is not subject to the urgency procedures set out in this Constitution; or
 - c where a decision is outside the Budget and Policy Framework.

- 4.5.16.6 Advice should be sought from the Monitoring Officer on these matters.
- 4.5.16.7 When a decision is made by the Cabinet or an individual Cabinet Member that decision will be published widely by electronic means. This includes:-
- a displaying it at the principal Offices of the Council
 - b sending a copy of the decision to all members of the Council
 - c sending a copy of the decision to the Chairman of the Overview and Scrutiny Committee
 - d appropriate publication by electronic means
- 4.5.16.8 The decision will be in the form of a notice and bear the date upon which it is published and will specify that the decision will come into force, and may be subsequently implemented, at the expiry of three working days after the date of publication, unless it is called in under these call-in Rules.
- 4.5.16.9 To call the decision in a call-in notice must be received by the Monitoring Officer (or his/her nominated officer) in writing which:-
- a clearly states the decision(s) which is/are being called-in by reference to the decisions as set out on the decision notice
 - b clearly states the grounds for the call in as laid out in rule 4.5.16.5 above as applied to each decision being called-in
 - c is signed by three members of the ~~relevant~~ Overview and Scrutiny Committee, none of whom are Co-optees; and who are not all members of the same political group.

4.5.17 Limitations of Call Ins

- 4.5.17.1 The call in procedure is restricted to any Cabinet or individual Cabinet Member decisions and does not apply to decisions taken by officers.
- 4.5.17.2 Where a decision has been taken in circumstances where the general exception or special urgency provisions apply, as set out the Access to Information Rules (Part 4 section 2), that decision will not be subject to call in.
- 4.5.17.3 The call-in procedure will also not apply where the decision taken needs to be implemented urgently. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interest.
- 4.5.17.4 In this case the record of the decision, and notice by which is it made public shall state whether in the opinion of the decision making person or body, the decision is one that requires urgent implementation and the reasons why, and the Monitoring Officer should confirm that as such it is not subject to call in.
- 4.5.17.5 The Chairman of the ~~appropriate~~ Overview and Scrutiny Committee must agree both that the decision taken was reasonable in all the circumstances and to it being treated as a matter of urgency. ~~In the absence of the Chairman of the Scrutiny Committee, the Chairman of the Overview and Scrutiny Committee's~~

~~consent shall be required. Where the Overview and Scrutiny Committee is the appropriate Scrutiny Committee, it~~ In the Chairman's absence, the Vice-Chairman's consent shall be required. ~~The Monitoring Officer will decide the appropriate Scrutiny Committee for this purpose.~~

4.5.17.6 The consent to the decision being taken as a matter of urgency must be recorded by the Chairman of the Overview and Scrutiny Committee and copied to the Leader, the Chief Executive, the Monitoring Officer and all Councillors.

4.5.17.7 Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

4.5.18 Post Call in

4.5.18.1 The Monitoring Officer will determine the validity of the call in as soon as possible.

4.5.18.2 The Monitoring Officer will then advise the original decision maker of the Call In.

4.5.18.3 The Monitoring Officer shall then call a meeting of the ~~relevant~~ Overview and Scrutiny Committee on such a day as he/she shall determine in consultation with the Chairman ~~of the relevant Scrutiny Committee~~ and in any event within ten working days of the Monitoring Officer receiving the Call In notice subject to paragraph 4.5.19.

4.5.18.4 If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the Cabinet or Cabinet Member(s) for reconsideration, setting out in writing the nature of its concerns.

4.5.18.5 The Cabinet or Cabinet Member(s) shall reconsider any decision referred to them following call-in, take into account any views expressed by the ~~relevant~~ Overview and Scrutiny Committee and may amend or confirm the original decision.

4.5.18.6 If it is alleged that the decision appears to be ~~outside contrary to or not in accordance with~~ the Budget and Policy Framework the Monitoring Officer shall advise the Cabinet on that or any other relevant legal issues raised by or in relation to the called in decision. The Cabinet shall consider that advice and shall re-consider its decision. If the matter is outside the Budget and Policy Framework the Monitoring Officer shall refer the matter to the next Council Meeting.

4.5.18.7 If the matter was referred to the next Council Meeting and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective.

4.5.18.8 If the Council Meeting does object, it has no right to make decisions in respect of a Cabinet decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council Meeting will refer any decision to which it objects back to the Cabinet together with the Council's views on the decision. The Cabinet shall choose whether to amend the decision or not before implementing it.

4.5.18.9 If the relevant Overview and Scrutiny Committee or the Council does not meet within the time permitted by these rules or such extended time as may be agreed in accordance with paragraph 4.5.19, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on

the date of the Council meeting or expiry of the period in which the Overview and Scrutiny Committee or the Council meeting should have been held, whichever is the earlier.

- 4.5.18.10 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

4.5.19 Extension of Time limit

- 4.5.19.1 In exceptional circumstances the time limit of ten working days for convening a meeting of the Overview and Scrutiny Committee to consider the called in decision may be extended as agreed by the original decision maker and/or the Leader where practical considerations or any unforeseen factor make such an extension appropriate.

~~4.5.20 — Matters within the remit of more than one Scrutiny Committee~~

- ~~4.5.20.1 — Where a matter falls within the remit of more than one Scrutiny Committee, then the Chairman of the Overview and Scrutiny Committee will determine which Scrutiny Committee will handle the work.~~

4.5.21 Party Whip

- 4.5.21.1 Government Guidance views party or group “whipping” as incompatible with Overview and Scrutiny functions. Generally the party or group whip should not be applied to scrutiny committees and members should be free to comment and vote on matters under consideration.
- 4.5.21.2 That said there may be circumstances when a party or group whip is appropriate and in such circumstances if a party or group whip is in operation:
- a when considering any matter that is subject to a party whip each Member must ensure the existence of the whip is declared
 - b the details of the whipping arrangements shall be recorded in any Minutes.



MEETING:	COUNCIL
DATE:	15 JULY 2011
TITLE OF REPORT:	REPORT OF THE STANDARDS COMMITTEE MEETING HELD ON 24 JUNE 2011
REPORT BY:	STANDARDS COMMITTEE

CLASSIFICATION: This is an open report.

MEMBERSHIP: Robert Rogers (Independent Member) (Chairman); Olwyn Barnett (Local Authority representative), Jake Bharier (Independent Member); Chris Chappell (Local Authority representative), Isabel Fox (Independent Member); Richard Gething (Town and Parish Council Representative); Mary Morris (Town and Parish Council Representative); David Stevens (Independent Member) (Vice-Chairman).

Wards Affected

County-wide

Purpose

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

Recommendation

THAT the report be noted

Dispensations

1. We have granted a dispensation to Kington Town Council in relation to the Kington Recreation Ground Trust.

The Herefordshire Association of Local Councils

2. We received a report from Mr Richard Gething about the work being undertaken by the Herefordshire Association of Local Councils (HALC). We value our close working relationship with HALC, which has continued to provide benefits in terms of joint training and guidance on standards and ethics. The Monitoring Officer is also closely involved with training and Mr John Jones, Electoral Services Manager, will be contributing to HALC's forthcoming training sessions on Chairmanship, on his behalf.

The Future of the Local Government Standards Framework

3. The Decentralisation and Localism Bill is currently being examined under the Committee stage at the House of Lords, and is due to receive royal assent late in 2011. The Bill includes proposals to abolish the Standards Board regime, and we discussed the implications of this at length, assisted by a paper produced by Mr Jake Bharier, one of our independent members. We are consulting on the future of the Committee and the possibility of adopting a voluntary Code of Conduct for members, and will report to Council in the autumn.

Local Filter Cases and Determinations

4. We have reviewed progress made with complaints about local authority, town and parish councillors since the introduction of the local filter on 08 May 2008. In 2008, 18 complaints were considered, 50 in 2009, 27 in 2010, and to date in 2011, 23. We have expressed our gratitude to the Legal and Democratic Services team for the good progress that has been made in dealing with complaints quickly, and the work they have carried out on mediation, conciliation between complainants, governance reviews and training and support for councils.

Background Papers

- Agenda for the Standards Committee Meeting held on 24 June 2011.

**ROBERT ROGERS
CHAIRMAN
STANDARDS COMMITTEE**

REPORT OF THE ANNUAL MEETING OF WEST MERCIA POLICE AUTHORITY HELD ON 14 JUNE 2011

Chair and Vice Chair

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

Chief Constable

3. The Police Authority placed on record its appreciation of the service given to West Mercia by the Chief Constable, Paul West QPM, who will be leaving at the end of July 2011.
4. Since his appointment in 2003 he has made an outstanding contribution to policing both in West Mercia and nationally. Policing performance in West Mercia has undergone significant improvement, including substantial reductions in overall crime and burglary levels.
5. Mr West's work with the Association of Chief Police Officers (ACPO) has included leading on areas of management of sexual and violent offenders and he led the national implementation of the Child Sex Offender Disclosure Scheme (Sarah's Law). He also led for ACPO in respect of professional standards and oversaw the transition to the post Taylor reforms (streamlining of discipline procedures). Since 2009 he has served as the Chair of CPOSA (Chief Police Officers Staff Association).
6. The Police Authority is pleased to report that following a selection process the Deputy Chief Constable, Mr David Shaw, has been appointed Chief Constable with effect from 1 August 2011. Arrangements will be made for the selection of a new Deputy Chief Constable during the Autumn. *(At the Authority's Appointments and Remuneration Committee meeting held on 21 June 2011, Assistant Chief Constable Simon Chesterman was appointed to the position of Acting Deputy Chief Constable with effect from 1 August 2011 and until the appointment of the substantive Deputy Chief Constable takes effect or 28 February 2012 whichever is sooner).*

Appointment of Members

7. Following the local elections in Herefordshire and Telford and Wrekin in May 2011 the following councillor members have been appointed to the Police Authority:

Keith Austin	Telford and Wrekin
Sebastian Bowen	Herefordshire
Clive Elliott	Telford and Wrekin

8. Changes have also been made to the Shropshire and Worcestershire councillor members, with the following being appointed to the Police Authority:

Steve Brown	Worcestershire
Mary Drinkwater	Worcestershire
Malcolm Pate	Shropshire

9. The Authority recorded its appreciation to the following retiring members:

Bob Bullock	Worcestershire
Bernard Hunt	Herefordshire
Miles Kenny	Shropshire
Andy Roberts	Worcestershire
Kuldip Sahota	Telford and Wrekin
Richard Smith	Herefordshire

Annual Report 2010/2011

10. The Police Authority has a statutory duty to ensure the provision of an efficient and effective police force in its area. It does so by appointing senior police officers including the Chief Constable, by setting policing priorities annually, by reviewing and approving the overall policing budget and by setting the element of Council Tax. It has a responsibility to keep informed of public opinion on policing issues and to monitor the delivery of services to the public. The Authority has agreed the Joint Annual Report for 2010/2011, a copy of which will be available on the Internet at www.westmerciapoliceauthority.gov.uk.

11. The challenge to the Policing budget in West Mercia continues to be dominated by the national economic climate. This has underlined the importance of focusing resources on the priority areas, whilst retaining the flexibility to adapt to any national, regional or local needs as they arise.

12. Overall West Mercia Police has continued to maintain a high level of performance; however, after six years of recorded crime consistently falling, the end of year figures show a small rise in recorded crime volume to 72,142, compared to 71,250 as at March 2010. Other results include an 11% reduction in the number of anti-social behaviour incidents and the lowest level of house burglaries for six years.

13. One measure which is difficult to ascertain 'good' performance in, is the number of serious sexual offences as improvements in our approach to dealing with victims, including the use of independent advocates, has led to increased reporting by victims and therefore an increase in numbers. Across West Mercia in 2010/11 there were 906 serious sexual offences, an increase of 11% over the previous year. Although sexual offences do present a complex picture, the Authority strives to understand the related issues, to challenge the force where necessary and then take proactive measures to provide support. One successful measure was the work done by members to enable the Force to develop, in partnership, schemes such as the Sexual Assault Referral Centre (SARC).

14. Through this time of managing financial uncertainty the Police Authority has been working with the force to ensure that the Government's Comprehensive Spending Review and any changes to grant funding can be balanced against the

internal structural review of the force. The internal review has been strategic, with a focus on maintaining effective policing.

15. In addition West Mercia Police has been looking at the feasibility of establishing a strategic alliance with Warwickshire Police, as well as continuing to look at opportunities for collaboration on a regional basis.

16. In September 2010 Her Majesty's Inspector of Constabulary (HMIC) published an ungraded assessment of the Force's approach to anti-social behaviour. In this report the Force was said to be 'performing broadly in line with the national average'. However, HMIC recommended the Force should look to improve satisfaction levels around taking people seriously. Assistant Chief Constable Simon Edens, who leads nationally for the Association of Chief Police Officers on Antisocial Behaviour, is currently piloting a national project on behalf of the Home Office to address this issue, through undertaking risk assessments of victims specific needs. The results of this initiative will be known by September.

17. September 2010 also saw the publication of a Police Authority inspection report, carried out by HMIC and the Audit Commission. Of the 22 police authorities inspected, West Mercia was one of only seven authorities to be awarded grade 3 (performing well) and one of only four to achieve this grade for both Setting Strategic Direction and Delivering Value for Money.

18. Overall the Police Authority is confident that West Mercia Police continues to be well placed to address all the challenges ahead and is capable of sustaining a cost effective, high standard of policing.

19. Under the Government's proposals for Police Reform this is the last year that Police Authorities will deliver the governance of policing. In May 2012 the governance role will pass to directly elected Police and Crime Commissioners. The Police Authority believe the Commissioner will inherit a strong legacy, a force in good shape, and a force capable to deliver effective policing in the most efficient way to the 1.2 million citizens of Herefordshire, Shropshire, Telford and Wrekin and Worcestershire.

Strategic Alliance with Warwickshire Police

20. The Authority was advised that initial proposals had been developed for a Strategic Alliance with Warwickshire Police and a joint meeting between the two police authorities would be held on 21 June 2011 to consider these. Meetings of the two police authorities had also been arranged for the following week to consider the recommendations.

Neighbourhood Watch

21. West Mercia Police fully supports and values the role Neighbourhood Watch plays in improving community safety and confidence, together with the time and effort expended by volunteers in making it a success.

22. The Planning for the Future review identified £9.8 million of savings across West Mercia Police. The Territorial Policing Command's contribution to this amount

was calculated to be £1 million. The command is entirely operationally focused and a significant proportion of this saving was achieved through the rationalisation of senior Territorial Policing Units' police officer roles. The remainder of the £1 million was released through the adoption of a more consistent and corporate approach to local policing support functions such as licensing, Anti Social Behaviour (ASB) management and volunteer / Neighbourhood Watch (NHW) co-ordination.

23. Two Territorial Policing Support Centres (hubs) based in the North and South of the Force have been established and will provide support to NHW and associated schemes. The new hub model reflects national moves to embed specific NHW support within the wider volunteering spectrum and West Mercia has created two Community Co-ordinator roles, supervised by the Volunteer Programme Manager. Their primary roles and responsibilities include managing NHW, assisting in the development of new schemes and circulating advice and information to Watch Schemes.

24. West Mercia will also take steps to consolidate the current five automatic Ringmaster alert systems into a central system, which will deliver both financial and operational benefits. NHW will also continue to be supported by part of a Police Constable role situated within the small territorial policing central team and the other elements of the wider network of local policing professionals located within these hubs as appropriate.

25. The Police Authority will continue to monitor the implementation of these changes, which have generated some concerns from NHW schemes.

Independent Custody Visiting Scheme

26. The Independent Custody Visiting Scheme provides a check on the conditions under which people are detained in police custody and provides an independent check on the way police officers and detention officers carry out their duties.

27. There are over 60 Independent Custody Visitors (ICVs) in West Mercia and they are drawn from members of the community from all parts of the force area. The Police Authority continues to welcome applications from people wishing to join the Scheme, particularly from the Herefordshire area.

28. During 2010/11 a total of 319 visits were made to the custody units at Hereford, Leominster, Kidderminster, Malinsgate (Telford), Redditch, Shrewsbury and Worcester during the year. This ensured that in line with the Police Authority's target the custody facilities in each area were visited on average once a week, which was an exceptional achievement by the volunteer ICVs.

29. 1,246 people were in custody at the time of the visits out of which 84% of the detainees who were available for a visit consented to meeting with the Independent Custody Visitors. Reasons for detainees not being seen included being interviewed, in consultation with their solicitor, asleep or visitors being advised not to see the detainee where there were health and safety concerns.

30. A number of issues had to be clarified during the year in relation to access to custody units and detainees and whilst there were no other main areas of concern, where issues were raised these were dealt with satisfactorily and reported to the Police Authority as appropriate. Other issues raised during the year included

medical matters, washing facilities (mainly access to showers), toilets, bedding, drinks, food and the detention of illegal immigrants in police stations.

31. The Police Authority and Chief Constable's appreciation of the excellent work of the independent custody visitors was emphasised at the Annual Meeting of the Scheme and helped ensure that West Mercia provided a good standard of custody care. In recognition of 2011 being the 20th Anniversary of Independent Custody Visiting Scheme in West Mercia, each ICV will receive a commemorative certificate from the Chair of the Police Authority.

Public Order and Critical Incidents

32. A protocol has been agreed between the Police Authority and the Chief Constable in the event of any public order event or critical incident, which may have a significant impact on West Mercia.

33. The protocol recognises the clear and complimentary responsibilities of the two parties and allows the Chief Constable to deal with operational matters efficiently and effectively while the Police Authority holds the Chief Constable to account for the way in which they are carried out.

34. Examples of actual or anticipated events, circumstances or incidents covered by this protocol include:

- Operations likely to have a significant or disproportionate effect on particular communities in terms of diversity, geography or have a bearing politically or on the reputation of the force.
- Significant issues, events or circumstances likely to give rise to contentious or high profile media coverage at a national, regional or force wide level, to include any major public order events.
- Operations where assistance from West Mercia Police is requested under terms of mutual aid arrangements with other police forces where such mutual aid and assistance is likely to generate press comment.

Joint Community Engagement and Consultation Strategy

35. The Police Authority has agreed a Joint Community Engagement and Consultation Strategy with the force. This includes a consultation meeting with strategic partners on 15 November 2011 to inform development of the policing priorities for 2012/13. There will also be a Webcast, with an invited audience, which will be broadcast live on an evening in January 2012.

Commendations and Honours

36. Chief Constable Commendations have recently been awarded to Senior Forensic Investigator Paul Beeton for his work in the murder investigation at Osbaston House, Oswestry; DC Neil Preece, PC Robert Loach and DC Paul Suckling in relation to the murder of George Black in Bucknell, Shropshire; and Inspector Simon Lewis, PC Michael Dulson and PC Benjamin Hocking for their courage and selflessness in the aftermath of a gas explosion in Shrewsbury.

Significant Cases and Court Results

37. The Police Authority has been updated on significant cases and court results including fraud, grievous bodily harm, manslaughter, murder, rape and wasting police time during a murder inquiry.

Questions on Police Matters at Council Meetings

38. The Authority is required to nominate a member to answer questions on the discharge of the functions of the Police Authority at meetings of the relevant councils and the following members were appointed for 2011/2012:

Herefordshire Council	Mr S Bowen
Shropshire County Council	Mr M Pate
Telford and Wrekin Council	Mr K Austin
Worcestershire County Council	Mrs S Blagg

Signed on behalf of the
West Mercia Police Authority

Sheila Blagg
Chairman

Further Information

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

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

List of Background Papers

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

Agenda papers for the Annual Meeting of the West Mercia Police Authority held on 14 June 2011.

REPORT OF THE MEETING OF WEST MERCIA POLICE AUTHORITY HELD ON 28 JUNE 2011

Strategic Alliance with Warwickshire Police

1. The Police Authority has agreed that a strategic alliance be formed between Warwickshire Police and West Mercia Police using their resources to deliver all policing services to the people and communities of Herefordshire, Shropshire, Telford & Wrekin, Warwickshire and Worcestershire. This will enable policing services to be delivered more efficiently and effectively in the future, enabling both forces to meet the challenge of reducing policing budgets and provide greater operational and organisational resilience.
2. Warwickshire Police Authority has also accepted the proposals, which were based on the professional recommendations of Warwickshire Chief Constable Keith Bristow and West Mercia Chief Constable-designate David Shaw.
3. Both forces will retain Chief Constables who remain accountable to their Police Authorities for delivery of policing. Force identities will also be retained within the alliance and both forces and authorities are keen to stress that local policing priorities agreed with local communities and partners will continue to be addressed.
4. To support Chief Constables and Deputy Chief Constables in each force, two Assistant Chief Constables and a Director to, respectively, lead the delivery of local policing, protective services and those services that support the delivery of policing across both force areas (Enabling Services) was also approved. This will make a senior leadership team of seven officers and staff.
5. The professional recommendations include a change to how forces are currently planning to deliver reductions in budget, through the creation of a single change programme for both forces, and the necessary legal agreements to enable officers and staff to operate across both force areas.
6. However, both forces will retain their separate governance and accountability arrangements (through their Police Authorities), policing budgets, assets and financial accounting arrangements, including independent financial advice.
7. Most importantly, both forces recognise that policing across both areas must continue to address the greatest harms within each area as well as continuing to operate effectively within communities to address local priorities agreed with the public and local partners.
8. The Police Authorities have asked both Chief Constables to take forward the creation of a single change programme and the detailed design and implementation work required to make the alliance a reality.
9. The eight supporting key recommendations, which were unanimously accepted by both police authorities, were:

- a) *The executive leadership model to consist of two Chief Constables and two Deputy Chief Constables, commissioning services provided by three directorates in alliance – Protective Services, Local Policing and Enabling Services. The concept of this shared commissioning role and the relationship between CC roles and DCC roles requires immediate work to define.*
- b) *These three directorates should be led by two Assistant Chief Constables and a Director of Enabling Services. The portfolios of these chief officers need to be confirmed including the amount of delegated authority and independence around financial decisions as well as the nature of governance and reporting requirements.*
- c) *The chief officers should be appointed as soon as possible to provide the necessary momentum and oversight of the ongoing design while driving out further efficiencies as yet unidentified. For the same reason, the Alliance Programme Director should be appointed at the earliest stage as it should become the one change programme for both forces.*
- d) *The chief officers should work with the Police Authorities to understand and shape how their respective management and governance roles will operate to complement this model. This will give rise to the necessary initial section 23 arrangements.*
- e) *Both forces' underpinning values, strategic objectives and performance approaches should be aligned as quickly as possible.*
- f) *Operational decisions should be based upon addressing the greatest harms within each policing area. Chief Officers should urgently develop a model to address tasking and operational deployment across both force areas based on a commissioning approach. This approach will be subject to annual review by their respective governing bodies advised by their respective treasurers.*
- g) *We will ensure that diverse local communities continue to receive the policing services they need within Herefordshire, Shropshire, Telford & Wrekin, Warwickshire and Worcestershire. We will maximise this by developing a model of local policing within the Alliance approach while reflecting local differences.*
- h) *Each Chief Constable will have access to independent financial advice. An early review is required to provide clarity over financial arrangements. The two organisations will need to maintain their own balance sheets, retain their own assets and meet the costs that fall exclusively on their own force area. New alliance services covering both forces will be apportioned on an appropriate basis (the default will be that net revenue expenditure which suggests apportionment broadly 31% for Warwickshire and 69% for West Mercia).*

10. A new programme team to take forward the next phase of work to establish alliance services will now be formed, reporting to both forces and Authorities.

Signed on behalf of the
West Mercia Police Authority

Sheila Blagg
Chairman

Further Information

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

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

List of Background Papers

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

Agenda papers for the Meeting of the West Mercia Police Authority held on 28 June 2011.

**REPORT TO THE HEREFORDSHIRE COUNCIL ON THE MEETING OF THE
HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY ON 22 JUNE 2011**

1. NEW MEMBERS APPOINTED TO THE AUTHORITY	<p>The Authority welcomed two new Members from Herefordshire Council on to the Authority, Cllr. Marcelle Lloyd-Hayes and Cllr. Bob Matthews, who replace Cllr. Polly Andrews and Cllr. John Goodwin and one new Member from Worcestershire County Council, Cllr. Bob Bullock who replaces Cllr. Stephen Clee.</p>
2. ELECTION OF CHAIRMAN AND VICE CHAIRMAN	<p>Cllr. Derek Prodger MBE was elected Chairman and Brigadier Peter Jones CBE was elected as Vice-Chairman.</p>
3. APPOINTMENT OF COMMITTEE CHAIRS AND VICE-CHAIRS	<p>The Authority appointed the following Committee Chairs and Vice-chairs:</p> <ul style="list-style-type: none"> • Appointments Committee: Mr Derek Prodger MBE, Chairman Brigadier P Jones CBE, Vice- Chairman • Audit Committee: Mrs Lynne Duffy, Chair. Mrs Lucy Hodgson, Vice-Chair • Policy & Resources Committee: Mr Kit Taylor Chairman Mr Gordon Yarranton, Vice-Chair
4. OTHER APPOINTMENTS	<p>The Authority also made the following appointments:</p> <ul style="list-style-type: none"> • 2 Representatives on the Standards Committee: Mrs Gay Hopkins and Mr Terry Spencer • Member Champions: <ul style="list-style-type: none"> Asset management: Mrs Liz Eyre Equality and Diversity: Mr Richard Udall Risk management: Mr Peter Watts Member Development: Mrs Lucy Hodgson, Mr David Taylor and Mr Clive Smith • The Chairman, Mr Derek Prodger, MBE, was nominated to the Worcestershire Partnership Board. • The Vice-Chairman, Brigadier Peter Jones, CBE, was nominated to the Herefordshire Partnership Executive Group.
5. THE CHIEF FIRE OFFICER'S SERVICE REPORT	<ul style="list-style-type: none"> • The performance information for Quarter 4 2010/11 showed some of the best results the Service had ever achieved and he thanked the staff involved in those achievements.

**REPORT TO THE HEREFORDSHIRE COUNCIL ON THE MEETING OF THE
HEREFORD & WORCESTER FIRE AND RESCUE AUTHORITY ON 22 JUNE 2011**

6.	<ul style="list-style-type: none">• The meeting expressed concern at the growing incidences of verbal abuse towards firefighters when dealing with fires.• Members noted the charging policy which would “go live” from 1 July 2011.• Members noted the CFO’s award of the Authority’s Outstanding Service Medal to firefighter Jason Mayhew and the commendations for Station Commander David Holland, Watch Commander Julian Jenkins and the 282 crew at Evesham fire station following a tragic incident at Boat Lane, Evesham, in February 2010.• The CFO told the meeting of the Passing Out Parade of the Young Firefighters’ Association on 21 May. He thanked all those who gave their time and expertise voluntarily to make the Association such a success and thanked the Authority for its continued support.• Members thanked the Service and praised the skills and professionalism of the firefighters at the fire in the scrap yard at Hereford.
7.	<p>THE AUTHORITY’S ANNUAL PLAN 2011/12</p> <p>The Authority adopted the draft Authority Annual Plan 2011/12 which highlights the following items:</p> <ul style="list-style-type: none">• The future outlook to 2015;• The key achievements in 2010/11, including the work of volunteers and the Young Firefighters’ Association and the reduction in working days lost to staff sickness;• The Service priorities and objectives;• The description of the area covered by the Service; and• Financial information regarding the Service.
<p>Mark Yates Chief Fire Officer/ Chief Executive Hereford & Worcester Fire and Rescue Authority</p> <p>Mr Derek Prodger, MBE, Chairman Hereford & Worcester Fire and Rescue Authority</p> <p>FURTHER INFORMATION</p> <p>Any person wishing to seek further information on this report should contact: Corporate Support on 01905 368331. Further information on the Fire and Rescue Authority and the Fire and Rescue Service can also be found on the Internet at (www.hwfire.org.uk).</p> <p>BACKGROUND PAPERS</p> <p>Agenda and papers of the meeting of the Fire and Rescue Authority held on 22 June 2011.</p>	