

**Corporate Services**

Dean Taylor, Deputy Chief Executive and Director  
Your Ref:

Our Ref: CC/GH

Please ask for: Mr G Hardy

Direct Line / Extension: (01432) 383408

E-mail: ghardy@herefordshire.gov.uk

**TO: ALL MEMBERS OF THE COUNCIL**

20 December 2012

Dear Councillor,

**YOU ARE HEREBY SUMMONED** to attend the extraordinary meeting of the Herefordshire Council to be held on **Friday 4 January 2013** at The Council Chamber, Brockington, 35 Hafod Road, 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 Brockington.

Yours sincerely



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

---

Working in partnership for the people of Herefordshire  
Brockington, 35 Hafod Road, Hereford HR1 1ZT

Herefordshire Council      Main Switchboard (01432) 260000, [www.herefordshire.gov.uk](http://www.herefordshire.gov.uk)  
NHS Herefordshire        Main Switchboard (01432) 344344, [www.herefordshire.nhs.uk](http://www.herefordshire.nhs.uk)



# AGENDA

## Council: Extraordinary Meeting

Date: **Friday 4 January 2013**

---

Time: **10.30 am**

---

Place: **The Council Chamber, Brockington, 35 Hafod Road,  
Hereford.**

---

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

For any further information please contact:

**Geoff Hardy, Governance Services**

Tel: 01432 383408

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

---

If you would like help to understand this document, or would like it in another format or language, please call Geoff Hardy, Governance Services on 01432 383408 or e-mail [ghardy@herefordshire.gov.uk](mailto:ghardy@herefordshire.gov.uk) in advance of the meeting.

# Agenda for the Meeting of the Council

## Membership

**Chairman**

**Vice-Chairman**

**Councillor LO Barnett**

**Councillor ACR Chappell**

Councillor PA Andrews  
Councillor CNH Attwood  
Councillor PL Bettington  
Councillor WLS Bowen  
Councillor AN Bridges  
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 RI Matthews  
Councillor SM Michael  
Councillor PM Morgan  
Councillor C Nicholls  
Councillor RJ Phillips  
Councillor GJ Powell  
Councillor R Preece  
Councillor SJ Robertson  
Councillor A Seldon  
Councillor J Stone  
Councillor DC Taylor  
Councillor DB Wilcox

Councillor AM Atkinson  
Councillor CM Bartrum  
Councillor AJM Blackshaw  
Councillor H Bramer  
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 PJ McCaull  
Councillor JW Millar  
Councillor NP Nenadich  
Councillor FM Norman  
Councillor GA Powell  
Councillor AJW Powers  
Councillor PD Price  
Councillor P Rone  
Councillor P Sinclair-Knipe  
Councillor GR Swinford  
Councillor PJ Watts

**AGENDA**

	<b>Pages</b>
<b>1. PRAYERS</b>	
<b>2. APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
<b>3. DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
<b>4. ELECTORAL REVIEW OF HEREFORDSHIRE</b> To consider and approve a submission to the Local Government Boundary Commission for England, in respect of its proposals for Council size and warding arrangements in Herefordshire.	1 - 10
<b>5. BREACH OF THE MEMBERS' CODE OF CONDUCT BY COUNCILLOR MARK HUBBARD</b> To advise Council of the findings of the Audit and Governance Committee in relation to breaches of the Members' Code of Conduct by Councillor Mark Hubbard.	11 - 16
<b>6. COUNCIL MEETING DATE</b> To consider a variation to the schedule of Council meetings.	17 - 18
<b>7. ANNUAL REPORT OF THE HEREFORD AND WORCESTER FIRE AND RESCUE AUTHORITY</b> To note the content of the Annual Report of the Hereford and Worcester Fire and Rescue Authority	19 - 22



# **Your 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 three 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 Cabinet and 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, Cabinet, 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.
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, its Committees and Sub-Committees and to inspect and copy documents.
- 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.

**Please Note:**

Agenda and individual reports can be made available in large print. Please contact the officer named on the front cover of this agenda **in advance** of the meeting who will be pleased to deal with your request.

The meeting venue is accessible for visitors in wheelchairs.

A public telephone is available in the reception area.

**Public Transport Links**

- Public transport access can be gained to Brockington via bus route 75.
- The service runs every half hour from the 'Hopper' bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus-stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

If you have any questions about this agenda, how the Council works or would like more information or wish to exercise your rights to access the information described above, you may do so either by telephoning officer named on the front cover of this agenda or by visiting in person during office hours (8.45 a.m. - 5.00 p.m. Monday - Thursday and 8.45 a.m. - 4.45 p.m. Friday) at the Council Offices, Brockington, 35 Hafod Road, Hereford.



# **COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

## **FIRE AND EMERGENCY EVACUATION PROCEDURE**

In the event of a fire or emergency the alarm bell will ring continuously.

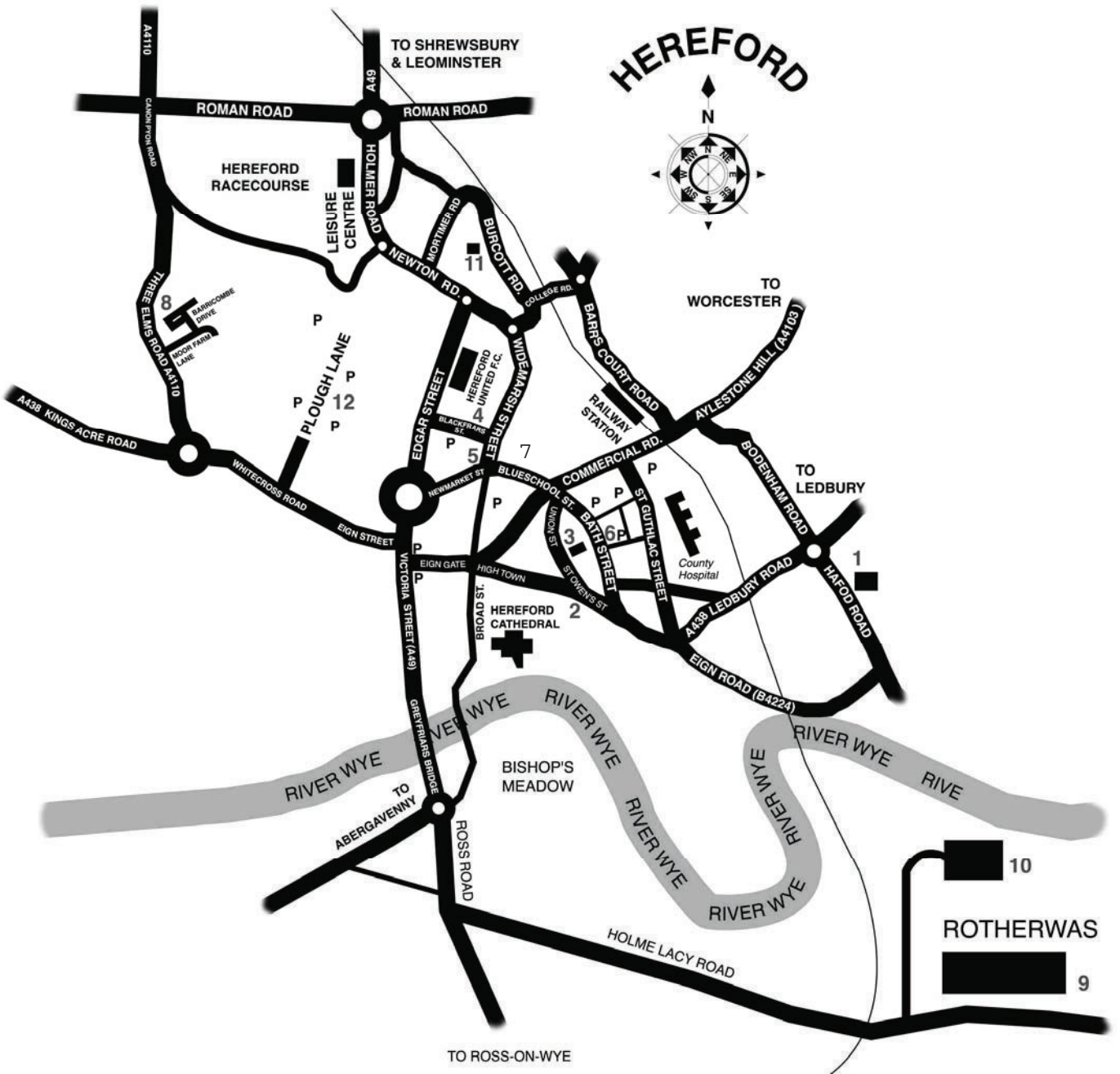
You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point J which is located at the southern entrance to the car park. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.





- |   |                          |    |                             |
|---|--------------------------|----|-----------------------------|
| 1 | Brockington              | 7  | Blueschool House (Planning) |
| 2 | Town Hall                | 8  | Trinity House               |
| 3 | Shire Hall               | 9  | Thorn Office Centre (ICT)   |
| 4 | Blackfriars (inc. Legal) | 10 | Amey                        |
| 5 | Garrick House            | 11 | Merchant House              |
| 6 | Bath Street              | 12 | Plough Lane                 |





<b>MEETING:</b>	<b>EXTRAORDINARY MEETING OF COUNCIL</b>
<b>DATE:</b>	<b>4 JANUARY 2013</b>
<b>TITLE OF REPORT:</b>	<b>ELECTORAL REVIEW OF HEREFORDSHIRE</b>
<b>REPORT BY:</b>	<b>HEAD OF GOVERNANCE</b>

## **1. Classification**

1.1 Open.

## **2. Key Decision**

2.1 This is not a key decision.

## **3. Wards Affected**

3.1 County-wide

## **4. Purpose**

4.1 To consider and approve a submission to the Local Government Boundary Commission for England, in respect of its proposals for Council size and warding arrangements in Herefordshire, as per the recommendations in Paragraph 5.

## **5. Recommendation**

**THAT: the Council considers the draft recommendations of the Boundary Commission, and**

**(a) accepts the proposal for a Council size of 53 members;**

**(b) supports the submission of Richards Castle parish council, that the parish should be included in the proposed Kingsland ward rather than Mortimer ward;**

**(c) subject to any further views or comments, accepts the recommended warding arrangements for the County; and**

**(d) approves the list of proposed ward names as set out in Appendix A for recommendation to the Commission. .**

## **6. Key Points Summary**

- The Local Government Boundary Commission for England (LGBC) began a formal electoral review of Herefordshire in March 2012. The review is necessary because 30% of wards in the county currently have an electoral variance in excess of 10% from the average figure of electors per councillor in the Authority. Particularly, Hollington ward has a variance of 34%.
- The purpose of the LGBC review is to ensure electoral equality as far as possible. Achieving electoral equality means that there are an equal number of electorate per local ward councillor for every Council ward in Herefordshire.
- Council declined to make representations to the Local Government Boundary Commission on a pattern of warding, but it did request that the Commission consider single member ward representation as part of the review.
- The Commission's proposals were considered by the Electoral Review Working Group on 11 December 2012

## **7. Alternative Options**

- 7.1 Council can approve an alternative option to that proposed by the LGBC if it wishes, but in doing so, must satisfy the requirement that any alternative proposals should be supported by demonstrable evidence.

## **8. Reasons for Recommendations**

- 8.1 The LGBC will take account of the Council's views in order to inform its final recommendation to Parliament in Spring 2013.

## **9. Introduction and Background**

- 9.1 Having considered the representations received during the previous stages of the review, on 13 November 2012 the LGBC published its draft recommendations for the future electoral arrangements for Herefordshire Council. The Commission has entered into a further period of public consultations, which will last until 7 January 2013.
- 9.2 All comments and further evidence received during this period will be taken into account before the Commission publishes its final recommendations in the Spring, 2013. Submissions may concern the proposed ward boundaries, the number of councillors, ward names and parish electoral arrangements; and may include agreement with particular draft proposals.
- 9.3 A hard copy of the LGBC report, and a large scale map, have been sent to all Members of the Council, and can also be accessed at:

<http://www.lgbce.org.uk/all-reviews/west-midlands/herefordshire/herefordshire-fer>

together with interactive mapping to show the proposals in detail. The details have also been considered by the Electoral Review Working Group on 11 December, and this report reflects their general conclusions.

## 10. Key Considerations

- 10.1 In accordance with the resolution of the Council on 20 July 2012, the Commission's proposals are based on a pattern of single member wards across the whole County. However, the Commission is now of the view that the number of councillors should be 53, rather than 54 as previously identified, on the basis that 15 is the right number for Hereford City and therefore 38 should be allocated to the remainder of the Authority to provide for good levels of electoral equality overall (see paragraphs 29 – 31 of the report). As a result, the average number of electors per councillor under the draft recommendations would now be 2681 currently, and 2793 by 2018.
- 10.2 The Commission states in the report that: "only one of our proposed 53 wards will have an electoral variance of greater than 10% from the average for the authority by 2018. We are therefore satisfied that we have achieved good levels of electoral fairness under our draft recommendations for Herefordshire." The ward concerned is Golden Valley North with a variance of 11%, although it may be noted that three other wards have a variation of exactly 10% from the average in 2018.
- 10.3 The Commission has based its proposals on the principle of not dividing parishes with joint working arrangements. The warding recommendations in the report indicate that no Grouped Parishes (Parish Councils) have been split under the proposals, which has been an important consideration for the Council throughout the review. However, there is an impact on Parish warding arrangements in the urban areas, which is explained in detail in paragraphs 97 – 105 of the report. Although the Commission does not have the power to alter parish boundaries, it must introduce or alter parish warding arrangements where necessary to ensure that parish ward boundaries coincide fully with County ward boundary lines.
- 10.4 Officers of the Electoral Review Project Team and the Members Working Group have reviewed the Commission's analysis and recommendations for electoral arrangements for each area of Herefordshire (as described in paragraphs 42 – 95 of the report), and the Group Leaders have also been briefed on the details. Particular attention has been given to proposals which differ from the scheme developed for consideration by Council last July. In general terms the draft recommendations follow that scheme in Hereford and Bromyard, and in many parts of rural Herefordshire and the Hereford Hinterland.
- 10.5 However, the Commission has adopted a different approach to warding arrangements from the scheme considered by Council in Ledbury, Leominster and Ross, and this also impacts on some of the arrangements adjoining these towns and in the more rural areas. Taken with the change to 53 councillors, and the need to ensure that the rural area has the correct allocation of councillors, it is clear that there would now be significant constraints on developing alternative options, not only for the Market Towns, but also in the neighbouring wards. The Working Group has accepted that, on the basis of single member wards, alternative arrangements could not be achieved without a wholesale redesign of much of the scheme for the County.
- 10.6 As part of the Working Group's discussion it was noted that there might be a little more scope to put forward alternative arrangements in specific areas if the occasional multi member ward was included in the scheme. It was also recognised that in some urban areas there could be a clear response from the community in support of a multi member ward option, based on strong community identity considerations. It was

anticipated that the Commission would take any such representations into account before arriving at its final recommendations.

- 10.7 The Commission's draft recommendations provide that Richards Castle parish council should be included in the proposed Mortimer ward. Representations had been received from the parish council, that the area should be part of the proposed Kingsland ward, based on strong local links with the neighbouring village of Orleton (proposed Kingsland Ward), and the separation by 7 miles of open country and poor road links with the rest of the proposed Mortimer ward. The impact of this change on electoral equality would be neutral in Mortimer, but lead to a 13% departure from the average in Kingsland by 2018. The parish council argues that the community identity and convenient and effective local government criteria should override the electoral equality factor in this case. The Working Group was supportive of this submission.
- 10.8 It should be noted that there are some descriptive errors in the Commission's report, where at paragraph 79 the heading should be "West" Rural Herefordshire, and at paragraph 85 "East" Rural Herefordshire. Similarly, paragraph 93 should refer to "west" of Sutton Walls, and paragraph 94 to the "east" of Hereford.
- 10.9 Members reviewed the list of the proposed names for the 53 wards of the County, as set out on pages 25 – 28 of the LGBC report, and considered whether any more suitable alternatives should be put forward to the Commission. In the more rural areas, many of the proposed ward names seem to be based rather arbitrarily on the name of one Parish in the area. There would also appear to be some scope to retain current ward names where there is little or no change to the wards concerned, if that would be preferred. The Working Group recommends to the Council the list of ward names as set out in Appendix A attached.
- 10.10 Council is requested to consider and, as appropriate, approve the recommendation at Paragraph 5 of this report, so that a response can be made to the Commission's consultation, before the deadline of 7 January 2013.

## **11. Community Impact**

- 11.1 It should be noted that any new warding arrangements could have implications on the Council's current localities.

## **12. Equality and Human Rights**

- 12.1 The proposal of the LGBC will create more electoral parity throughout the County which should make it easier for residents to know who their elected representatives are.

## **13. Financial Implications**

- 13.1 Costs have been incurred in the preparation of the Council's submission, which can be met from current budgetary provision, and there will be additional costs involved in carrying out any re-warding exercise that will follow the Commission's decision. This will also be met from existing budget provision as no additional support is being made available.



## **14. Legal Implications**

- 14.1 The review is being carried out in accordance with the Local Democracy, Economic Development and Construction Act 2009, the Local Government and Public Involvement in Health Act 2007, and the Secretary of State's statutory guidance. The Council has a duty to comply with the review.

## **15. Risk Management**

- 15.1 The major risk associated with this review relates to the implementation of the proposed warding pattern, which will need to be done within existing resources and by experienced staff who already have a full work load. Staff may not be able to cope with the additional workload and there are risks that important tasks/projects fall behind. Careful project management will need to be introduced to deliver everything in the teams' work plans.

## **16. Consultees**

- 16.1 A detailed county-wide communication exercise is being carried out as part of the review.

## **17. Appendices**

- 17.1 Appendix A - Alternative proposals for LGBC ward names.

## **18. Background Papers**

- 18.1 The LGBC's report and mapping, available at:

<http://www.lgbce.org.uk/all-reviews/west-midlands/herefordshire/herefordshire-fer>



## APPENDIX A

### Ward Boundary Review – alternative proposals for LGBC ward names

- The Local Government Boundary Commission (LGBC) is consulting on the names it has suggested for its proposed new warding arrangements in Herefordshire.
- The Electoral Review Working Group has considered the alternatives, and sets out its preferred ward names below, together with a brief rationale where appropriate.
- The Working Group's proposals are based on the following general principles:
  - Where proposed wards are broadly similar to existing ones (i.e. only changed by one or two parishes), it is recommended that the current name is retained for community identity purposes;
  - Wards should not be named after one constituent parish, since it is confusing to have identical names for different geographical areas and may also be interpreted as that parish being 'more important' than others.

LGBC Name	Herefordshire recommendation	Notes and rationale
1 Ashperton	Three Crosses	This ward contains three major crossroads (roundabout) on arterial roads, which are well known to people across the county: Trumpet, Newtown and Burley Gate.
2 Aylestone Hill	-	<i>Recommend accept LGBC name</i>
3 Belmont Rural	-	<i>Recommend accept LGBC name</i>
4 Birch	-	<i>Recommend accept LGBC name</i>
5 Bishops Frome	Fromes Hill	No other obvious landmarks in the area, and Fromes Hill is a dominant feature within the ward.
6 Bobblestock	-	<i>Recommend accept LGBC name</i>
7 Bodenham	Hampton	Ward is substantially different to current Hampton Court, but contains 3 parishes with 'hampton' in their name (Hatfield & Newhampton, Hampton Charles, Docklow & Hampton Wafre). This would also keep some connection with the existing name in terms of the area of the county in which the ward is located (although Hampton Court itself is in ward 11)
8 Bromyard East	Bromyard Downs	The LGBC proposal implies an urban ward, but this covers a large rural area. Bromyard Downs is a recognised landmark in the ward, which has obvious rural connections but also brings in the name of the town
9 Bromyard West	-	<i>Recommend accept LGBC name</i>
10 Broomy Hill	-	<i>Recommend accept LGBC name</i>
11 Burghill	Queenswood	Queenswood is a landmark in north of ward that is not the name of a parish.
12 City	City Walls	Ward doesn't cover the whole of the city.

<b>LGBC Name</b>	<b>Herefordshire recommendation</b>	<b>Notes and rationale</b>
13 Clehonger	Stoney Street	One of the most notable things about this ward is that a Roman road runs through part of it, and this has long been referred to locally as "Stoney Street". It is Members' preferred historical reference, highlighting a unique feature. Also, the proposed ward is similar to the existing ward of this name.
14 College	-	<i>Recommend accept LGBC name</i>
15 Colwall	Hope End	Ward is similar to current ward (lost Cradley & Wellington Heath), and still contains Hope End House.
16 Credenhill	-	Identical to current ward: recommend retaining name
17 Dinedor	Dinedor Hill	To reflect a landmark rather than a parish name.
18 Eardisley	Castle	Identical to current ward: recommend retaining name
19 Eign Hill	-	<i>Recommend accept LGBC name</i>
20 Fownhope	Backbury	Ward is almost identical to current ward (lost Weston Beggard). Recommend retaining existing name, which refers to Backbury Hill. Backbury Hill is a familiar local landscape feature within the ward, which is easily recognised and already accepted as a name for the area locally.
21 Golden Valley North	-	Similar to current ward: recommend retaining name
22 Golden Valley South	-	Similar to current ward: recommend retaining name
23 Grove Farm	Saxon Gate	Name of new large estate in this ward.
24 Hinton & Hunderton	-	<i>Recommend accept LGBC name</i>
25 Holmer	-	<i>Recommend accept LGBC name</i>
26 Kimbolton	Leominster North & Upton	This wards includes a substantial area of Leominster town, so 'Leominster north' recognises this and is consistent with the LGBC's naming convention for the other Leominster town wards. However, it also includes a large rural area – all of which is in the current 'Upton' ward, so including this as part of the name would help with recognition.
27 Kings Acre	-	<i>Recommend accept LGBC name</i>
28 Kingsland	Croft	To reflect physical and historical landmarks within the ward (Croft Ambrey iron age fort and Croft Castle)
29 Kingstone		<i>Recommend accept LGBC name</i>
30 Kington	-	<i>Recommend accept LGBC name</i>
31 Ledbury North	-	<i>Recommend accept LGBC name</i>
32 Ledbury South	-	<i>Recommend accept LGBC name</i>
33 Ledbury West	-	<i>Recommend accept LGBC name</i>
34 Leominster East	-	<i>Recommend accept LGBC name</i>
35 Leominster South	-	<i>Recommend accept LGBC name</i>
36 Leominster West	-	<i>Recommend accept LGBC name</i>

<b>LGBC Name</b>	<b>Herefordshire recommendation</b>	<b>Notes and rationale</b>	<b>LGBC Name</b>
37	Llangarron	-	<i>Recommend accept LGBC name</i>
38	Lugwardine	Hagley	Identical to current ward: recommend retaining name
39	Mortimer	-	<i>Recommend accept LGBC name</i>
40	Much Marcle	Old Gore	Identical to current ward: recommend retaining name
41	Newton Farm	-	<i>Recommend accept LGBC name</i>
42	Pembridge	Pembridge & Lyonshall with Titley	Similar to current ward (only difference is addition of Eardisland): recommend retaining name.
43	Penyard	-	<i>Identical to current ward: recommend retaining name</i>
44	Red Hill	-	<i>Recommend accept LGBC name</i>
45	Ross East	-	<i>Recommend accept LGBC name</i>
46	Ross North	-	<i>Recommend accept LGBC name</i>
47	Ross West	-	<i>Recommend accept LGBC name</i>
48	Sutton Walls	-	<i>Identical to current ward: recommend retaining name</i>
49	Tupsley	-	<i>Recommend accept LGBC name</i>
50	Walford	Kerne Bridge	<i>Identical to current ward: recommend retaining name, which is well-recognised and accepted locally, and refers to a local landmark.</i>
51	Weobley	-	<i>Recommend accept LGBC name</i>
52	Whitecross	-	<i>Recommend accept LGBC name</i>
53	Widemarsh	-	<i>Recommend accept LGBC name</i>





<b>MEETING:</b>	<b>EXTRAORDINARY MEETING OF COUNCIL</b>
<b>DATE:</b>	<b>4 JANUARY 2013</b>
<b>TITLE OF REPORT:</b>	<b>BREACH OF THE MEMBERS' CODE OF CONDUCT BY COUNCILLOR MARK HUBBARD</b>
<b>REPORT BY:</b>	<b>ASSISTANT DIRECTOR - LAW, GOVERNANCE AND RESILIENCE</b>

## **1. Classification**

1.1 Open.

## **2. Key Decision**

2.1 This is not a key decision.

## **3. Wards Affected**

3.1 County-wide

## **4. Purpose**

To advise Council of the findings of the Audit and Governance Committee in relation to breaches of the Members' Code of Conduct by Councillor Mark Hubbard.

## **5. Recommendation**

**THAT: Council notes the breaches of the Members' Code of Conduct by Councillor Mark Hubbard, as detailed below.**

## **6. Key Points Summary**

- The Standards Panel considered both complaints and agreed what sanctions would be appropriate to recommend to the Monitoring Officer, for decision by the Audit & Governance Committee.
- The complaints, and the Standards Panel's recommendations on them, were summarised as follows:

### **Complaint 1208:**

- (a) On 29 March 2012, the Subject Member removed confidential documents from the office of an officer of Herefordshire Council without permission.
- (b) The Subject Member did not dispute the facts. In mitigation, the Subject Member stated that he had acted on impulse in a heightened emotional state, having felt frustrated at being denied access to a document. The Subject Member stated that he realised immediately that he had done the wrong thing, did not look at the contents of the envelope marked 'Private & Confidential', and immediately took steps to acknowledge his error and return the envelope to the officer. The Subject Member stated that he deeply regretted his action and acknowledged that it was likely to affect the trust between members and Council officers.
- (c) The Panel accepted the Subject Member's statement that he had not looked at the contents of the envelope and had taken immediate steps to correct his actions. Nevertheless, the Panel took the view that his conduct could have had serious consequences for the Council. The Panel considered the Ten General Principles of Public Life that define the standards that members should uphold, which serve as a reminder of the purpose of the Code of Conduct and which form part of the code. The second principle states: "**Honesty and integrity** – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour."
- (d) The Panel agreed that the Subject Member had failed to comply with this general principle of public life in that he had removed from a Council office a document marked 'Private & Confidential' to which he was not entitled.**

### **Complaint 1209**

- (a) On 28 March 2012, the Subject Member attended a local member briefing meeting with the Council's Director for Places and Communities (DfPC), at which the DfPC briefed members on a forthcoming report to Cabinet, emphasising that certain elements of the report were exempt from publication for reasons of commercial confidentiality. The DfPC had reminded the members of the requirement to maintain confidentiality. On 5 April, the Hereford Times published a front page picture of the Subject Member holding the confidential report to Cabinet.
- (b) The Subject Member did not dispute the facts. In mitigation, the Subject Member stated that he felt that he was acting in the public interest in disclosing the confidential report, and that he had acted according to his own principles of open and honest government. The Subject Member stated that he had not sought advice from Council officers or discussed his intention to disclose the report with them before doing so. He stated that the press deadline required swift action so that the report would become public before the Cabinet meeting, and encourage members of the public to attend the Cabinet meeting. The Subject Member said that he had acted in his capacity as ward member for the ward affected by the report, and not in his capacity as leader of the 'It's Our County' group. The Panel asked if, while the Subject Member may have thought he was acting in the public interest, he was also motivated by a wish to bring political pressure on the Council by encouraging the public to attend the Cabinet meeting. The Subject Member acknowledged this.
- (c) The Panel considered that the Subject Member had failed to comply with paragraph 4(a)(iv) of the Code of Conduct. They accepted that the Subject Member believed that his disclosure of the exempt document would be in the public interest. However, the Panel considered that the Subject Member had**



**had sufficient time to follow established procedures for consulting fellow members and officers before disclosing the report, and that he had failed to do so. The subject of the report had been available to him via the Council's Rolling Programme for some months. He had therefore failed to follow due process in order to comply with the reasonable requirements of the Council.**

- The Standards Panel, and the Audit and Governance Committee, have both considered the position under the Code of Conduct in force at the time of the complaint. The new Code of Conduct currently in force has similar requirements, specifically in paragraph 10: "Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the Authority..."; and in paragraph 11 (h)(iv) in relation to disclosure of information in the public interest. Both the Panel and the Committee therefore consider that very similar conclusions would have been reached had the conduct been considered against the new code.
- The Standards Panel made the following recommendations, which were approved by the Audit and Governance Committee on 12 November 2012:
  - **the Audit and Governance Committee be asked to present a report on the consideration of the investigation of the complaints to the next full Council meeting; and**
  - **training should be arranged for the Subject Member to ensure he is fully apprised of the established processes for seeking advice.**

## **7. Alternative Options**

- 7.1 The report is brought before Council for formal noting only, and therefore there are no alternative options:

## **8. Reasons for Recommendations**

- 8.1 The Audit and Governance Committee agreed with the findings of the Standards Panel, that the subject member had failed to comply with one of the Ten General Principles of Public Life that define the standards that members should uphold, which serve as a reminder of the purpose of the Code of Conduct and which form part of the code.
- 8.2 The Committee considered that the subject member had also failed to comply with paragraph 4(a)(iv) of the Code of Conduct.
- 8.3 One option open to the Audit and Governance Committee, in dealing with the breaches of the Code, is to report them formally to Council.

## **9. Introduction and Background**

- 9.1 The Standards Panel, comprising Mr Jake Bharier (Appointed Independent Person), Councillor Chris Chappell (Local Authority Advisor) and Mr Richard Gething (Parish and Town Council Advisor), met on 02 November 2012 to consider two complaints about Councillor Mark Hubbard of Herefordshire Council, which had been made by the Chief Executive of Herefordshire Council.

- 9.2 The complaints had been investigated independently by Ms Olwen Dutton of Bevan Brittan, under the former Standards system for resolving complaints against Councillors. Under this system, the complaint had been referred for a final determination hearing. A few days after the decision to refer was made, the former system was abolished (on 30 July 2012). A new process for dealing with complaints came into effect on 01 July 2012, in accordance with the Localism Act 2011.
- 9.3 Under the new process, complaints which were otherwise ready for final determination under the old regime, but which had not been concluded by the Standards Committee, fell to be considered by a newly constituted Standards Panel who would consider the facts and/or previous findings and make an appropriate report to the Audit and Governance Committee.

## **10. Key Considerations**

- 10.1 The Audit and Governance Committee agreed that the subject member had failed to comply with one of the Ten Principles of Public Life and with Paragraph 4(a)(iv) of the members' Code of Conduct. The Panel considered that such conduct could have seriously affected the reputation of the Council and that the subject member had failed to follow due process in order to comply with the reasonable requirements of the Council.

## **11. Community Impact**

- 11.1 None identified arising directly from this report.

## **12. Equality and Human Rights**

- 12.1 No impact on public sector equality identified.

## **13. Financial Implications**

- 13.1 None arising directly from this report.

## **14. Legal Implications**

14.1 The Council's Standards Committee and the previous regime for resolving complaints about the conduct of elected members were abolished on 1st July 2012 by the Localism Act 2011. Complaints unresolved at that date fall to be concluded in accordance with the new scheme to ensure a clear transition from the previous standards regime to the new local complaints system. The content of this report complies with the requirements of the Localism Act.

## **15. Risk Management**

15.1 If complaints are not handled expeditiously then public confidence may be undermined and the Council's ethical credibility may also be undermined.

## **16. Consultees**

16.1 None.

## **17. Appendices**

17.1 None.

## **18. Background Papers**

18.1 Report of Mr Jake Bharier, Appointed Independent Person and Chair of the Standards Panel, dated 03 November 2012.



<b>MEETING:</b>	<b>EXTRAORDINARY MEETING OF COUNCIL</b>
<b>DATE:</b>	<b>4 JANUARY 2013</b>
<b>TITLE OF REPORT:</b>	<b>COUNCIL MEETING DATE</b>
<b>REPORT BY:</b>	<b>HEAD OF GOVERNANCE SERVICES</b>

## **1 Classification**

Open

## **2 Wards Affected**

County-wide

## **3 Purpose**

To consider a variation to the schedule of Council meetings.

## **4 Recommendation(s)**

**THAT:**

**It be noted that the Council meeting scheduled for 31 May 2013 be rearranged and held instead at 10.30 am on Friday 24 May 2013.**

## **5 Key Points Summary**

None

## **6 Alternative Options**

None

## **7 Reasons for Recommendations**

N/A

## **8 Introduction and Background**

Council is asked to note the rearrangement of the meeting scheduled for 31 May 2013 to Friday 24 May 2013.

## **9 Key Considerations**

None

## **10 Community Impact**

None

## **11 Equality and Human Rights**

None

## **12 Financial Implications**

None

## **13 Legal Implications**

None

## **14 Risk Management**

14.1 There are no significant risks associated with these proposals.

## **15 Consultees**

15.1 Not applicable

## **16 Appendices**

16.1 None

## **17 Background Papers**

17.1 None identified.

HEREFORDSHIRE COUNCIL

4 JANUARY 2013

**ANNUAL REPORT OF THE HEREFORD AND WORCESTERT FIRE AND RESCUE AUTHORITY****Authority Appointments 2012/13**

Councillor Derek Prodger, MBE, from Worcestershire County Council was elected as Chairman of the Authority and Brigadier Peter Jones, CBE from Herefordshire Council was elected as Vice-Chairman. In addition the following Members have been appointed to the following positions:

- Councillor Derek Prodger, MBE – Appointments Committee Chairman
- Brigadier Peter Jones, CBE – Appointments Committee Vice-Chairman
- Councillor Lynne Duffy – Audit Committee Chairman
- Councillor Lucy Hodgson – Audit Committee Vice-Chairman
- Councillor Kit Taylor – Policy and Resources Committee Chairman
- Councillor Gordon Yarranton – Policy and Resources Committee Vice-Chairman
- Councillor Terry Spencer – Standards Committee Chairman
- Councillor Gay Hopkins – Standards Committee Vice-Chairman
- Councillor Liz Eyre – Asset Management Champion
- Councillor Richard Udall – Equality and Diversity Champion
- Councillor Peter Watts – Risk Management Champion
- Councillor Lucy Hodgson, Councillor David Taylor and Councillor Clive Smith – Member Development Champions

**Introduction**

The Authority has an annual budget of £33.8 million and governs the work of the Service through a variety of committees and scrutiny bodies. Our core purpose is to provide our communities with sustainable, high quality firefighting, rescue and preventative services.

Hereford and Worcester Fire and Rescue Service covers a geographic area of almost 400,000 hectares (over 1,500 square miles). It has some of the most sparsely populated rural areas in the country and around 740,000 people reside in the two counties, predominantly in Worcestershire.

The Service employs over 860 people, most of whom are highly trained firefighters, working at more than 30 locations across the two counties, including 27 Fire Stations, a Service Headquarters in Worcester, three District Headquarters, Workshops and Stores in Malvern and a Training and Development Centre and Urban Search and Rescue facility in Droitwich Spa.

### **Performance 2011/12**

The Service's Fire Control received 14,411 calls in total throughout 2011-12. This represents a 2.6% increase in calls received from 2010-11 in Herefordshire and Worcestershire. Of these calls, we attended 7857 incidents in 2011-12, compared with 8136 incidents in 2010-11. This is due to fires being more visible hence more calls regarding single incidents than for special services.

Overall number of fires attended was up 13.5% in 2011-12 compared with 2010-11. The main reason for this was due to a large year on year increase in grassland, woodland and crop fires associated with unseasonably dry weather. The Service is not unique in this regard, with all Fire Services seeing substantial increases in these types of fires. Significant reductions were seen in chimney fires, supported by extensive prevention and education campaigns directed in this area.

### **Fire Control Update**

The new control room is up and running at Service Headquarters and is proving to be a tremendous success. The go live process was completed on 27 September 2012 and has put this Service in the position of having the most up-to-date end-to-end fire control and mobilising system in the country. New Mobile Data Terminals across the fleet will improve the information available to firefighters on fire appliances at incidents with a full mapping system. Overall it will provide a far more efficient, faster and user-friendly command and control system. An Automatic Vehicle Locations System is fitted to all frontline firefighting appliances which enables Control to know their exact locations. This enables the command and control system to automatically select the quickest asset for any particular incident.

### **Organisational Change**

We have continued to review, refocus and restructure our Departments to ensure that they deliver their services effectively and efficiently, with major changes in our human resources, performance management, media and communications and finance and budgetary departments.

### **Review of Members' Allowances**

At its meeting on 20 June 2012 the Authority reviewed its Members' Allowances Scheme in accordance with the provisions of the Local Authorities (Members' Allowances) (England) Regulations 2003 (the regulations). It was resolved that the level of Members' Allowances applicable from 1 April 2010 be retained for the period 1 April 2012 to 31 March 2013.

### **Vehicle Fleet Update**

During 2012-13 we will complete a number of vehicle projects including:



### Incident Support Vehicle

Following a review of the usage of our Incident Support Unit (ISU) currently based at Droitwich, it will be replaced by a new, smaller Incident Support Vehicle (ISV). The ISU is a large specialist appliance which carried additional heavy equipment which may be required to assist at a variety of incidents. This new strategy will also initially upgrade the equipment on two fire appliances, one in each county, to compensate for the reduced capacity of the new ISV. All other support equipment currently carried by the ISU will be carried by the new ISV. This is a cost-effective way of ensuring that overall resilience is enhanced, as well as improving our efficiency and effectiveness at incidents.

### Line Rescue Vehicle

We have a dedicated vehicle for carrying specialist equipment for incidents requiring rope rescue, such as rescues from height or from underground. Due to its highly technical nature, the equipment needs to be kept secure and apart from general firefighting kit. Having a dedicated vehicle will achieve this and it will be quicker to mobilise to incidents with the equipment already on board. A vehicle currently available in our fleet will be adapted for the purpose.

### Rural Fire Appliances

Following an extensive review of our fire appliances in our rural fire stations we expect to have new rural fire appliances operating at two rural fire stations during 2012-13.

### **Combined Police and Fire Stations**

We have worked in partnership with West Mercia Police to provide a shared building in Bromsgrove. Work has commenced with completion provisionally due in winter 2013/14. Working together is not only more effective and efficient for both organisations, but has also helped to reduce delays and costs. The benefits of the joint approach are such that we intend to repeat the model on similar schemes (a joint scheme is already being planned for Redditch) and to also explore further joint work on a number of smaller rural stations during 2012-13.

### **New Fire Stations**

Last year we developed plans to replace fire stations which have reached the end of their serviceable life or are in need of substantial refurbishment. In the context of the difficult financial situation, during 2012-13 we will review how we manage our facilities, ensuring that maintenance work at our premises is targeted to deliver the best value.

### **Strategic Training Facilities (STF's)**

We are progressing the development of our new Strategic Training Facilities in North and South Herefordshire and North and South Worcestershire. These facilities will provide this Service with some of the best training facilities in the UK. In addition to

hot fire training these facilities will have many additional features to assist with training across the Service and will mean that no fire appliance has to travel more than approximately 30 minutes to reach a dedicated training venue.

**Brigadier Peter Jones, CBE**

**Vice-Chairman – Hereford & Worcester Fire and Rescue Authority**

#### **FURTHER INFORMATION**

Any person wishing to seek further information on this report should contact Corporate Support on 01905 368209/241. Further information on the Fire and Rescue Authority and the Fire and Rescue Service can also be found on the Internet at ([www.hwfire.org.uk](http://www.hwfire.org.uk))